



ANNEX

I. OPENING SPEECHES AT THE RIGHT TO FOOD FORUM 159

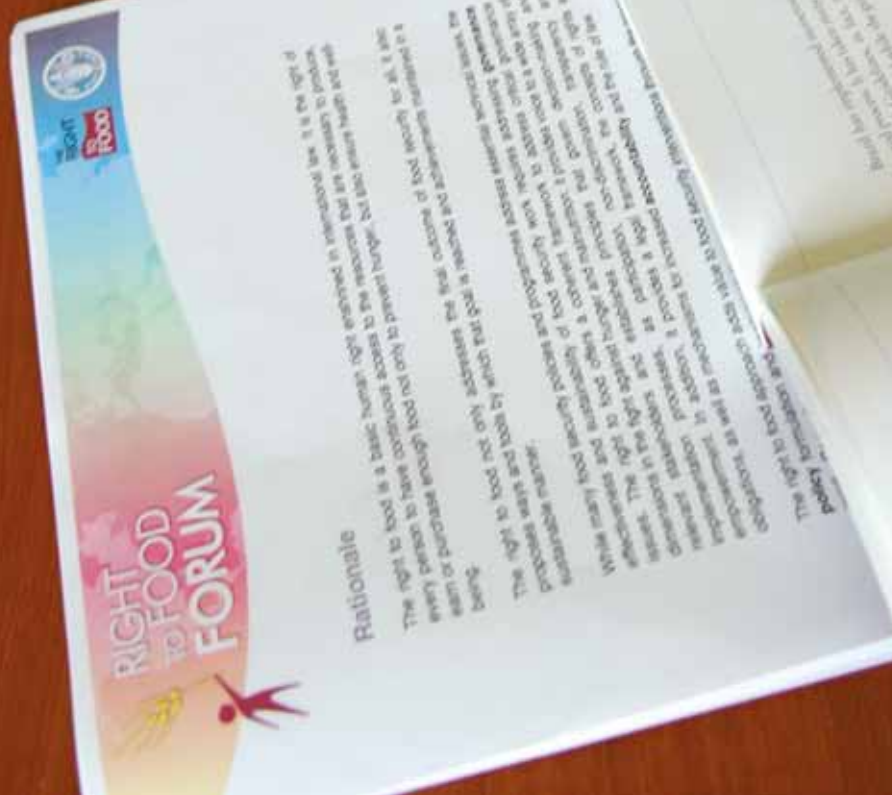
1. Opening Address by Jim Butler, Deputy Director General, FAO . . . 159

2. Keynote Address by Olivier De Schutter, UN Special Rapporteur on the Right to Food 162

3. Forum Orientation by Barbara Ekwall, Coordinator, Right to Food Unit, FAO 167

II. FINAL REPORT BY MARC COHEN, FORUM RAPPORTEUR 170

© FAO / Daniela Verona



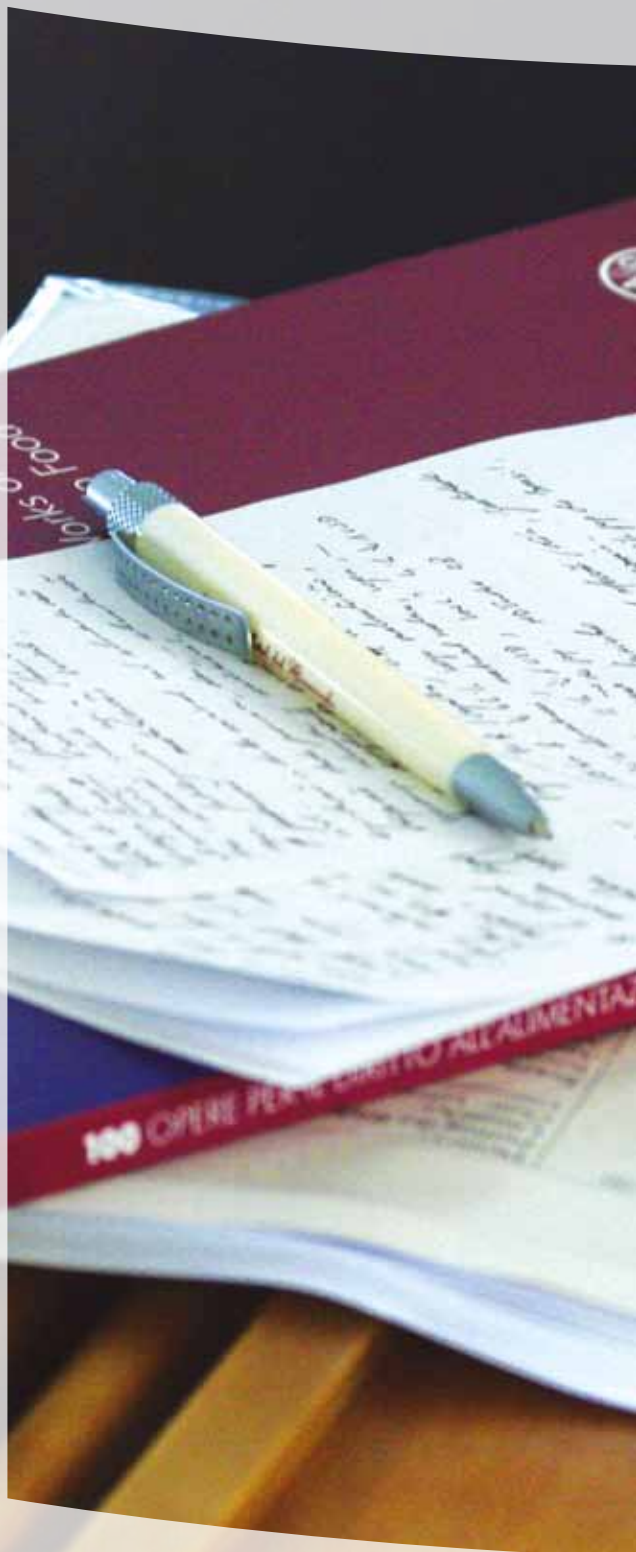
Rationale

The right to food is a basic human right enshrined in international law. It is the right of every person to have continuous access to the resources that are necessary to produce, earn or purchase enough food not only to prevent hunger, but also ensure health and well-being.

The right to food not only addresses the final outcome of food security, but also the processes which lead to it. It is the right to food not only to eat, but also to have access to a wide range of nutritious and sustainable food systems and to participate in their development.

While many food security and nutrition programmes focus on increasing the availability of food, the right to food also addresses the quality of food, the sustainability of food systems, and the ability of people to access food and to participate in its production and distribution.

Analysis of ...
- LEAP -
- NEEDS -
with 50 people
6 systems to ...
Market ...





I. OPENING SPEECHES AT THE RIGHT TO FOOD FORUM

Here below are the texts of the three principal speeches delivered at the opening of the Right to Food Forum, which set the scene for the work on hand. The Opening Address was delivered by Jim Butler, Deputy Director General, FAO; the Keynote Address by the United Nations Special Rapporteur on the Right to Food, Olivier De Schutter; and the Forum Orientation by Barbara Ekwall, Coordinator, Right to Food Unit (now Right to Food Team), FAO. Many of the other important contributions are summarized in the Synthesis of the Panel sessions (Part TWO of this report).

1. Opening Address by Jim Butler, Deputy Director General, FAO

Excellencies, Ladies and Gentlemen,

On behalf of the Director-General of FAO, Jacques Diouf, I welcome you warmly to Rome, to FAO and to the Right to Food Forum. The presence of so many participants from all over the world reflects your commitment towards the right to food and the importance of this issue, especially in the context of the present food security crisis.

Message 1: *FAO is committed to the right to food.*

Eleanor Roosevelt, when elaborating the human rights catalogue that subsequently shaped the UN Human Rights Declaration adopted by world leaders almost 60 years ago, said: "Human rights is not something that somebody gives to you, it is something that nobody can take from you."

The right to food is a human right. It is the right of every man, woman and child to be able to produce or procure safe, nutritious and culturally acceptable food, not only to be free from hunger but also to ensure health and wellbeing. It is not charity, nor is it the right to free hand-outs.

Freedom from hunger is one of the fundamental goals set out in FAO's Constitution. At the World Food Summit in 1996, Heads of State and government reaffirmed '*the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.*' They also committed to the full implementation and progressive realization of this right in order to ensure food security for all.

It was in the follow-up to this commitment that, in 2004, the FAO Council unanimously adopted the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Right to Food Guidelines).

Message 2: *The right to food approach emphasizes good governance.* The Guidelines are a practical tool reflecting international consensus about what needs to be done in some nineteen different policy areas to progressively realize the right to food. They provide a coherent set of recommendations that aim at creating an enabling environment so that everyone can feed himself



or herself in dignity. They also define modalities for providing food to those who are unable, for reasons beyond their control, to feed themselves. By looking at rights, institutions and human rights principles, the Guidelines attempt to tackle the root causes of hunger.

The effectiveness and sustainability of food security work requires that governance issues be addressed. The right to food offers a coherent framework to address these critical governance dimensions in the fight against hunger and malnutrition. It provides a voice to the marginalized and to a wide array of relevant stakeholders. It establishes the principles that govern decision-making and implementation processes, such as participation, non-discrimination, transparency and empowerment. Finally, it provides a legal framework, the concepts of rights and obligations, as well as mechanisms for increased accountability and the rule of law.

FAO activities in this area have focused on information and capacity development, the development of methodologies and implementation tools, policy advice and expertise, as well as mainstreaming the right to food into FAO's work. As this work progressed, initial experience was gained in a number of countries, through the implementation of concrete measures to implement the right to food. The objective of the present Forum is to exchange these experiences and lessons learned, and discuss ways to strengthen future implementation of the right to food. The Forum shall demonstrate, with practical examples, how the right to food can contribute to promoting food security for all.

The right to food underpins food security work. It adds value to food security interventions by focusing on issues of voice, participation and accountability in the process of policy formulation and implementation. As reflected in the Guidelines, it builds on the four pillars of food security – availability, access, stability of supply and utilization – with human rights perspectives.

Regarding the process, the approach contributes to strengthening relevant public institutions, integrates partners such as civil society organizations, human rights commissions, parliamentarians and government sectors not dealing with agriculture, and provides further justification for investment in hunger reduction. It contributes to creating and maintaining political will. Promoting the right to food means enhancing government action by introducing administrative, quasi-judicial and judicial mechanisms to provide effective remedies, by clarifying the rights and obligations of right holders and duty bearers and by strengthening the mandate of the relevant institutions. Furthermore, it means strengthening the coordination of food security initiatives and increased policy coherence.

Implementation of the right to food requires a solid partnership between governments, civil society organizations, the private sector, and other relevant stakeholders. This is reflected in the participation at this Forum of representatives from the different sectors involved in right to food work.

Message 3: *Applying the Right to Food Guidelines will improve the response to the present food crisis.* The debate that you will be holding is particularly important in the present climate of high food prices and increasing food insecurity in the world.

The rise in world food prices has, in recent months, pushed the issues of hunger and food insecurity to the top of the international agenda. Soaring food prices have led to a global food crisis, with strong negative social and economic impacts – especially in low income and least developed countries. Poor people typically spend between 50 and 80 percent of their income on



purchasing food and will be affected disproportionately by the increase in food prices. A recent study prepared by FAO shows that women are particularly affected.

The Right to Food Guidelines provides recommendations for countries to both understand the food insecurity situation and to shape the response to the present crisis. Through right to food assessments and monitoring, governments can identify the populations at risk.

Appropriate policies, strategies and legislation can be formulated to focus on food insecurity and strengthen the governance of food systems. Institutional capacities and coordination mechanisms, combined with participation and empowerment, make it possible to obtain large buy-in by all relevant stakeholders, policy coherence, and timely and efficient government action.

The High-Level Conference on World Food Security organized by FAO in June 2008 recognized the link between the right to food and the food security challenges the planet is facing at present. It also recognized the importance of urgent international response and cooperation to help developing countries deal with the impact of high food prices. In the outcome document of this Summit, the Right to Food Guidelines are reaffirmed as a framework for the policy response and for measures taken to meet these challenges.

FAO estimates that rising prices have plunged an additional 75 million men, women and children below the hunger threshold, bringing the estimated number of undernourished people worldwide to 923 million in 2007. An enormous and resolute global effort, as well as concrete actions to tackle the root causes of hunger, will be required in order to reduce the number of hungry people and achieve the MDGs.

2. Keynote Address by Olivier De Schutter, UN Special Rapporteur on the Right to Food

Mr Chair, Excellences, Ladies and Gentlemen:

What I would really like to do today is to pay homage to the work of the Right to Food Unit of FAO.

This Unit remains a minority voice in the broad debate on food. There exists a larger voice, which is vociferous at times. It sees food availability as the main problem, and increased food production as the solution. This is indeed the core business of FAO. It is the core business of agronomists and of economists whose work is to achieve the best, most efficient allocation of resources in a world of scarce resources and who are trained to produce more with less – not to distribute fairly.

The voice expressed by the right to food defenders is distinct. This minority voice tells us that food availability may be a problem at times – for instance following drought or floods, or in conflict situations where food must be brought in from food surplus areas to food deficient regions. But, they add, food availability is not the problem: it is one of a number of potential causes which may lead to hunger and malnutrition. The cause of hunger and malnutrition may indeed lie in discrimination, lack of accountability and social inequalities resulting in a situation where there are hungry and malnourished people although there is plenty of food available.

I should stress that these two views are not incompatible: there must be enough food for all before we can discuss questions of accessibility and equitable distribution of resources. But neither would it be absolutely right to say that the two views are complementary to one another because, in fact, they are not on the same plane. I believe that one of these, the minority view, has a richer diagnosis to propose. It is more lucid about the deep causes of hunger. It is also a voice that is more disquieting because it challenges the power of technocrats who see the question of hunger as a mere technical issue – deciding which seeds, and how much pesticides and fertilisers, are required to ensure that enough food is produced.

Instead, addressing the question of hunger and malnutrition from the point of view of the right to food poses the question of power: how power is distributed and how it is exercised. No wonder, then, that this minority voice is sometimes derided, ignored or even repressed. I have seen it myself first hand in my exchanges with governments and agencies on the responses to be given to the global food crisis.

Many want more food to be produced, but they forget to ask by whom and for the benefit of whom – as if more food would automatically alleviate the fate of the hungry. This is equivalent to saying that having more Wall-mart stores in New York would solve the problem of hunger in that city. They want to invest more in agriculture, and they are right to do so: reinvesting in agriculture, a neglected sector for so many years, is absolutely essential. But they forget to ask which kind of agriculture: agro-industrial agriculture? Or one that would sustainably keep smallholders in





business? They want, and indeed we all would want, the prices to go down on international markets but they forget that for many years impoverished countryside have subsidized the cities by dumping cheap food in urban centres at the expense of the livelihoods and, sometimes, the very survival of smallholders. They do not see that the real problem is not high prices but rather the insufficient purchasing power of the poor and the widening gap between farm gate prices and the prices paid by the consumer at the end of the food chain. They want more international trade. But they forget that all too often, trade – if not adequately regulated – has benefited only a privileged minority, and has increased inequalities and the dualization of the farming sector, further marginalizing family farming.

Is it not extraordinary that 60 years after the Universal Declaration of Human Rights, those who insist on the centrality of the right to food in the debate on food security, those who insist on food being more than a basic need to be fulfilled by public policies, a human right that requires accountability mechanisms for its effectiveness – are still a minority rebelling against the mainstream view?

The Right to Food Unit of FAO is the vanguard of a programme of action: the programme of the defenders of the right to food. And this is a programme that all of you in this room are part of today.

The programme has three components: the first is that of broadening and strengthening the remedies available for victims of violations of the right to food; the second is ensuring institutional mobilization beyond courts; and the third is developing the normative content of the right to food.

This programme is first about improving remedies. Significant progress has been made towards justiciability – exigibilidad – of the right to food, particularly before national courts, on the basis of the principles of non-discrimination, non-retrogression (understood as the prohibition to take steps backwards) and the judicial imposition of duties on public authorities, defined by national legislation. And indeed, one of the main advantages of a framework law is to define such duties in order to allow for judicial control: framework laws empower courts by making it possible for them to uphold the right to food without being accused of judicial law making – of 'legislating from the bench.'

This development toward the justiciability of the right to food shall be pursued further. I believe that the entry into force of the optional protocol to the International Covenant on Economic, Social and Cultural Rights shall impact this development very significantly, percolating down to national courts.

The second component of our programme is institutional mobilization beyond courts, not only because courts will effectively protect the right to food only if they have the support of a broader social movement – since this is a condition of the legitimacy of courts in the long term – but also because courts are not always well suited to protect the right to food, for three reasons: *first*, they need to receive claims, actions by victims who may face many obstacles, particularly in the absence of class action, from group action mechanisms; *secondly*, because courts may, at best, strike down, or not, legislation but they cannot create new laws when the regulatory framework is deficient; *thirdly*, courts intervene on an *ad hoc* basis, and therefore they generally cannot follow up on the remedies they prescribe nor monitor implementation over long periods of time. In situations where, for example, there is a need for agrarian reform, for improving the organization

of farmers into cooperatives, or where marketing boards are to be re-established, courts are powerless to bring about such change. Although there are some exceptions, particularly from the Indian Supreme Court, these remain few and far between, and will not easily be replicated in other jurisdictions.

This is why the very promising development we are now seeing within the UN Committee on Economic, Social and Cultural Rights – with the Indicators, Benchmarking, Scoping and Assessment (IBSA) procedure now being road-tested within the committee, on the initiative of Eibe Riedel, vice-chair, and FIAN – cannot be replicated at national level by courts. This procedure is based on the definition of indicators and benchmarks, followed by a process of scoping, in dialogue between the Committee and governments, and finally by a regular assessment of progress made. Such a procedure, interesting and innovative as it is, requires a form of control which is spread over time: monitoring progress made at regular intervals – a task which a judicial body is usually ill-suited to perform. Therefore, institutions other than courts need to be involved in the realization of the right to food.

There has been much emphasis recently on the role of governments, the executive branch. We insist, for example, on inter-ministerial coordination, on support at the highest political level. These are amongst the ‘lessons learned from Brazil’ – to borrow from the title of a brochure prepared by the Right to Food Unit in 2007. But parliaments also have a role to play. Parliaments are not simply there to legislate, by voting on the laws presented to them for approval. In mature democracies, their role is increasingly that of controlling the executive by ensuring the participation of civil society organizations, to debate reforms, and request the government to explain the choices they make, thereby improving transparency and accountability. Indeed, it is on this theme that I shall focus my proposals to the Inter-Parliamentary Union meeting on the global food crisis in Geneva, in a few days’ time.

National human rights institutions also have a tremendously important role to fulfil. They present five advantages over courts. *Firstly*, such institutions are proactive rather than simply reactive; they are proactive in that they do not depend on the vagaries of individual initiatives but can anticipate problems in order to propose solutions. *Secondly*, national human rights institutions or commissions have the ability to ensure the follow-up of their recommendations and can exercise pressure on governments to act upon such recommendations. *Thirdly*, they have greater flexibility in the remedies they can afford, both individually, for individual victims, and collectively, when the problems are of a more structural nature. *Fourthly*, national human rights institutions may more easily rely on States’ international obligations which are contained in norms, which are not self-executing and which therefore courts themselves might be hesitant to take as grounds for their decisions. National human rights institutions may take into account international treaties or other sources of international human rights law, despite the lack of precision or clarity of the principles on which they rely. *Fifthly*, national human rights institutions are ideally placed to involve civil society organizations, and non-governmental organizations in monitoring the work of the executive branch of government.

Finally, there is a third component of the programme of action which defenders of the right to food have today for themselves. This is the development of the normative content of the right to food.



There are, I would suggest, five areas where the right to food requirements remain underdeveloped or difficult to monitor, and where we need to make further progress. The first such area is in the management of food aid: how to improve transparency and accountability in the way in which international food aid is being used and distributed. This is one of the main stakes in the renegotiation of the Food Aid Convention, currently being discussed. The second area which, I believe, deserves our attention, is the place of the right to food in the negotiation of international agreements on trade and investment. All too often these agreements are negotiated by the executive with little or no oversight on the part of parliaments and without taking into account the right to food. Parliaments are placed before the fait accompli when asked, finally, at the end of a long process of negotiation, to ratify whatever has been negotiated. As a minimum, right to food impact assessments should be performed on the draft proposals which are being submitted in such negotiations. A third area where more work needs to be done is in the preparation of public budgets. Here again, government is often the sole arbiter between competing priorities – education, health, agriculture, national defence – and parliaments generally defer to the judgement of the executive on this issue.

If the right to food is to be taken seriously, it requires obliging a government to justify its choices, taking into account the international obligations imposed on governments.

In these three areas, for a variety of reasons, governments are under very little scrutiny, if any, by national parliaments or civil society organizations. And the challenge, I think, is how to implement, in these fields – food aid, trade and investment, international agreements and the formation of public budgets – what has been referred to as the ‘PANTHER’ requirements, an acronym forged by the Right to Food Unit, referring to the values of participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law. Should we, for example, insist on food aid being distributed in accordance with the legislation describing how to map the needs of the hungry in order to ensure adequate targeting? Should we impose impact assessments regarding the risks to local agriculture producers, in the distribution of food aid? Should we force the idea that a predefined percentage of public budgets be earmarked for agriculture or, even more specifically, to support family farming? These are challenging questions which are posed to us in the three areas of food aid, trade and investment, and public budgets.

However, we also encounter the same kind of difficulty in two other areas. The fourth area is in controlling the role of international organizations, including – but not limited to – international financial institutions. Should we insist on the member states of these organizations exercising a due diligence control on how the said organizations operate? Do they comply with the right to food and should Member States be the guardians of how they do this? Or else, should direct obligations be imposed on such international obligations under general international law? Or again, should the obligations to protect and fulfill the right to food be imposed within their mandate? If we choose this second route, then how do we ensure participation, transparency and decision making within these organizations? How can we reconcile this with the principle of specialty of international organizations, the principle according to which they may only adopt measures that are within their mandates?

Finally, in a fifth and last area, the question is not only how the right to food can be implemented but also what it means, and which obligations it imposes. And this fifth area is the responsibility of private actors in implementing the right to food – providers of inputs to agriculture, food processors and traders, and food retailers. I believe that there is an urgent need to clarify what it means precisely for these actors to respect the right to food and, consequently, what measures the State should take in order to regulate the behaviour of the very influential and increasingly concentrated private actors in the food sector. I intend to convene a consultation in Berlin in June 2009, to examine this issue in greater detail.

I would like to close with this and thank you for your attention. I do look forward to our working together. Thank you.



3. Forum Orientation by Barbara Ekwall, Coordinator, Right to Food Unit, FAO

Background

Four years ago, we still did not know if there would be any Right to Food Guidelines or, to give them their full title: *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*. The adoption of the Guidelines by FAO Council in 2004 is indeed a milestone in the development of the right to food. It reflects FAO's vision of a world without hunger, made possible by linking food security instruments with human rights and governance tools to tackle the root causes. In the same year, FAO Council recommended that FAO member countries implement the Right to Food Guidelines and asked the Secretariat to support them in their efforts. This presentation will look at developments with regard to implementation from FAO's perspective.



© FAO/Gabriele Zanolli

Five Areas of Activity

The Right to Food Unit was created in 2006, with four main areas of activity: The first area concerns capacity development, and building awareness and understanding of the right to food. As the right to food is a new concept, this activity was essential and a pre-requisite for work in other areas. World Food Day 2007 constituted a major contribution towards this objective: the unprecedented mobilization worldwide on that occasion confirmed both relevance of the right to food and the interest it has brought to bear. Another major achievement has been the creation of a right to food website, with an average of 8 500 visitors per month. This website was placed on the Yahoo search engine initially and then on Google, using the keywords 'right to food.'

The second area of activity relates to the development of tools, methodologies and studies to support the implementation of the right to food. Detailed guidelines were developed on how to legislate, monitor, assess and budget right to food. These guidelines are available for the Forum participants.

The third area relates to integrating the right to food in FAO's work. Mainstreaming has been particularly successful in dealing with concrete projects and undertaking activities jointly with other departments or programmes, such as those undertaken together with FAO's Knowledge Exchange and Capacity Building Division, the Forestry Department, the Nutrition and Consumer Protection Division and the Special Programme on Food Security.

The fourth area and objective concerns providing support to countries based on their requests, which have varied from *ad hoc* assistance to specific processes, to more comprehensive projects covering several mutually reinforcing areas of right to food activities.

The Seven Implementation Steps

Our initial experiences show that the national implementation process evolves around seven practical steps, with capacity development as an integral part of all of them.

The first step is to identify who the hungry people are, where they live, and why their right to food is not being realized. In-depth knowledge of the hungry and of the underlying causes of their food insecurity are essential to enable governments to target policies, laws, institutions and budgets aimed at realizing the right to food. The need for disaggregated data cannot be over-emphasized. Such assessments have already been conducted in Bhutan and the Philippines.

As a second step, countries can assess policies, institutions and budget allocations to better identify both constraints and opportunities in realizing the right to food. This assessment will indicate what policy changes and new measures are required to improve food security for all, as a human right. Such an analysis has been undertaken in the Philippines and Mozambique.

Thirdly, food security strategies will build on the above assessment and causal analysis, and provide a roadmap for coordinated government action to progressively realize the right to food. This includes developing food and nutrition security strategies which should have targets, time frames, clearly allocated responsibilities and evaluation indicators that are known to all. Strategies will explore immediate relief measures, as well as the creation of a conducive environment that enables every person to feed himself or herself by their own means. Some countries have already developed food and nutrition security strategies that focus on the right to food, among them Tanzania, Kenya and Mozambique.

The fourth step concerns the roles and responsibilities of different government sectors and levels which need to be clearly defined and communicated to ensure transparency, accountability and effective coordination. This is an essential step for the implementation of strategies, policies and programmes.

An important fifth step is achieved when the right to food is integrated into legislation, such as a constitution or framework law, thus setting a long-term binding standard for government and stakeholders. Several examples will be discussed in this Forum, such as those of Brazil, Bolivia and Guatemala and, most recently, the approval of the Constitution of Ecuador.

The sixth step concerns monitoring. Monitoring the impact and outcomes of domestic policies, programmes or projects will make it possible to measure the achievements of stated objectives, fill possible gaps and constantly improve government action.

Finally, the implementation of the right to food necessitates the putting in place of recourse mechanisms to enable right holders to hold government accountable – the seventh step. A right is not a right if it cannot be claimed. Such mechanisms can be judicial, involving an action in court, or extrajudicial (ombudsperson, human rights commission). It is essential to incorporate operational or administrative recourse mechanisms at project or programme level, to ensure that corrective measures are taken without delay – for example, in the context of delivery of services such as social safety nets or school feeding programmes.

Progress in implementation during the short period that has elapsed since the adoption of the Right to Food Guidelines clearly indicates that, for many countries, the right to food is here to stay.



What is this Forum about?

The Forum will demonstrate, with practical examples, how the right to food can contribute to promoting food security for all. It is about sharing experiences and learning. Up to now, several initiatives have been taken by different stakeholders to promote the right to food or certain aspects of it. Valuable experience has been gained and progress achieved, mostly in the context of 'pilot projects'. This Forum is the first ever platform where the lessons learned and individual country experiences can be exchanged, tested and validated among stakeholders at an international level. Exchange of this type is extremely important for an emerging issue such as implementation of the right to food. It helps to identify what areas need to be strengthened and affirms which choices were the successful ones. It also provides new insights and ideas to be pursued in the future.

The Forum is a platform for multi-stakeholder dialogue. During the negotiations on the Right to Food Guidelines, civil society organizations and other stakeholders played an important role. They continue to be an important motor for the right to food agenda and a valuable partner in many countries, supporting government action on the right to food. The Forum aims to strengthen this partnership.

The Forum is about knowledge. Knowledge is a resource, a global public good, which is not depleted through use. On the contrary, the more knowledge is shared, the more powerful it becomes. The more knowledge is confronted with other insights, the more it is developed, enriched and made relevant for practical use.

Most importantly, the Forum is about strengthening and further promoting the implementation of the right to food. It is not an end – rather, it is the beginning of a new phase of implementation, with greater focus on country level activities, using the knowledge, tools, networks and strategies developed up to now.

Excellencies, Ladies and Gentlemen, dear colleagues and friends: This is your Forum. I wish you many fruitful exchanges, enriching discussions, stimulating networking and strengthened commitment to promote the realization of the right to food.

II. FINAL REPORT BY MARC COHEN, FORUM RAPPORTEUR

In this report, Marc Cohen summarises many of the important contributions made by participants during general plenary discussions and in the thematic panel sessions. He also provides some general reflections as Forum Rapporteur.

The context for the Forum was shaped by the current food crisis due to soaring food prices – a crisis that has wiped out four decades of progress against hunger. There is serious concern that the prevalence of hunger in the world has increased, perhaps even significantly, and will continue to do so in the coming years. Thus, the right to food is now a matter of urgency, and it is essential that we understand why this is so.



© FAO/Gabriele Zanoli

Right to Food Approach

One may ask: what is the added value of the right to adequate food? How can right to food approaches contribute to solving or mitigating the food crisis? Is it not sufficient for governments to invest in agriculture, rural development, rural and urban food security and nutrition? An important added value of the right to food lies in the realm of governance: good governance involves empowering people to be active participants in decision making, and in the creation of recourse and accountability mechanisms. The right to food also provides new insights into the causes of food insecurity, beyond inadequate food availability or low incomes – such as discrimination and socio-economic exclusion. Everyone has a right to food – and like all human rights, the right to food is universal. The participants stressed the fact that the right to food approach to food security is based on giving the highest priority to those who suffer hunger, are food-insecure or vulnerable to food insecurity. This approach sees people as actors in achieving food security, and not as mere objects of development policy. The almost one billion hungry people are no longer the problem; rather, they form a key part of the solution. If the approach to achieving food security is limited to hoping that governments will do the right thing without pressure from the people who should hold government accountable for progress, we may have a very long wait before hunger is eliminated.

Forum participants representing governments, civil society, international organizations and academia all voiced strong support for the work of FAO's Right to Food Unit. Attention was drawn, in particular, to the wealth of studies, country reports and methodological tools that the Unit has produced, including a right to food curriculum. Most of these documents are accessible via multi-media and include practical manuals and instruments that can be used by FAO Member States, civil society and others. The Right to Food Unit has continually stressed the key role of what it calls the PANTHER principles – participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law – as the foundation for realising the right to food.

Participants felt the work of the Unit should continue and could focus, for example, on facilitating a network of educational and training institutions that deal with the right to food, as one of its important tasks. There is also a valuable knowledge management role for the Unit to fill.



Participants urged each other to inform their countries' Permanent Representatives to FAO of the Unit's valuable work towards the implementation of the right to food at country level, as well as in FAO's own work.

Many participants echoed the words of Martin Nissen from the German Embassy in Paris, who played a significant role during the formulation of the Right to Food Guidelines: *'The right to food is not about obscure theory or highly technical procedures: it is about practical and effective solutions and actions.'*

Participatory Processes

A recurrent theme at the Forum was the important role of civil society in encouraging government action, facilitating the empowerment of vulnerable people and fostering accountability. Many right to food NGOs have focused on court actions or strengthening national human rights institutions but they also have a key role to play in other areas. Both government and civil society representatives at the Forum stressed the need for participatory processes and broad multi-stakeholder consultations in the development of laws and institutions to implement the right to food.

There were significant exchanges on country level experiences in implementing the right to food and many challenges were identified. It was noted, in particular, that mainstreaming the right to food in the formulation of national strategies, policies and plans at the country and global level is still 'work in progress': too often the right to food is excluded from poverty reduction strategies. Discussions also centred on how trade, investment and agricultural production relate to the right to food. Additional challenges identified included the need for inter-institutional coordination, policy coherence and aid effectiveness.

National Leadership

Strong national leadership is extremely important in promoting the right to food. There were several examples from Brazil, Mozambique and Guatemala, where presidential leadership on the right to food has made a significant difference. Parliaments and national human rights institutions also have an important role to play. The role of parliaments goes well beyond the important job of passing laws: it includes oversight of the executive branch, facilitation of popular participation in policy making and implementation, and promotion of government accountability. National human rights institutions should be independent (in accordance with the Paris Principles) and should be able to initiate investigations on their own, serve as quasi-judicial bodies and make recommendations to the government on remedial actions.

Laws, policies and programmes are essential for the realization of the right to food. Their implementation is of crucial importance and must be carefully monitored to ensure full compliance with human rights principles. National budgets also need to be analysed and monitored to see the extent to which they reflect right to food priorities and provide adequate support in the implementation of right to food measures and actions.

Learning from Country Experiences

The five case studies presented featured concrete country experiences²³⁹, providing an opportunity to learn from best practices and understand what did not work well and why. Both policy makers and civil society leaders contributed additional country level information. An example from Brazil was the Fome Zero (Zero Hunger) Strategy, which incorporates a right to food perspective and has contributed to substantial poverty reduction. The government devotes more than US\$ 6 billion a year to one of the key elements of the Strategy, the Bolsa Familia Programme, which puts cash into the hands of poor families.

Political will on the part of government can make a real difference in the context of a strong civil society anti-hunger movement. We learned of the important role of the media in Guatemala, and of the need to focus on capacity building at the local government level. The well-known Supreme Court decision in India on the right to food has extended public food programmes to millions of people. India's right to food movement also succeeded in getting the national employment guarantee enacted – a real milestone for the country. It has become clear that implementation and follow-up of a court decision requires considerable data collection and monitoring. There have been locally owned and driven efforts in both Mozambique and Uganda to incorporate the right to food into framework law, and its use to enhance existing food security and nutrition strategies and policies. This resulted from broad, multi-stakeholder processes. The creative use of the Right to Food Guidelines in the Philippines was also highlighted. This involved undertaking a comprehensive assessment of national laws and institutions, surveys of vulnerable groups, and the application of locally adapted indicators in monitoring the right to food, including their insertion in community monitoring systems.

Emerging Jurisprudence

With regard to access to justice and legislation, right to food jurisprudence is beginning to emerge. Cases were cited from South Africa, Switzerland, Nepal, India and, going back to the 1960s and 1970s, the United States of America. Recourse mechanisms differ according to country contexts and the nature of legal systems, and embrace judicial, quasi-judicial and administrative bodies. The India example shows that the ability to bring public interest litigation and the availability of a public interest bar are important.²⁴⁰ This is now also the case in Nepal, but such mechanisms are not available everywhere. Right to food framework laws are being adopted, or are under consideration in Brazil, Guatemala, Nicaragua, Peru, Mozambique and Uganda. Ecuador has just adopted a new constitution in which it is explicitly stated that the right to food is justiciable. In the case of countries that have ratified international treaties with right to food provisions, the right to food is then automatically incorporated into national law.

Participants recognized the importance of working at the sub-national level, including at the district level; local governments are increasingly responsible for policy implementation and therefore need to be engaged on the right to food issues. Local capacity needs to be developed and strengthened for both governments and local institutions. The latter should be enabled to monitor the implementation of policy measures and public service delivery.

239 The case studies referred to, from Brazil, Guatemala, India, Mozambique and Uganda, are provided in Part III of this document.

240 India's Colin Gonsalves, the quintessential public interest lawyer, was among the Forum participants.



In his opening keynote presentation, Olivier De Schutter, United Nations Special Rapporteur on the Right to Food, raised some provocative questions regarding the obligations of international organizations, particularly the international financial institutions and the WTO, and of non-state actors. 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. On the last day of the Forum, there was further discussion on the need for a global right to food strategy and the question of food sovereignty.

Capacity Building for All

In the session on capacity development it was pointed out that both right holders and duty bearers have considerable capacity building needs in relation to the right to food. For example, people in the North need to be sensitized to the rights-based approach to development; right holders need to understand their rights and the processes to be undertaken in order to bring claims and they also need to be aware of how to hold officials accountable. Duty bearers, including lawyers, judges and civil servants, need to be trained with regard to the implementation of their respective right to food obligations. University training on the right to food should be offered not only to regular students but also to government officials and representatives of civil society organizations. Right to food training should be demand-driven, for example, by carrying out a careful capacity gap analysis. It is important that academic institutions maintain their independence, even when they engage with governments in providing right to food training. In Brazil, distance learning has been successfully adopted to develop capacity among a wide range of stakeholders. Both the Right to Food Unit and the UN Office of the High Commissioner for Human Rights have played an important role in capacity strengthening at country level.

Information and Assessment

With regard to information and assessment, it was pointed out that participatory processes and high level consultations are of particular importance. Legal, institutional and policy frameworks need to be assessed through a right to food lens. This adds new dimensions to more traditional food security assessments. In this context, the Right to Food Unit has developed an assessment manual that has been used in the Philippines, Mozambique and Bhutan. As right to food assessment is a very new area of work, knowledge on how to conduct such assessments is currently being generated.

Effective Monitoring is a 'Must'

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/non-indigenous status, etc.) are indispensable. The generation and analysis of such data may require capacity development and indicators may need to be tailored to local needs. The Right to Food Unit has developed a comprehensive manual on monitoring. FIAN and Mannheim University are also developing right to food indicators through the IBSA/Indicators, Benchmarks, Scoping, Assessment project. Indicators must be simple, but not simplistic. Baseline data are important in establishing benchmarks and targets against which to monitor progress. In each case, there should be a clear indication of who is monitoring, what is being monitored and for what purpose. Right to food monitoring is a government responsibility

but it can be done in partnership with civil society. Ideally, it should be fully integrated in other monitoring activities, such as poverty monitoring and programme monitoring. Monitoring by civil society organizations and academia may be undertaken as part of holding governments accountable, and to obtain independent information. For example, the so-called shadow reports prepared by non-governmental organizations and presented to the UN Committee on Economic, Social, and Cultural Rights, together with the government's report, serve such a purpose. The Committee, having ratified the International Covenant on Economic, Social and Cultural Rights, oversees States Parties' compliance with their ESCR obligations. There are many institutional and professional barriers for academia in undertaking the interdisciplinary work needed to contribute to the right to food field.

In right to food assessment and monitoring, qualitative approaches offer important insights that are not available from statistics, and should thus complement quantitative approaches.

Tailor-made Strategies to Fit Context

Participants emphasized that strategies for realising the right to food must be tailored to specific national circumstances and opportunities. For example, a legal strategy may make sense in a particular context, whereas a focus on political and social advocacy may offer a more viable approach elsewhere. Budget analysis and citizen audits are important tools in efforts to hold governments accountable for the implementation of the right to food. Here again, adequate capacity and resources are required. The realization of the right to food involves economic aspects through the combination of an enabling environment that: (i) expands people's livelihood opportunities, (ii) includes laws and policies that ensure vulnerable people's access to resources, and (iii) offers programmes that boost agricultural productivity and targeted safety nets.

There is a political aspect as well that encompasses democracy, equality, dignity and citizenship. Participants stressed the fact that strategies cannot focus on the national or local level alone, although they recognized that those are the crucial arenas for the right to food. However, global trade rules impinge on farmers' rights to save and re-use seeds and on national agricultural strategies. Many developing countries still have high levels of external debt. Unregulated transnational corporate activities may undermine the right to food. These issues are all directly related to the demand for food sovereignty advocated by many civil society organizations and some governments. Participants also emphasized that international institutions have obligations vis-à-vis the right to food. While the activities contributing to climate change are concentrated in the developed countries, the negative consequences for food security and the right to food are mainly felt in the developing world. 'Do no harm' is the key policy principle at both national and global level.

Policy Coordination

Policy coordination represents a substantial challenge, in light of the multisectoral nature of the right to food, and of food and nutrition security. Implementation of the right to food requires work across sectors, across various levels of government from the national to the local, and across lines of government, the private sector and civil society. A coordinating body within the national government can be helpful, but a broad sense of ownership on the part of all stakeholders in realising the right to food is likewise important. Harmonized efforts by the UN and donor



agencies, in keeping with the One UN approach and the *Paris Declaration on Aid Effectiveness*, can play a crucially supportive role. A key aspect of coordination is the need to avoid duplication, to capture synergies and move beyond traditional sector-focused priorities and approaches.

The Way Forward

During the final plenary session, the Forum addressed the question of the way forward. Participants pointed out that there have been a number of right to food success stories in recent years, even though at a global level the number of hungry people has increased since the World Food Summit in 1996, reaching 923 million in 2009. The successes achieved offer opportunities for cross-country learning that can lead to sustainable progress. A right to food approach to food security can provide important support to efforts geared towards achieving the first Millennium Development Goal on cutting poverty and hunger. Governance issues, including the right to food and human rights principles more generally, must be considered in addressing the global food crisis. This also means taking into consideration the rights of smallholder farmers and other rural poor people. A focus on increased food production and safety net programmes is necessary but not sufficient. More attention should be paid to the right to food in emergencies and the fact that newly emerging issues, such as soaring food prices, bio-fuels, genetically modified organisms, speculative activities, seed patents and climate change, will all impinge on efforts to realize the right to food. These factors aggravate structural problems such as concentrated ownership of land, evictions, marginalization and exclusion, and urbanisation into slums. Poverty continues to co-exist alongside economic growth. United Nations bodies such as FAO play a crucial role in raising awareness with regard to alternatives but there needs to be greater collaboration across the UN system.

Key Actors – the Role of FAO

Participants identified the key actors engaged in advancing the realization of the right to food, as follows: individuals, non-governmental organizations, the Committee on Economic, Social and Cultural Rights, FAO, national human rights institutions, and this Forum. It was suggested, however, that there be a broader network for advocacy and communications on the right to food, and that communications be put into clear language that is accessible to policy makers and other non-specialists. It was recognized that whereas international strategies are important, states have the primary responsibility for realising the right to food within their territories. This task requires capacity, resources, government action and empowerment of the food insecure and vulnerable. Judicial and quasi-judicial bodies can play an extremely important role here. Greater attention needs to be given to the impact of sector policies on the right to food. Many participants underlined the important role played by FAO in supporting Member States' efforts to realize the right to food – particularly in recent years – in areas such as the drafting of legislation and the assessment, through a right to food lens, of existing national policies. It was pointed out that FAO can help sensitize governments to the opportunity offered by the right to food approach as a means to accelerate progress on food security. There are both technical and moral aspects to this. Participants encouraged FAO to make right to food one of the Organization's strategic goals, in conjunction with the reform process, and urged donors to provide adequate funding to FAO to enable it to continue its right to food activities. It was suggested that the Spanish Government's Millennium Development Goal Action Fund might be helpful in this regard.

Two concluding points: First, in addressing country-level issues, it is important not to engage in a 'one size fits all' approach: it is necessary to adapt right to food tools as required, to fit the specific country context. Second, those of us who have worked in FAO for a long time – as staff, representatives or advocates – will have noticed that we have come a long way since the mid-1990s, when the right to food was little known beyond the concerns of a few technical experts. As Barbara Ekwall, head of the Right to Food Unit, pointed out in her remarks on the first day of the Forum, *"The right to food is here to stay"*.



© FAO/ Pietro Bartoleschi

***“The Right to Food
is here to stay”***

The DVD "3 Days of Sharing" contains a short feature with the highlights of the Right to Food Forum held at FAO from 1 to 3 October 2008, as well as extracts from interviews conducted with experts and practitioners. It thus allows a wide range of interested persons to take part in the debate and the exchange of experiences. You will find this audio visual report, as well as background documents of the Forum at www.fao.org/righttofood

The publication *Right to Food – Making it Happen* brings together the practical experiences and lessons learned during the years 2006 to 2009 with the implementation of the right to food at country level, based on the Right to Food Guidelines. It offers a wealth of information on work done in Brazil, Guatemala, India, Mozambique and Uganda, and also reflects the main issues raised and conclusions reached during the three days of sharing at the Right to Food Forum in 2008.

The Food and Agriculture Organization of the United Nations (FAO) would like to thank the Governments of Germany, Norway, Spain and the Netherlands for the financial support which made possible the development of this publication.



ISBN 978-92-5-106890-8



9 789251 068908

I2250E/2/11.12