

- ① INTRODUCTION TO THE VGs
- ② ECONOMIC DEVELOPMENT POLICY
- ③ LEGAL AND INSTITUTIONAL ISSUES
- ④ AGRICULTURAL AND FOOD POLICY
- ⑤ NUTRITION AND CONSUMER PROTECTION
- ⑥ EDUCATION AND AWARENESS RAISING
- ⑦ SOCIAL SAFETY NETS
- ⑧ EMERGENCIES



BRIEF ①

INTRODUCTION TO THE VOLUNTARY GUIDELINES

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Ensuring humanity's freedom from hunger is a critical global challenge confronted in the World Food Summit (WFS) and the Millennium Development Goals (MDGs) on hunger reduction.

Given the persistent high numbers of undernourished people, however, neither target is likely to be met even though the causes of poverty and hunger and instruments to address them are well known.



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Consequently, the Food and Agriculture Organization of the United Nations (FAO) attributes insufficient progress primarily to the lack of political will. The Voluntary Guidelines (VGs) aim to redress this situation by emphasizing the human right to adequate food and recommending ways in which its implementation can be strengthened at national levels. The VGs assist states and government officials wishing to effect changes in favour of implementing the right to food. They also empower civil society to demand that food security be addressed as a priority.

The right to food was formally recognized as a universal human right by the United Nations in its 1948 Universal Declaration of Human Rights. Nearly two decades later, the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by 152 states, made the right to food binding international law for those states.

In 1996, the WFS elevated the right to food on the political agenda of FAO and its Member Nations. Attention was drawn to what states can do to end hunger and malnutrition. Furthermore, the WFS Plan of

INTRODUCTION TO THE VGs

Action called for clarification of the content of the right to food and ways to implement this right as recognized in international law. The normative clarification was largely achieved with General Comment 12, adopted by the Committee on Economic, Social and Cultural Rights in 1999. General Comment 12 was, and still is, important for the development of international law. Many states and civil society organizations, however, called for a more operational tool to guide the implementation of the right to food.

At the World Food Summit: *five year later* (WFS:*fyl*) in June 2002, states adopted the decision to develop “voluntary guidelines to support Member states’ effort to achieve the progressive realization of the right to adequate food in the context of national food security”. An Intergovernmental Working Group (IGWG) was established by the FAO Council for this purpose. After 20 months of intensive negotiations, the IGWG submitted the VGs to the FAO Committee on World Food Security. The VGs were adopted unanimously by the Hundred and Twenty-seventh Session of the FAO Council in November 2004.

THE IMPORTANCE OF THE VOLUNTARY GUIDELINES

Can the VGs really help to combat hunger? In a word, “Yes.” The VGs focus on state policies that can contribute to the realization of the right to food. They encourage states to review and recognize inadequate policies that contribute to food insecurity or that violate human rights.

According to the findings of the Hunger Task Force for MDG 1, hunger is largely a rural phenomenon that affects politically and geographically marginalized individuals or groups. The majority of these people are smallholder farmers or landless rural workers, who often lack access to sufficient productive resources as well as the knowledge and means to utilize available resources. While natural and human-made disasters can contribute to insufficient food production and lack of access to food, chronic hunger and malnutrition usually result from discrimination and marginalization in securing access to and utilization of productive resources or other income opportunities.



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In this context, the importance of the VGs becomes clear. The rights-based approach to hunger advocated in the VGs holds states accountable to all persons living within their territories. The VGs recommend an approach that includes both access to productive resources and assistance for those unable to provide for themselves. They also highlight the importance of independent human rights monitoring, complaint mechanisms and administrative recourse. Furthermore, the VGs offer guidance to

legislators seeking ways to improve current legal systems and to administrators wishing to ameliorate government policies and monitor the performance of these policies.

The VGs recognize that only States Parties to the ICESCR are accountable for compliance with it. Nevertheless, the VGs are addressed to all states, including those that have not ratified the ICESCR.

The VGs do not contain or create new binding legal obligations; their



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value lies in their ability to help translate a right into recommendations for concrete actions, and in their usefulness as an important reference for the orientation of national policies and programmes.

The VGs is the first document negotiated by states that uses the obligations to respect, protect and fulfil the right to food, long advocated by leading human rights experts (see General Comment 12). The guidelines span the main areas relevant to the implementation of the right to food. Thus, the VGs can be a forceful, practical tool for states and civil society to design and influence national policies.



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WHAT'S DIFFERENT ABOUT THE RIGHT TO FOOD?

The right to food and food security are not contradictory or conflicting concepts. The right to food strengthens food security initiatives by adding obligations, recourse, non-discrimination and the rule of law. Access to sufficient, adequate and safe food for all individuals has to be realized at all times. States, as the primary duty bearers, are obliged to create a legal, institutional and policy environment that enables all people to feed themselves, either by producing food or by earning a living. When people are unable to care for themselves (e.g. because of age, sickness or times of crisis), states should provide support directly.

The main difference between the right to food and food security is the legal dimension. Under the new paradigm, food security is acknowledged as a right and cannot be treated as a non-binding policy goal. States cannot choose to care for the hungry and vulnerable; they have an obligation to do so. Individuals are no longer perceived as objects of state policies, but as subjects who legitimately claim effective government response to their plight. Appropriate judicial and quasi-judicial mechanisms have to be in place to deal with possible violations of the right to food.

In a rights-based approach to food security, human rights standards and principles should guide all programming and implementation. Human rights, such as freedom of expression, opinion, assembly, association and non-discrimination, must be respected at all times.

Characteristics of a human rights approach to food security

- > Recognizes access to food as a human right.
- > Puts people at the centre of development.
- > Recognizes that all individuals are rights holders, not mere beneficiaries.
- > Makes the progressive realization of the right to food a duty, not a matter of choice.
- > Makes states aware of their obligations and draws attention to responsibilities of other stakeholders.
- > Supports avoiding harmful policies and actions in violation of the obligation to respect and protect the right to food.
- > Prioritizes the fight against hunger at national levels.
- > Applies human rights principles:
 - > Non-discrimination & Equity
 - > Transparency & Participation
 - > Accountability & Rule of Law
- > Recognizes that all human rights are universal, indivisible, interdependent and interrelated (see Vienna Declaration of Human Rights).
- > Introduces complaint and redress mechanisms to deal with alleged violations of the right to food.
- > Ensures that duty bearers can be held accountable for their actions and omissions.

RELEVANCE OF THE VGs FOR DEVELOPMENT PRACTITIONERS

Although the VGs were elaborated by states for government officials, they can be a useful tool for all development practitioners no matter their responsibility. The VGs represent the agreement of states on actions required to realize the human right to food. They should thus be used by United Nations agencies, bilateral development cooperation organizations and non-governmental organizations.

The VGs introduce the principles of the indivisibility, interdependence and interrelatedness of all human rights into development thinking and policies. Human rights-based development interventions should include:

1. the realization of human rights as the final objective;
2. compliance with human rights principles; and
3. strengthening the capacity of rights holders to claim their rights and of duty bearers to meet their obligations,



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and recognizing the responsibilities of the development agency.

In practice, development interventions formulated under the umbrella of a human rights-based approach will determine the relationship between individuals and groups with valid claims (rights holders) and state and non-state actors with associated obligations and responsibilities (duty bearers). They will identify rights holders (and their entitlements) and duty bearers (and their obligations). The VGs provide

ideas for new policies or corrective action useful for development practitioners from different fields.

The VGs are already being used to implement the right to food in some countries.

It is hoped that they will foster dialogue among government and civil society organizations and international and domestic government entities, in this way becoming a source of inspiration for the major policy changes needed in many countries to eradicate hunger.

REFERENCES & USEFUL RESOURCES

- de Haen, H. & Thomas, J. 2006. Putting the right to adequate food into practice. *Entwicklung & Ländlicher Raum*, 40(1): 14–17.
- Eide, W.B. & Kracht, U., eds. 2005. *Food and human rights in development, Volume I: Legal and institutional dimensions and selected topics*. Antwerp, Belgium, Intersentia.
- FAO. 2002. *Declaration of the WFS:fyl*. International Alliance Against Hunger (available at www.fao.org/DOCREP/MEETING/005/Y7106E/Y7106E09.htm).
- FAO. 2005. *The State of Food Insecurity in the World 2005*. Rome.
- Office of the United Nations High Commissioner for Human Rights (available at www.unhchr.ch).
- United Nations. 1993. *Vienna Declaration of Human Rights*. UN Document A/Conf/157/23 (available at [www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument)).
- United Nations. 1999. Committee on Economic, Social and Cultural Rights. *General Comment 12: The right to adequate food (art. 11)*. E/C.12/1999/5 (available at www.unhchr.ch/tbs/doc.nsf/0/3d02758c707031d58025677f003b73b9?OpenDocument).
- United Nations Millennium Project, Task Force on Hunger. 2005. *Halving hunger: it can be done*. London (also available at www.unmillenniumproject.org/documents/Hunger-lowres-complete.pdf).
- United Nations System Standing Committee on Nutrition. 2005. Closing the gap on the right to adequate food. *SCN News*, 30 (also available at www.unsystem.org/scn/Publications/SCNNews/scnnews30.pdf).

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