

Oral report by the
Forum Rapporteur

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Context: The current food crisis due to soaring prices has wiped out four decades of progress against hunger. Worry that hunger will get worse, maybe much worse in coming years. So the right to food is urgent business.

Why? What is the added value of right to food – isn't it enough if governments invest in agriculture, rural development, food security (including in urban areas), & nutrition? The added value lies in the realm of governance. This approach empowers people and creates recourse and accountability mechanisms. It also offers us new insights into the causes of food insecurity, such as discrimination & marginalization, beyond issues related to food production or low incomes. If the approach to achieving food security is just to hope that governments will do the right thing, without pressure from citizens and accountability institutions, we may have a long wait before hunger ends. The right to food approach sees people as key actors in achieving food security, not the object of development policy. The 923 million hungry people are no longer the problem, but rather a key part of the solution.

Forum participants from governments, civil society, international organizations, and academia all voiced strong support for the work of FAO's Right to Food Unit, noting in particular that it has produced a wealth of studies, tools, methods, curricula, and reports, accessible via multi-media. These include practical manuals and tools that can be used by FAO member states, civil society, and others. Participants expressed a desire for ongoing work by the Unit, for example on facilitating a network of education and training institutes involved with the right to food. There is also an important ongoing knowledge management task for the Unit. So, we can all inform our permanent representatives to FAO how much we value the work of the Unit.

Many participants echoed the word of Il Padrone of the Right to Food Guidelines, Martin Nissen. These are intended as practical tools to be used in the fight against hunger. The right to food is not about arcane theory or highly technical procedures.

Although everyone has a right to food, it was emphasized repeatedly that the right to food approach to food security is based on what we might call "a preferential option for the vulnerable."

A recurrent theme at the Forum has been the important role of civil society in encouraging government action, facilitating empowerment of vulnerable people, and fostering accountability. Even when we

have focused primarily on court action or national human rights institutions, the theme of civil society action has been mentioned as an important factor.

Closely related to this, both government and civil society representatives at the Forum have stressed the importance of participatory processes and broad multi-stakeholder consultations in developing laws and institutions to implement the right to food.

The Right to Food Unit has emphasized the key role of what it calls the PANTHER principles – participation, accountability, nondiscrimination, transparency, human dignity, empowerment, and rule of law as the foundation for implementing the right to food.

We have also heard about the importance of good national leadership, and how Presidential leadership on the right to food can make a big difference, as in Brazil, Mozambique, and Guatemala. So there are important bottom-up and top-down aspects.

There was, in addition, a great deal of discussion of the role of two important institutions at the national level, parliaments and national human rights institutions. We were fortunate to have a number of parliamentarians and human rights commissioners here with us. The role of parliaments goes well beyond the important job of passing laws, and includes oversight of the executive branch, facilitation of popular participation in policy making and implementation, and serving as an accountability mechanism. National human rights institutions should be independent (in accordance w/Paris Principles) and can initiate investigations on their own, serve as quasi-judicial bodies, and make recommendations to the government.

Laws, policies, and programs are crucial for the realization of the right to food, but their implementation is even more crucial. This must be monitored carefully. Likewise budgets need to be monitored and analyzed for the extent to which they support right to food implementation. It was mentioned that civil society and academic shadow reports play an important role in the efforts of the Committee on Economic, Social, and Cultural Rights to oversee states parties compliance with their obligations.

There was recognition of the importance of working at the sub-national level, and even the district level, as local governments are increasingly responsible for policy implementation and need to be engaged on the right to food. Capacity needs to be developed in local governments, and local institutions are needed for monitoring as well as implementation.

We have focused primarily on country processes and institutions in the progressive realization of the right to adequate food, and on the important obligations of states in this regard. However, in his opening keynote, the Special Rapporteur also raised some provocative questions regarding the obligations of international organizations, particularly the international financial institutions and the WTO, and non-state actors. Participants took this up to some extent today, notably the need for a global right to food strategy, and in discussion of food sovereignty.

It was mentioned that the right to food perspective can play a very important role in some upcoming international negotiations, particularly those on climate change and the renewal of the Food Aid Convention.

Many challenges were identified. In particular, it was noted that mainstreaming the right to food inside FAO and in the formulation of national strategies, policies, and plans at the country and global level remain works in progress. Too often even rural development, let alone the right to food, is excluded from poverty reduction strategies. There was considerable discussion of how trade, investment, and approaches to agricultural production relate to the right to food. Interinstitutional coordination, policy coherence, and aid effectiveness as they relate to the right to food were also identified as challenges. And, there is a need to scale up from the successes that have been achieved.

The Forum featured case studies of concrete country experiences, with a view to learning what might be replicated and how to avoid things that did not work well. We heard from both policy makers and civil society leaders. In Brazil, the Fome Zero (Zero Hunger) Program, which has incorporated a right to food perspective, has contributed to substantial poverty reduction. The government devotes over \$6 billion dollars a year to one of the key Fome Zero program, Bolsa Familia, which puts cash into the hands of poor families. So political will on the part of government, in the context of a strong civil society anti-hunger movement, can make a real difference. From Guatemala, we learned of the important role of the media, and also the importance of focusing on capacity building at the local government level. In India, the well-known Supreme Court decision extended public food programs to millions of additional people. The right to food movement also succeeded in getting the employment guarantee passed. Implementation and follow up of the court decision requires very intense data collection and monitoring of program implementation. In both Mozambique and Uganda, we heard about locally owned and driven efforts to incorporate the right to food into framework law and to enhance existing food security and nutrition strategies and policies, as a result of a broad multi-stakeholder process. In the Philippines, we heard about creative use of the right to food guidelines to carry out a comprehensive assessment of national laws and institutions, including surveys of vulnerable groups and the use of locally adapted indicators and community monitoring systems.

With regard to access to justice and legislation, there is emerging jurisprudence, with cases from South Africa, Switzerland, Nepal, India, and, going back to the 1960s and 1970s, the USA. Recourse mechanisms differ according to country contexts, embracing judicial, quasi-judicial, and administrative bodies, and different legal systems. The ability to bring public interest litigation and the availability of a public interest bar was important in India and now Nepal, but is not available everywhere. Framework laws are being adopted or are under consideration in Brazil, Guatemala, Nicaragua, Peru, Mozambique, and Uganda, and Ecuador has just adopted a new constitution that explicitly mentions the right to food as justiciable. In some countries, treaty ratification may automatically incorporate the right to food into national law.

In the session on capacity development, it was stressed that both rights holders and duty bearers have capacity building needs. There are needs at all levels. People in the North need to be sensitized to the

rights-based approach to development. Rights holders need to be made aware of their rights and the processes for making claims and holding officials accountable. Duty bearers, including lawyers and judges, as well as civil servants, need to be trained in implementation of obligations. University training can be offered not only to regular students, but to government officials and civil society organization representatives. Training should be demand-driven. It is important that academic institutions maintain their independence. In the South, funding and sustainability can be a problem. In Brazil, distance learning was successfully used to develop capacity among a wide range of stakeholders. The Right to food Unit and the Office of the High Commissioner have both played an important role in capacity strengthening.

Information and assessment – participatory processes and high level consultations are both important. Legal, institutional, and policy frameworks all need to be assessed. Traditional food security assessments do not do this, but this is essential for the right to food. The Right to food Unit has developed an assessment manual that has been used in the Philippines, Mozambique, and Bhutan. This is a very new area, and new knowledge is being generated.

Effective monitoring is essential to determine whether progress is being made and whether governments are meeting their obligations. For this, disaggregated data (reflecting gender differences, urban/rural differences, indigenous/nonindigenous people, and the like) is key, and this may require capacity development. Indicators may need to be locally tailored. The Right to Food Unit has developed a comprehensive manual on monitoring, and FIAN and Mannheim University are also developing right to food indicators through the IBSA project. Indicators need to be simple, but not simplistic. Baseline data is important for monitoring, and it is also important to determine who is monitoring what for what purpose. Right to food monitoring is a government responsibility, and ideally should be done in conjunction with ongoing monitoring efforts. However, additional civil society and academic efforts may be needed to ensure accountability. For academia, there are many institutional and disciplinary barriers to taking the interdisciplinary approach needed to contribute in this field. Qualitative approaches offer important insights not available in statistics.

Two concluding points. First, in addressing country level issues, it is important not to engage in Fordism – one size simply does not fit all, and it is important to adapt tools to fit the country context as necessary.

Second, for those of us who have worked at this house – as staff, representatives, or advocates – for a long time will notice, we have come a long way since the mid-1990s, when the right to food was little known beyond a few technical experts. As Barbara pointed out in her remarks on the first day, the right to food is here to stay.