

**SUMMARY OF THE FSN FORUM DISCUSSION
FOOD SECURITY AND THE HUMAN RIGHT TO FOOD –
GOING ON PARALLEL TRACKS OR CONVERGING?
FROM 23RD SEP. TO 06TH NOV. 2008**

Proceedings available at:

http://km.fao.org/fileadmin/user_upload/fsn/docs/PROCEEDINGS_FSandHumanRightToFood.doc

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I. ISSUES RAISED

- In recent years the concepts of food security (FS) and the human right to food (RtF) started to converge, but there are still important challenges involved in bringing them together at both analytical and operational levels. (D. B.Bultrini)
- The RtF is part of human rights. Only countries that recognize and respect human rights are likely to give serious considerations to the RtF. Where human rights abuses are prevalent it is hard to promote the RtF (J. Opio-Odongo)
- Neither the FS approach nor the RtF approach seem to embody an articulated vision of how major forms of malnutrition are to be addressed. (G.Kent)
- When charitable food aid is a key institutional component of a country's FS policies (by design or default), it is difficult to see how the RtF can be fully realized as an overall objective and framework (G. Riches)
- The core issue is how to persuade policy authorities in Governments to begin to respect, protect and accord some importance to the RtF (G.Ayoola)

II. MAIN CONCERNS AND OPPORTUNITIES

Main concerns in consolidating the human rights approach

- Institutional fragmentation amongst those committed to the goal of ending hunger and malnutrition is one of the major reasons for such a poor collective achievement record.(A. MacMillan)
- Charitable food distribution and food access programmes stand in opposition to RTF approaches unless those involved in the charity field are willing to educate governments and the public and are prepared to engage in direct advocacy supporting the RTF and the notion of legal entitlements.(G. Riches)
- Despite the importance of FS information systems for identifying specific vulnerable groups to which a Rights-Based-Approach should be applied, often government-generated FS information is not well used, or not used at all, and there are right-based programs that can be undertaken by governments without specific targeting. (G.Kent)
- Missing elements in the human rights and FS practice:
 - ✓ **Accountability mechanisms** to bridge the FS approach and the RtF approach. (F.Donati). Even where they do exist such as in national constitutions, direct legislation, human rights commissions and opportunities to pursue RtF violations through the courts or the UN monitoring committees in Geneva, these processes are often extremely costly and time consuming and especially for the poor and hungry (G.Riches).
 - ✓ **Well-organized planning**, based on clear goals related to ending malnutrition, and clear visions of how that is to be accomplished that includes elements of both FS and the RtF (G.Kent)
 - ✓ **Adequate monitoring mechanisms** to ensure accountability and quality till the level where the right holder avails of the food (S. Kanani). While monitoring of the achievement of development outcomes has improved considerably during the past ten years, far less progress has been achieved in monitoring the quality of *processes*—largely because “good process” has seldom been defined (U. Jonsson)
 - ✓ **Communication strategies** for raising awareness and educating the right-holder about the importance of the food that vulnerable people are receiving and how to optimally utilize it (S. Kanani)

Opportunities

- **Close relationship between RtF and FS:**

- The RtF does not dictate the design of FS policies or strategies but provides a yardstick for assessing government performance, and establishes the right of persons to challenge and hold government to account for what has been done or not done (D. B.Bultrini)
- The justifiability of the RtF is a key strategic component of the RtF approach and should be adopted by the FS movement (G. Riches)
- In order to ensure effective linkage between the RtF and FS, it may be useful to embed the RtF in FS policy and strategy. (J. Opio-Odongo)
- The human rights approach can be instrumental in maintaining the focus on the most vulnerable and in designing processes that empower people to feed themselves - and to hold public authorities accountable for supporting them (D. B.Bultrini). FS Information System (FSIS) have often been mentioned as important mean to identify specific vulnerable groups in society to which a RBA (Rights-Based-Approach) should be applied (R.Verduijn)
- RtF and FS should not be seen as a choice but both as elements in broader plans. (G.Kent)

- FS and Human RtF are not parallel, neither are they converging, but there are two sides of a same coin and have to be pursued concurrently (C. T Kayira)
 - The RtF will help ensure an increase in the net amount of food available to the vulnerable groups and thereby decrease food insecurity (S. Kanani)
 - A national level food production strategy ensuring the availability of adequate food at affordable prices to the poor would make the concept of RtF meaningful. (P.K.Thampan)
- **The RtF approach in decision making processes:**
 - Unless the government policy veers around to the protection of FS and prioritizes it, attainment of RtF may remain a dream (S.U. Rehman)
 - Decision-making processes - formulation, implementation and evaluation of laws, policies and programmes- must be taken in full respect of human dignity of people and be based on the rule of law. Human rights law provides a framework that can strengthen and improve such good practices (D. B.Bultrini)
 - The human rights based approach requires that Governments establish functioning institutions where individuals may be able to obtain remedies when their RtF is not observed (F.Donati)
 - The RtF can have a more influential strategic possibility in influencing public policy with regard to the development of 'joined-up' food policy and the eradication of hunger (G. Riches)
 - It must be made clear to policy makers, that it is a gross violation of human right to not create mechanism that will make it possible for vulnerable groups to access enough food. (P.Kingori)
 - Besides taking sufficient account of local capacity, policy-making and planning have to reckon with global information, knowledge, opportunities and constraints, they are to be realistic and implementable (J.Opio-Odongo)
 - A coalition of the UN agencies, like FAO, to reinforce the activities of national NGOs is crucial to sensitize the government to recognize and deliver the RtF (G.Ayoola)

III. CHALLENGES

- **Converging RTF and FS**

- It is necessary to identify the common features of FS and RBA that are relevant to the reduction of hunger and malnutrition, focus on how they are mutually supportive, rather than emphasize the differences, and concentrate the efforts on translating the concepts into practical action (A. MacMillan)
- The RtF and RBA approaches might replace the FS concept and be incorporated into a more holistic approach that promotes people's civil, political and socio-economic rights. This new approach will become a cornerstone of the ONE UN initiative, focusing on the most vulnerable groups in society, as an important means of achieving convergence between UN agencies (R.Verduijn). On the other hand, human rights might not replace FS but there should be concentrated efforts to improve FS by bringing appropriate policy reforms for food production, post-harvest processes and distribution (M.Upare)
- There is a need for serious planning, based on a clear guiding vision, of how to end

malnutrition in all its forms. FS assessments and rights-based programs are likely to be a part of any such plans (G.Kent)

- There is the need for a clear vision that guides the planning process and being inspired the FS/RtF strategy and action plan. The implementation of the action plan should include: (J. Opio-Odongo)
 - ✓ A well articulated and easy-to-implement monitoring and evaluation system that also involves the rights holders;
 - ✓ Adequate budgets and effective systems for tracking expenditure or disbursement at both the national and local levels.
- Primary responsibility for the realization of human rights is at the national level, not the global level. However, the global community should be seen as having special obligations. There is a need to work out clear obligations for all parties. (G. Kent)

- **Establishing accountability mechanisms**

- Accountability mechanisms may not necessarily be limited to judicial recourse mechanisms but could include a broader range of recourses such as (F.Donati):
 - a) Regular monitoring by government agencies and other entities with a view to improving and/or adjusting policy/law implementation;
 - b) Monitoring of compliance of regulation (e.g. labour inspection, food safety inspection);
 - c) Administrative recourse mechanisms (e.g. complaint mechanisms through administrative channel).
- Accountability mechanisms cannot work unless the RtF has been translated into very concrete and understandable entitlements, as has been done in India (G.Kent)
- The best intervention could be using a legal and policy RtF framework, for the power relations at play within households and how that contributes to food insecurity (C. T Kayira)
- The education of the legal profession and the justice system is very important, as well as health care professionals, teachers, social workers, agriculturalists and those managing financial portfolios about the application of the RtF strategies for achieving FS (G.Riches)
- It becomes incumbent upon the judiciary and the legislature to ensure that actions by the responsible arms of government do indeed protect the population's RtF by respecting specific obligations at three levels of jurisdiction: (J.Opio-Odongo)
 - At the **level of the state**, state must accept and act and be seen to act on its moral obligation to ensure FS and protect the population's RtF. The state can innovate by exploring the possibilities of using the market in protecting the vulnerable as is being done in Ethiopia and Malawi, through use of weather-indexed insurance;
 - At the **sub-national level** (district, municipality, etc), decision makers should be sufficiently empowered (politically and financially). Through the use of institutional apparatus such as the disaster preparedness and management committees, decision makers can provide early warning signals to the central government that enables timely and adequate protection measures in the event of production shortfalls;
 - At the **community and household levels**, the RtF has to be promoted in tandem with the obligation to work, especially by those within the productive age brackets. Provision of food to this segment of the population should be done in the context of food for work that helps to develop community infrastructure. Leaders at this level both traditional and political) can also help to institute appropriate mechanisms for targeting of relief by both

government and humanitarian assistance agencies.

- **Promoting policy advocacy and educating in RTF approach**

- Education and raising of public awareness by: (G.Riches)
 - ✓ Educating journalists and columnists in all aspects of the media as well as of those in powerful positions to bring about and influence change.
 - ✓ Raising of public awareness about the RtF in universities and colleges, of civil servants and of the professions as well as of local populations through community development and education.
 - ✓ Introducing the RtF in the curricula of agriculture, law, nutrition social policy, finance, social work schools in higher education.
- The media has an effective role to play, together with civil society organizations, in promoting both FS and the RtF, especially in the context of advocacy. The advocacy has to be evidence-based and guided by adequate understanding of the national and international policy and legal instruments on both FS and the RtF.(J. Opio-Odongo)
- It is imperative that RtF be now used to lobby for increased found for FS and nutrition programmes (P.Kingori)
- Empowerment and participation of rights-holders, two of the pillars of the RTF/RBA approach, may create social demand and mobilization which may in turn motivate the relevant power structures to take action (F.Donati)
- Rights should not be expected to come as gifts from above; the people themselves must demand them. Local NGOs, based largely on the middle class, must play an important role in making the rights system work (G.Kent)

IV. PRACTICAL POINTS TO MOVE FORWARD

Two areas of action to ferment the relationship between the human rights movement and FS practitioners: (R. Verduijn)

1. Assessment and monitoring

FS practitioners should lend their expertise to human rights movement in the conduct and analysis of assessments monitoring the socio-economic status of specific vulnerable groups that claim to be victims of human rights violations, in particular their RTF. Human rights lawyers should be able to use FSIS specialists and other socio-economic specialists as a key resource whenever they need to.

Concrete Actions proposed:

- A programme that focuses on this particular area as great benefits could be gained by both communities, while forging a new unity. FAO – the RTF Secretariat or perhaps the FIVIMS Secretariat would be a good place to coordinate action worldwide in this respect (R. Verduijn)

Monitoring tools: FANTA's Household Food Insecurity Access Scale (HFIAS), currently piloted around the world by FAO should be viewed as an opportunity to include opinions of rights holders.

- A well-designed planning process, one that involves all concerned parties, from bottom to top. A good strategy is one for which there is a serious commitment of resources, and a program of action that could sensibly be expected to result in achievement of the goal. (G.Kent)
- The monitoring system has to go beyond the focus on outputs and encompass a focus on the results in terms of progress towards the realization, within a given time frame, of the programme targets, including desirable changes in the attitudes and behaviour of the hungry and the malnourished. In particular: (J.Opio-Odongo)
 - ✓ Good output and outcome indicators are essential to the monitoring system;
 - ✓ Suitable baselines against which progress can be assessed should be available;
 - ✓ Hungry and the malnourished have to be active participants in monitoring the programme. Their storylines on the progress of the programme have to be captured.

2. Capacity Building

FS experts should take the RTF/ RBA approach on board to build capacity among national and sub-national government staff. The RBA would play an important role in working towards a real change of attitude among civil servants (R. Verduijn). There is the need to discern and deal with the constraints and opportunities at the individual, community, institutional/organizational and societal levels. (J.Opio-Odongo)

Concrete Actions proposed:

- The joint formulation of the legislation would be a hugely educational exercise for all who are involved. An action would be to create a forum in which parties from all sectors of society can participate in drafting national legislation on the RtF. It is in national legislation that the international principles should be concretized into specific entitlements, and that specific obligations and mechanisms of accountability should be worked out (G.Kent)
- Hungry and the malnourished have to be mobilized and empowered by the application of the power tools that enable productive engagements between the poor farmers and the technocrats. The experiences from India with the application of the power tools suggest that this is possible (J.Opio-Odongo)

V. COUNTRY EXPERIENCES

- **Indian experience:** the Supreme Court transformed what were originally FS programmes and policies of the Government, including food-for-work and midday meals programmes, into legal entitlements for the population and particularly some of its most vulnerable segments. (F.Donati)
 - **Mid-Day-Meal** (school meal) program at Baroda, outcomes of the evaluation: (S. Kanani)
 - ✓ The provision of a hot school meal is rightly cited as a landmark step where courts intervene to ensure that the State fulfils its obligation of RtF for its children.
 - ✓ At the National level, the job was done. But at the Sub-national level -the district and local level there aren't monitoring mechanisms to ensure that the quality of implementation is ensured.
 - **Orissa** (S.U. Rehman): Producing crops for bio fuel production is even more detrimental to FS since precious land and water resources which could be utilized for attainment of FS get diverted for other means. In fact this diversion especially of food grains and oil seeds

for bio fuel production has been clearly recognized as a major factor fuelling inflation and contributing to food insecurity especially of poorer countries in recent times.

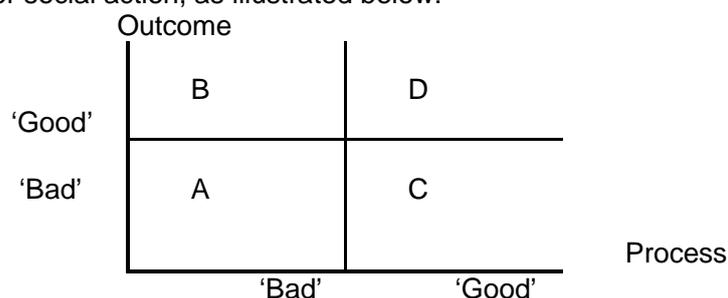
The example of Orissa shows that RtF is meaningless without FS; it is indicative of the misplaced priorities and ill conceived planning.

- **Kenyan experience:** There is little talk of the RtF for those who are faced with starvation yet. A recent operation by the army in western region to flush out militia has received the highest attention of the Kenyan National Commission of Human rights. This is despite the fact that in Northern Kenyan the periodic drought has led to bad livelihoods and increased malnutrition (almost always above emergency threshold of 15%). There is no record of the Kenya National Commission of Human rights putting down the government on the violation of the rights of these people with regard to food. Human rights seem to come in where police is involved in civilian crash (P. Kingori)
- **Nigeria – Farm and infrastructure foundation (FIF) .** This organization did not receive encouragement when it reached out to government officials in applying RtF approach. The question at this stage is how to properly sensitize the government to recognize and deliver the right of people to food (G. Ayoola)
- **Action Aid International in Malawi (C. T Kayira)**
 - **Background:** Malawi used to be a chronically food insecure nation, as a result of natural disasters and at times man made disasters through mismanagement. During such times of food insecurity and hunger, several players stepped in to cover the food gap. Such initiatives to a great extent ensured that Malawians were “food secure”, however, concerns were raised around disempowering food aid programmes leading to farmers disinvesting in farming, dysfunctional markets due to concentration of corn on the markets, inadequate investment in agriculture production among others. On the other hand some international policies and practices also greatly contributed towards the violation of the RtF.
 - **Main Problems:** Members of civil society noted that there are very few if any legal frameworks that protect people’s RtF. This is due to inadequate awareness that food is a right not a charity and as with all other rights, it needs to have an enforceable legal framework to promote protect and fulfil it for the population.
 - **Actions Taken:** Efforts are being made in Malawi to ensure that the protection for people is recognised through the development of a law on the RtF; this will ensure that all stakeholders do their part (role) in ensuring that this right is protected, fulfilled and promoted.
- **Observation from experience in Sierra Leone, Bangladesh and India: (M.Upare)**
 - There is no effective mechanism which can deliver food to people. In Sierra Leone WFP was not in position to provide food supply in time and quality products. Government of India and State Governments in India are finding difficult to provide food to BPL population through Public Distribution System. The situation will be worst, if it is made a RtF and mandatory to provide food by Government to people.
 - In situation of famine, Government emphasis will be only on supply of food to people by any means, such as, by import substitute which will have adverse impact on agriculture sector of the country. In Sierra Leone Government imported rice on lower prices for providing food to the people during 1980 as a result people stopped farming and were fully dependent on Government. The Government could not sustain import of rice and country was suffering food crises and to overcome it UN has to provide food.
 - The UNDP project in Bangladesh ‘Improving FS of coastal fishermen of Coastal Cox’s Bazar district has facilitated FS and helped to provide alternative livelihoods those who affected by climate change. RtF will not provide incentive for work which will inculcate the habit of free services from Government without making effort of work which will have adverse impact on economy of the country hence effort for improving FS is better option.

VI. CONCEPTUAL ANALYSIS OF THE RELATIONSHIP BETWEEN FS AND RTF APPROACH (PROVIDED BY URBAN JONSSON):

The difference between FS (FS) (or Household FS) and Human RtF (RTF) is the fact that the former is a *basic needs concept in development*, while the latter is a *human rights concept*. The relation between FS and RTF is therefore best understood from the perspective of the relation between development and human rights.

Development requires the satisfaction of at least two conditions: the achievement of a desirable *outcome* and the establishment of an adequate *process* to achieve and sustain that outcome. Most of the food, health, education, and nutrition goals defined in the Millennium Declaration, for example, represent specific, desirable outcomes. Effective development demands a high-quality process to achieve such outcomes. Participation, local ownership, and sustainability are essential characteristics of a high-quality process. Level of outcome and quality of process define a two-dimensional space for social action, as illustrated below:



Most development starts at A, and the ideal, final stage is D. Unfortunately, many development programmes move into one of the two areas represented by B or C. The former represents a good outcome at the expense of, for example, sustainability (an aspect of a good process), and is as ineffective as C—a good process without a significant outcome.

While monitoring of the achievement of development outcomes has improved considerably during the past ten years, far less progress has been achieved in monitoring the quality of *processes*—largely because “good process” has seldom been defined.

A “human rights standard” defines the minimum acceptable level of an outcome or results, while a “human rights principle” specifies the criteria for an acceptable process to achieve an outcome (minimum level of conduct, values). The Millennium Development goals are typical examples of such desirable outcomes. FS at different levels of society is a desirable development outcome. Most people see the achievement of these goals as the required *results*. Process criteria include all human rights principles. A list of the most important human rights principles, proposed by UNDP and OHCHR, is shown below:

- Universality and Indivisibility
- Equality and Non-Discrimination
- Participation and Inclusion
- Accountability and Rule of Law

Basic Needs approaches are very common in development discourse. There are several differences between a Basic Needs Approach and a Human Rights Approach. The most important one is that in a Basic Needs Approach there is no object; nobody is identified with a duty to meet the need.

The following table exemplifies some differences between the two approaches:

Basic Needs Approach (FS)	Human Rights Approach (RtF)
Needs are met or satisfied	Rights are realised (respected, protected, facilitated, and fulfilled)

Needs do not imply duties or obligations, although they may generate promises	Rights always imply correlative duties or obligations
Needs are not necessarily universal	Human rights are always universal
Basic needs can be met by goal or outcome strategies	Human rights can be realised only by attention to both outcome and process
Needs can be ranked a priori in a hierarchy	Rights cannot be ranked a priori in any hierarchy
Targets people who are poor with transfers of commodities and services (i.e. people are 'beneficiaries' or <i>objects</i>)	Targets people who are poor by recognizing such people as the key actors in their own development (i.e. empowering <i>subjects</i>)
Needs can be met through charity and benevolence	Charity and benevolence do not reflect duty or obligation ("Charity is obscene in a human rights perspective", I. Kant)

In summary, FS (FS) is a *development* concept, most often seen as a *basic need*; while the RtF (RTF) is a *human rights* concept. FS recognizes the Outcome/Process dimension, but with emphasis on the Outcome (availability, accessibility, acceptability etc) and only limited recognition is made of the process aspect, except sustainability (i.e. 'security'). The RTF gives *equal* attention to outcome and process. The outcome is identical to the outcome in a FS approach, but gives a lot more attention to the conditions of the process, i.e. the adherence to all human rights principles. While in a FS approach the priority is to achieve a certain desirable outcome, i.e. FS, in a RTF approach equal attention is given achieving FS and to *how* that achievement is made.

VII. REFERENCES

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- Time for a Human Right to Food Framework of Action - FIAN Position on the Comprehensive Framework of Action of the High Level Task Force on the Global Food Crisis:
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- Coalition for Sustainable Nutrition Security (CSNS) report:
http://km.fao.org/fsn/resources/fsn_viewresdet.html?r=567
- Freedom from Want: The Human Right to Adequate Food:
http://km.fao.org/fsn/resources/fsn_viewresdet.html?no_cache=1&r=576&nocache=1
- Global Obligations for the Right to Food:
http://km.fao.org/fsn/resources/fsn_viewresdet.html?r=577
- Experience in the state of Orissa, India, where 'biofuel' and cash crops promoted by the government has already started affecting FS of people in western part of the State which is known for the hunger and starvation deaths. A report on 'biofuel and its impact on FS' inform about the problem:
http://km.fao.org/fsn/resources/fsn_viewresdet.html?no_cache=1&r=587&nocache=1