



Food and Agriculture
Organization of the
United Nations



Technical Dialogue on 10 Years of the Implementation of the Right to Food Guidelines

3 July 2014 • FAO, Rome

Speech by Ms Hilal Elver, United Nations Special Rapporteur on the Right to Food

Excellency's and distinguished friends:

It is my great honor to participate in the Technical Dialogue of the 10 years of the Implementation of the Right to Food Guidelines, from which I expect to learn a great deal.

To begin, I would like to express my appreciation and sense of kinship with Dr. Graziano and to his colleagues working on Food Security. FAO has done pioneering work over the course of many years, and has led the way on the right to food. There is nowhere a more appropriate and meaningful place to start my mandate as UN Special Rapporteur on the right to food; it is in this building where many civil servants have devoted their careers to a creating a world without hunger, working towards the provision of sustainable, accessible, adequate, healthy and nutritious food for all, without discrimination, and prioritizing the most vulnerable strata of our society.

I am here partly in my newly appointed official capacity and partly in my professional capacity as a scholar who has been working on human rights, women rights, environmental law, climate change, and human security issues for the past three decades. Besides this academic background I have had some valuable diplomatic experience as a member of Turkey's negotiating team at the UN climate change annual gatherings of governments tasked with finding a way to safeguard humanity from the growing hazards of global warming. I learned first hand that it is vital to consider interconnectedness of these issues if we would like to have a sustainable, and just world that benefits everyone on the planet.

If we observe a family in a remote village that is struggling with daily life to survive, we need to start our work with a focus on those who are most vulnerable—on the women in charge of feeding children, taking care of the elderly and disabled, who work on land that is far from where she lives and does not own, who are expected to carry water from several kilometers away. It is an outrage that more than a 1 billion people across the globe continue to live on less than a dollar a day despite decades of sustained economic growth. It is the plight and struggle of these people whose grievances most need to be heard and addressed by the international community. I intend to do my best to analyze and document their circumstances and advocate policy initiatives on their behalf.

Fortunately, I am not alone in this endeavor. The FAO is uniquely situated to deal with food security as a human concern for vulnerable people. The UN HRC is newer than other main actors in the UN system, and has had to overcome some obstacles in pursuing its goals, including the establishment of

a clear international law framework. There is no doubt that the 1948 Universal Declaration of Human Rights was a crucial step forward, but it took almost 20 years to negotiate legally binding instruments capable of creating an international human rights law.

What emerged from these efforts were two international covenants, one on Civil and Political Rights; and the other on Economic, Social and Cultural Rights which came into force in 1976. The decision to split civil and political rights from economic, social and cultural rights reflected the ideological differences that were dominant during the Cold War period.

160 countries are now party to the two Covenants, yet there are some important countries that have not ratified the Covenant on Economic, Social, and Cultural Rights. It is important to acknowledge that the role and effectiveness of human rights owes a great deal to the activism of global civil society. In many instances it is this activism that has pushed governments to implement standards that they otherwise would only give lip service to.

It is important also to indicate that governments have more flexibility when implementing economic, social and cultural rights than civil and political rights, as there is a reliance on the principle of "progressive realization". Despite this, a minimum standard pertains to the right to food, which is "freedom from hunger" and this is a matter of state responsibility and is not negotiable. In this respect, the progressive realization of the right to food, compared with some other economic and social rights (say, housing or education), are definitely more established. This represents the positive side of the right to food mandate.

As a second generation of rights, the right to food has a status that draws upon both hard and soft law obligation. This higher level of legality can be compared with some other rights, mainly third generation rights that enjoy only a soft law status as is the case for the right to environment and right of access to water.

Thanks to FAO's work on food security after the World Food Summits of 1996 and 2002, the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security" came into being, otherwise known as the "Right to Food Guidelines." We are now in the process of celebrating the 10th anniversary of these guidelines, which have made a huge contribution in relation to the realization, understanding, implementation and monitoring of the right to adequate food at the international, national, and local levels. The Guidelines provide a concrete tool with which to evaluate whether those principles are set forth in legal documents as hortatory principles or have a behavioral impact on peoples' life, especially the lives of the most vulnerable.

In addition to the FAO Guidelines, the Committee on Economic, Social and Cultural Rights (CESCR) on the basis of General Comment 12 (1999) has extended the reach of Article 11 on the right to food beyond the basic principle of freedom from hunger. It has given meaning, and understanding that is adaptable to changing global conditions. General Comment 12 had the effect of making Article 11 a "living document", transforming its normative content to encompass available, accessible, adequate and sustainable food for all.

Cooperation between the two UN bodies constituted a remarkable collaborative platform, especially during the 2008 world food crises. It was the turning point that highlighted the need for more effective global governance in relation to food security. Among other initiatives, long-term planning and forums were established to consider ongoing threats. It was also encouraging that participation

by NGOs and private sector actors was being built into the evolving global food policy making mechanisms.

The majority of those suffering from hunger and malnutrition are small farmers or landless people, mostly women and girls living in rural areas without access to productive resources. Although many people might imagine that deaths from hunger only occur in times of famine and conflict, the fact is that only about 10% of these deaths are the result of armed conflicts, natural catastrophes, and exceptional climatic conditions. The other 90% are victims of a long-term, chronic lack of access to adequate food. Combatting hunger and malnutrition is a moral responsibility for all. However, it is also a legal obligation in many parts of the world.

Since I started my mandate on June 1st, I was asked to talk briefly and tentatively about what my focus and priorities would be for years to come. I inherited a significant body of work from my predecessors some of them calling for further work. I am benefitting from their valuable contributions and making use of the networks that they established, including cooperative links with various NGOs. Meanwhile, I am in the process of developing my own priorities.

Here are some major issues I propose to work on. This list is not meant to be exhaustive, but it is illustrative of food policy concerns that I believe would benefit from further analysis:

1. **The justiciability of ESC rights has been neglected in the past.** Bridging the gap between the justiciability of civil and political rights and that of ESC rights is key. Both sets of rights are to be treated as being on an equal footing. The 1993 Vienna UN Conference on Human Rights and Development made clear this equality, and indivisibility of various rights. The term “justiciability” means that people who claim to be victims of violations of these rights are able to file a complaint before an independent and impartial body, to request adequate remedies if a violation has been found to have occurred or to be likely to occur, and to have the remedy enforced. With the adoption of a 2013 *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* complaints procedure reminds of their responsibility to respect, protect and fulfill their obligations in relation to the right to adequate food before an international committee of experts. I believe this innovative legal tool has an important policy potential, and the promotion of this new protocol worldwide is the responsibility of SRs whose work falls within the scope of ESC rights.

2. **Many of the causes of malnutrition, a core element of the right to adequate food are generally a result of violations of other human rights standards, including violations of women rights, and children rights.** Although the role of women as rights holder and at the same time a duty bearer is traditionally a significant part of the right to food policy, I believe there are important reasons the gender perspective should be placed at the center of the right to food agenda, to promote specific programs and policies to empower woman as an agency of change, provide and prioritize easy access to financial and technological assistance. This should include not only women living in rural areas, but also in urban slums, as well as those living in refugee camps, and undocumented migrants.

3. **The first 2 years of life** are the most important period of human development. To invest in future generations, the provision of healthy, adequate and nutritious food for young children is vital for ensuring a physically, and mentally healthy society. Maintaining breast-feeding programs, especially in countries experiencing the HIV epidemic, poses a major challenge.

4. Malnutrition and obesity is becoming an epidemic especially in developed countries.

A healthy diet is also a balancing diet for the planet. Promoting a healthy diet helps to reduce health expenditure and increase human capacity that is very important especially in developed countries.

5. Climate Change, sustainable resource management and food security are now widely appreciated as one the most difficult and urgent global policy challenges. This assessment has been facilitated during the last few years by several influential reports of the FAO, UNEP, the WB and most importantly IPCC. There is an emergent understanding that climate change is no longer a precious concern devoted to protecting polar bears trying to survive on floating fragments of icebergs. We are beginning to grasp the effects of climate change on our dinner table quite independently of where we are and what we eat. Climate change is already having significant adverse effects on those living in poverty. Moreover agricultural activity, that is, overall food production, exerts an important influence on climate change, due in part to GHG emissions. Against this background, climate friendly smart-agriculture, and other technological development should be shared with developing countries in ways that do not interfere with major climate change policies of the G77 countries. It is a crucial issue since 2009 Copenhagen UNFCCC Conference where it became clear that developed countries and developing countries disagree on many aspects of so-called smart agriculture policies. As is evident, increasing biofuel production threatens food security by removing land from agricultural uses.

Moreover, the relationship between water scarcity/management and food production is a related major concern, considering that 60 to 70% of fresh water is used by agriculture sector. Such resource conflicts among various waters, and neighboring countries might create political tension in arid and semi-arid regions.

6. Emergency situations and conflict zones: South Sudan, and Syria, are enduring ongoing conflict and need international attention. Deliberately blocking food in conflict zones is a violation of humanitarian law and raises questions as to whether governments and insurgencies have an obligation to make food available to the civilian population or, where impossible, to allow humanitarian corridors to be established in war zones.

In conclusion, I am very grateful for the valuable knowledge and information provided by the FAO, Committee on Food Security, High Level Task Force, Right to Food section and all Rome based organizations as a means of informing my future work. I also am pleasantly surprised that many of my priorities have already been embraced by these institutions. I look forward to working closely and collaboratively with these actors prominent in shaping food policy in the years ahead.

These shared concerns suggest that I am heading in the right direction. The international community is already aware of many of these issues. It is time to step forward now to implement such policies at the domestic level. This is why the Right to Food Guidelines are vitally important in our discussion.

It is obvious that this work is like building blocks, brick by brick we will build walls against hunger and malnutrition. I am ready to work with global food policy makers, regional, national and local governments, as well as big and small NGOs, and last but not least, with communities and people that need international help to rescue themselves from hunger, and then to ensure a diet with adequate nutritious food.

It should not be acceptable to endure the tribulations of mass hunger and malnutrition while the world has the capacity to produce enough healthy food for 12 billion people.

Thank you very much for your consideration.