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para la
Agricultura
y la
Alimentación

REPORT

INTERGOVERNMENTAL WORKING GROUP FOR THE ELABORATION OF A SET OF VOLUNTARY GUIDELINES TO SUPPORT THE PROGRESSIVE REALIZATION OF THE RIGHT TO ADEQUATE FOOD IN THE CONTEXT OF NATIONAL FOOD SECURITY

Second Session

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Summary Report of Issues Raised during the Second Session of the IGWG

Prepared by the FAO Secretariat

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As requested by the IGWG, the FAO Secretariat prepared a summary compilation of issues raised during the second session of the IGWG. No attempt has been made to identify convergences or divergences, or the extent to which an issue was shared by a majority or minority of Members and Observers.

The issues are not presented in chronological order. The first part deals with cross-cutting and general issues. The latter part of the document follows the order of the Bureau Draft of the Voluntary Guidelines. Under each heading, similar views have been grouped together and it has been attempted to begin with more general issues and then to list specific points made. The order in which statements are listed under the different titles is not an indication of the extent of agreement regarding any issue. Issues on which very divergent views were expressed are covered in more detail.

The FAO Secretariat was tasked with preparing a summary of the debate. Therefore, although an attempt has been made to cover as many different points of view as possible, not all the details of each statement could be reflected in this document. A list of the abbreviations used throughout the text can be found at the end of the document.

I. OVERALL APPROACH

- VG should adopt a rights-based approach (*Afghanistan, Norway, Philippines, Special Rapporteur on the Right to Food, CESCR, FIAN*). This approach requires the establishment of legal mechanisms at the national level (*CESCR*).
- It is important to reaffirm the right to food as a human right (*Mexico/GRULAC, Chile, OHCHR*). The right to food is an emerging right (*Japan*).
- VG should reaffirm the universality, indivisibility and inter-relatedness of all human rights (*Chile/GRULAC*). VG should reflect, and be consistent with, relevant provisions of Human Rights Law (*Italy/EU and acceding countries, Norway, Senegal, CESCR, OHCHR, FIAN*).
- The tendency to systematically avoid the term ‘right to food’ throughout the text and to replace it by other more general terms such as ‘food related rights’ needs to be revised. Instead reference should be made to the ‘right to adequate food’. The same considerations apply for the replacement of the expression ‘for progressive realization of the right to adequate food’ with ‘for the purpose of these Guidelines’ (*Switzerland*). ‘Food related rights’ should be retained (*Japan*).
- The principle of non-discrimination should be clearly affirmed and applied to all VG in a way that reflects international legal standards. Relative language in Guideline 7, 9 and 12 should therefore be strengthened (*Norway, Mexico, USA, Special Rapporteur on the Right to Food, CESCR, OHCHR, FIAN*). Non-discrimination should also be added in Guideline 1 (*ABRANDH*). All grounds of discrimination should be mentioned, as indicated in art. 2 of ICESCR (*Canada*).

- VG should be strengthened. They currently undermine international obligations instead of strengthening them (*Jamaica/CARICOM States*). They should not fall behind existing standards, such as General Comment No. 12 (*Venezuela*) or the World Food Summit Plan of Action (*Switzerland*). Provisions that currently undermine or limit existing human rights and humanitarian law obligations should be revised (*OHCHR, FIAN*). VG should not state that States have human rights obligations beyond their jurisdictions (*EU and acceding countries*).
- VG should include best practices (*Italy/EU and acceding countries*), be a practical tool to achieve the right to food (*Chile/GRULAC*) and operationalize the right (*Zimbabwe*)
- VG should focus on practical steps to achieve national food security (*USA*).
- The voluntary nature of the Guidelines should be stressed: there are no legal obligations deriving from them (*Italy/EU and acceding countries, Mexico/GRULAC, Japan, Senegal, USA, CESCR*). However, it needs to be recognised that the VG cannot make voluntary what is already obligatory (*Norway, Senegal, OHCHR, FIAN*).
- The right to food should be institutionalized, but it should be interpreted according to levels of development and the needs of each country. Thus, the VG should be flexible, identify as many models as possible to choose from, and be practical. Implementation of the right to food is influenced by the stage of development of a country (*Philippines/Asia, India*).
- Reference should be made to General Comment No.12 as it is the most appropriate and complete interpretation of the right to food (*Chile/GRULAC, Mexico, Norway, Special Rapporteur on the Right to Food*).
- General Comment No. 12 should only be referred to in a general way and should not be cited as an authoritative interpretation, as it is only one of many interpretations (*Canada*). There is no need to refer to General Comment No. 12 (*USA*).
- No legal views and interpretations should be included in the VG as there is no agreement on these issues (*USA*).
- A distinction should be made between obligations of States Parties to the ICESCR (147 out of 192 States) and others in order to avoid a meaningless outcome (*Jamaica, CESCR*).

Note: All issues raised in relation to the international dimension of the VG have been summarised under “Part V: International Framework”.

II. LANGUAGE

- VG language needs to be strengthened by using ‘should’ (*Egypt/Near East, Cuba, Jamaica, Norway, Philippines, Special Rapporteur on the Right to Food*). There is danger of watering down existing international obligations by using weak language such

as ‘may wish’ in key paragraphs (*CESCR, ABRANDH, FIAN*). It would be advisable to use standard language throughout the document (*Afghanistan*).

- ‘May’, ‘should’, ‘shall’ have been chosen according to context. The choice of auxiliary verbs must be decided in the context of each Guideline. Sometimes it may be appropriate to use ‘should’ while, in other instances, ‘may wish’ may be more appropriate. VG language could be strengthened especially with regard to: democracy, good governance, non-discrimination (*USA*).
- Language from ICESCR should be incorporated, and language taken from other instruments should be quoted in its entirety (*Canada*).

III. STRUCTURE

- The Draft provides a good basis and the structure is generally good (*Philippines/Asia, USA*).
- VG should have an Introduction/Part One on common theoretical framework and definitions (*Philippines/Asia*)
- VG should have an Introduction that covers: basic instruments, definition of the right to food, objectives of the VG and explains a human rights approach (*Norway*).
- VG should have a section on General Principles (*OHCHR*).
- There were three proposals for restructuring the document. All three included the addition of an Annex giving detailed examples and steps to be taken.

1. Norway’s proposal

- a) Introduction
- b) Enabling Environment (this should not be a guideline as the issues addressed are comprehensive ones, e.g. good governance)
- c) Operational VG (list provided is not intended to be exhaustive)
- d) International Dimension
- e) Annex (including references and in-depth descriptions which would not fit the VG as such)

2. Switzerland’s proposal

- a) Introduction
- b) Enabling Environment (containing 5 specific guidelines)
- c) Resources and Assets (containing 6 specific guidelines)
- d) Health and Education (containing 4 specific guidelines)
- e) Assistance (containing 4 specific guidelines)
- f) Accountability and the Rule of Law (containing 4 specific guidelines)
- g) Annex (containing roles of stakeholders as examples of best practices)

3. ABRHAND’s proposal

- a) Principles

- b) VG
- c) Annex (practical policy proposals).

IV. ADDRESSES

- The document gives the impression of being addressed to developing countries only (obligations and commitments). It should be addressed to all countries since the problems it tackles call for shared responsibility (*Brazil/GRULAC, Japan, Norway, Philippines, ABRANDH*).
- The difference between what can be expected from States Parties to ICESCR and from others could be more clearly indicated, in this way facilitating the drafting process (*OHCHR, FIAN*).
- States have the main responsibility for the realization of the right to food, but they are not the only player (*Mexico*).
- Multi-stakeholder approach: VG should follow the WFS Plan of Action and other declarations referring to the important role and responsibility of stakeholders and should thus reflect such undertakings (*Italy/EU and acceding countries, South Africa, Switzerland, Zimbabwe, Special Rapporteur on the Right to Food, ABRHAND, ESCR Asia*).
- A guideline should be dedicated to a multi-stakeholder approach (*Switzerland*).
- Whether or not to adopt a multi-stakeholder approach depends on how such an approach is worded. It is dangerous to state it in a general way that would make it applicable to all fields. The position and situation of different countries needs to be taken into account (*USA*).
- VG should address the role of non-State actors (e.g. the responsibility of corporations – See Draft norms prepared by the UN Sub-Commission on Human Rights¹) (*OHCHR, ABRANDH, CESCR*).
- Although non-State actors play an important role, VG should not state or imply that they have obligations under international human rights instruments (*Italy/EU and acceding countries*). Addressing the responsibility of corporations is difficult; corporations/private actors are not subjects of international law, they can commit criminal acts under domestic law but not violate international law. Therefore, VG should not address them (*USA*).

¹ See COMMISSION ON HUMAN RIGHTS, *Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights*, UN doc. E/CN.4/Sub.2/2003/12/Rev.2, 26 August 2003.

V. SCOPE

General Issues

- VG should focus on providing specific operational indications to guide States in adopting specific initiatives with a view to accelerating the achievement of food security and realization of the right to food (*Italy/EU and acceding countries, Norway*).
- All levels of States' obligations should be covered (respect, protect and fulfil). The need for immediate action must also be stressed (*Mexico, South Africa, FIAN*) and VG could deal with both immediate and progressive action (*FIAN*).
- VG should pay particular attention to the different economic situations of countries and therefore be relatively 'flexible', without undermining the objectives (*Italy/EU and acceding countries*).
- VG should set out measures for reducing poverty and hunger (*Italy/EU and acceding countries, Afghanistan,*) and should be pro-poor (*ESCR Asia*).
- VG should empower the poor and vulnerable and should mainstream gender (*Mexico, ESCR Asia*). VG should be comprehensive, following NEPAD model (*South Africa*).
- Clothing, housing and health care should be included in the scope as they are closely related to food (*Philippines/Asia*).
- VG should emphasize democracy, good governance and the rule of law (*Italy/EU and acceding countries, Norway*).
- VG should identify main causes of hunger (*Zimbabwe/Africa, Cuba, Special Rapporteur on the Right to Food, ESCR Asia, FIAN, Ius Primi Viri*).
- Legal remedies are essential (*Jamaica, Norway, South Africa, Special Rapporteur on the Right to Food, CDESCR, FIAN, OHCHR*). It is important to indicate clearly that individuals should have non-discriminatory access to judicial and non-judicial remedies (*Italy/EU and acceding countries*).
- Whether the right to food is justiciable or not is a domestic matter. In some areas food may not be dealt with through a rights based approach - there are many different ways to deal with it. The right to food may be justiciable for some countries and not for others (*Canada, USA*).
- It is not a question of whether or not the right to food is justiciable, but rather whether or not VG should recommend that judicial remedies be provided. The modalities to make the right to food justiciable vary from one country to another, but remedies and justiciable mechanisms are at the core of a rights-based approach (*CDESCR*).

- There is need for flexibility to cover the diverse legal approaches, especially with regard to justiciability (*Italy/EU and acceding countries*).
- In some countries justiciability can be dealt with through adequate justiciable social security provisions (*OHCHR*).

Armed Conflict

- VG should address conflicts and natural/man-made disasters. VG should recognise obligations under International Humanitarian Law (*Egypt/Near East, Switzerland, Syria, CESCR, FIAN, ICRC, OHCHR*), by way of a savings clause as in the original Secretariat Draft (*CESCR, OHCHR*), and/or a specific Guideline (*Syria*).
- A section on armed conflict and International Humanitarian Law would be difficult and risky. International humanitarian law is too complex to be dealt with in detail. It is sufficient to capture the main idea in the Preface (*USA*). Although obligations regarding right to food also exist in armed conflict, VG should not address them at length (*Canada*).

VI. ISSUES RAISED WITH RESPECT TO SPECIFIC PARTS OF THE DRAFT AND GUIDELINES

Preface

- In the last paragraph, third line, the word 'implementation' (which implies legal duties and is therefore too strong) should be changed to 'utilization' (*Japan*).
- Language on conflicts should be changed. Third paragraph, fourth line, should say: "*These Voluntary Guidelines address armed conflicts, situations of occupation and the application of International Humanitarian Law. It should be borne in mind that all parties to an armed conflict, including situations of occupation,, have important obligations related to this subject matter under that body of law*" (*Switzerland*).
- The Preface should reflect a 'multi-stakeholder approach' (*Switzerland*).

Part I Introduction

- Reference to human rights instruments is welcomed (*Italy/EU and acceding countries*).
- The Introduction should reflect a rights-based approach that cuts across the whole document (*FIAN*).

- Mention should be made of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) (*Uganda, Special Rapporteur on the Right to Food*).
- A definition of the obligation to 'provide' should be inserted in paragraph 2 as part of the duty to fulfil the right to food (*Special Rapporteur on the Right to Food*).
- The Introduction should include the objectives of the VG (*Switzerland*).
- It should be mentioned that the VG take into account commitments undertaken by States during major international conferences (*Switzerland, Venezuela*).
- The Introduction should include the relevant provisions of International Humanitarian Law, in particular the Geneva Conventions and their Additional Protocols (*Switzerland*).
- 'It should be emphasized that the main responsibility for the realization of the right to adequate food lies with each national government' could be added after para 4 (*Japan*).
- Discussions over paragraphs 2 and 3 should not be opened again as they were extensively discussed by the Bureau (*USA*).

Part II: Enabling Environment

Guideline 1: Democracy and Individual Freedoms

- The heading should be changed to 'Democracy and Human Rights'. A paragraph could be added, recognizing that States have an obligation to ensure the right to food on the grounds of it being a human right. It could read: 'States recognize that the right to adequate food is a human right and have, therefore, the responsibility to put in place the necessary conditions for its progressive realization'. It is important to stress the need to ensure equal access to resources, particularly for women's right to: possess, inherit, access credit, access technologies, receive adequate remuneration (*Mexico*).
- The right to development should be recognised in Guideline 1, and democracy should be moved to Guideline 8 (*Iran*).
- Good governance should be strengthened in the text and mentioned in the title (*Italy-EU and acceding countries*).
- The connection between civil and political rights and the right to food should be mentioned. A paragraph could be added on democratic institutions, participation, governance, freedom of opinion and expression, freedom of elections, and accountability. The clear linkage between the objective of VG and these issues should be highlighted (*USA*).

- Paragraph 1.2 should stress that the link is not only with civil and political rights but also with economic and social rights. All rights are interdependent. Non-discrimination, justiciability and recourse procedures should be mentioned (*ABRANDH*).
- In paragraph 1.3, the section after ‘good governance’ is superfluous and should therefore be removed. The inclusion of an Annex containing definitions may help (*Cameroon*).
- The Guideline focuses too much on States. Other actors need to be considered (*Senegal*).

Guideline 2: Economic Development Policies

- The poor need to be included in the process of decision making and benefit sharing . They should not be excluded from economic processes (*Brazil*).
- It would be advisable to have a general chapeau and to use bullet points. There is a need to avoid redundant parts and to align the text more closely with the voluntary nature of the Guidelines (*Italy/EU and acceding countries*)
- It is important to refer to a holistic and comprehensive approach to hunger and poverty alleviation rather than a twin-track approach (*Italy/EU and acceding countries, Switzerland*).
- The title should be changed to ‘Sustainable Economic Development Policies’ to make the text more in line with WSSD goals (*Switzerland, FIAN*). Sustainable development is different from economic development (*USA*).
- In this Guideline, ‘should’ could be used throughout (*FIAN*). Paras. 2.1 and 2.2 are descriptions and should not include “should” (*Norway. USA disagrees*). The use of certain verbs in 2.4, 2.5, and 2.6 was decided purposefully. The same word may not be appropriate in all cases. In 2.5, the use of ‘may wish’ is preferable (*USA*).

Guideline 3: Strategies

- Strategies are developed after policies have been formulated. The title could be changed to: 'Approaches' (*Norway*).
- 3.1 needs strengthening with regard to a human rights based approach. It would be appropriate to use ‘should’ instead of ‘may wish’ (*Mexico*).
- In 3.2 strategy should include standards and indicators, rather than benchmarks. The Guideline should also include assessment of causes and the identification of particularly vulnerable groups. (*ESCR Asia*). Vulnerable groups should include: women, babies, indigenous peoples, migrants and disabled people (*Mexico*).
- 3.2 and 3.3 describe methodology rather than providing guidance and are not clear (*Cameroon*).

- 3.4 needs more detail (*Iran*). Strategies should be specific (*Bangladesh*).
- In 3.5, second sentence, ‘could’ should be replaced with 'should' (*ESCR Asia*).
- 3.6 is a repetition of 2.7 (*Italy/EU and acceding countries*). It would be preferable to use ‘should’ (*ABRANDH*).
- In 3.10 it could be pointed out that States implement national strategies to foster the right to food and to strengthen international cooperation. Rural development should be mentioned (*Mexico*).
- The Guideline should emphasize the need for national development strategies. There is no need for a right-to-food strategy. It could be integrated into international development and poverty reduction strategies. States should incorporate a human rights perspective in their strategies (*Italy-EU and acceding countries*). Specific right-to-food strategy is necessary in coordination with a strategy on poverty eradication (*ABRANDH*).
- Production should be expanded and access to credit, markets etc. should be developed as part of a poverty reduction strategy (*Iran*).

Guideline 4: Market Systems

- Guideline 2 should be merged with Guideline 4. Guideline 4 should be guided by the Declarations of Johannesburg, Doha and the Monterrey Consensus (*Switzerland, FIAN*).
- States should complement markets by adequate social systems. The Guideline should recognise the negative effects of markets (*Switzerland*).
- In 4.1, after ‘in accordance with their national laws and priorities’, add: ‘as well as their international commitments’ (*Philippines*).
- 4.3 should take into account that controlling private companies’ activities is already a duty under the obligation to ‘protect’ the right to food (*FIAN*).
- Paragraph 4.4 needs to be drafted in accordance with the voluntary nature of the Guidelines (*Italy/EU and acceding countries*).
- Paragraph 4.6 should be deleted to avoid opening discussions on controversial trade issues (*Japan*). It is advisable therefore, to stick to Doha Declaration language (*Philippines*). The phrase ‘in accordance with the WTO Agreement’ should be replaced with ‘in accordance with the Doha Declaration’. 4.6 and 4.7 should not deal with issues discussed in other forums. (*Italy/EU and acceding countries*).
- In 4.8, reference should be made to ‘storage techniques’. Communications and transport should be added (*Senegal*).

- 4.9 should be revised or removed (*Cameroon, FIAN*). In order to balance it with paragraph 4.8, ‘especially in developed countries’ could be added (*Philippines*).
- The international dimension should be part of Guideline 4. It should also be included in other VG where appropriate, or in a separate section (*Egypt*).
- Regional markets should be taken into account. Attention also needs to be paid to export subsidies and other market distorting policies. A ‘Development Box’ should be established to help developing countries access markets in the world trade system. The importance of fair trade should be stressed (*Uganda*).

Guideline 5: Institutions

- It should include the question of developing small local/regional institutions and decentralization of resources (*Chile, Mexico*).
- Multi-stakeholder approach should appear in a new Guideline after Guideline 5 (*Switzerland*).
- In 5.1. the purpose of the VG should be made clear. It does not suffice to refer generally to the ‘purpose of these guidelines’ (*Switzerland*).
- 5.2 seems to be directed only to government ministries. If that is so, then 5.1 should be modified accordingly (*South Africa*). 5.2 should include the development of local level planning systems (*Bangladesh*). It is also important to emphasize the role of trade, productivity, access to market subsidies and international cooperation (*Chile, Syria*).
- Reference should be made to the capacity-building of civil society and private sector officers (*ABRANDH*).
- The paragraph should be re-arranged to state first, the general objective of the guideline, followed by clear specific measures and suggestions (use of bullet points) (*Italy/EU and acceding countries*).
- The gender dimension should be strengthened in the Guideline. Mention should also be made of agriculture-related Conventions and Protocols (*Canada*).

Guideline 6: Legal Framework

- Guideline 6 is inadequate, and not in line with General Comments. It should be renamed: ‘Legal Framework and Remedies’. It should urge States to include the right to food in domestic frameworks as a justiciable right. It should contemplate immediate, medium and long-term action (*South Africa*).
- 6.1 should mention the establishment of a legal framework as part of the strategy. Justiciability of the right to food is an essential component of a right to food approach.

Language should be more affirmative. It is important to stress the need for recourse remedies (*ESCR Asia*).

- Flexibility is required to accommodate diverse legal approaches, especially with regard to justiciability. 6.1 poses difficulties for the EU at this stage (*Ireland/EU and acceding countries, USA*).
- The July version was clearer. In 6.1 the expression ‘or other approaches’ is both unclear and unnecessary (*Special Rapporteur on the Right to Food*).
- 6.3 should be under Education and Awareness Raising and should be rephrased. It should not be limited to states where the right to food is justiciable. It is important to strengthen monitoring structures. There should be a section on definitions (*South Africa*).
- What is meant by ‘food related rights’ in 6.3? It is necessary to maintain agreed language and to the term ‘right to adequate food’ (*Switzerland*). ‘Food related rights’ refers to the fact that there are differences between various countries. Some may have food as part of another right (*Japan, USA*).
- A suggestion to have one central law on food to facilitate follow-up should be included (*Uganda*).

Guideline 7: Access to Natural Resources and Assets

- The title could be changed to: ‘Agricultural and Rural Development’, leaving access to resources and assets as part of the Guideline. Issues such as raising production and addressing rural development should be included (*Iran*).
- The title could be changed to: ‘Bonne gouvernance des ressources et moyens de production’ (*Senegal*).
- Gender should be mainstreamed throughout the document (*Switzerland*).
- The Guideline should emphasize sustainable use of genetic resources (*Switzerland*).
- International instruments should be referred to throughout the text (*Canada*).
- The Guideline should also address occupied land and water resources (*Syria*).
- Access to credit (*Cameroon*) and to information (*China*) should be added.
- Throughout Guideline 7, the word ‘development’ would be more appropriate than the word ‘growth’ (*Mexico*).
- More attention should be paid to the urban poor and their livelihood opportunities (*FAO*).

- Human rights are individual, therefore reference in 7.1 to rights of groups is not appropriate (*Italy/EU and acceding countries*).
- It is important to bear in mind the significant developments taking place at the UN level with regard to the rights of indigenous communities (*OHCHR*).
- In 7.1, the first sentence is too vague (*Mexico*).
- 7.2 deals with vulnerable groups in general, no specific group should therefore be mentioned (*Italy/EU and acceding countries*). Problems of vulnerable groups need to be mentioned (*FIAN*). In 7.2 the expression ‘States may wish’ is inappropriate as legislation already exists indicating that caring for vulnerable groups is an international obligation (*Mexico*).
- 7.2 should emphasize: the rule of law, remedies and good governance with particular regard to land reform (*Switzerland*).
- In 7.2, attention should also be paid to rural and urban migration (*China*).
- In 7.a, ‘la garantie de salaire minimum digne’ should be added (*Senegal*).
- In 7.5, sustainable growth is not the only way of ensuring employment and remuneration for an adequate standard of living – other approaches such as minimum wage legislation and social safety nets could also be mentioned (*Special Rapporteur on the Right to Food*).
- 7b and 7c need to emphasize access to land for women (*Conseil International des Femmes*).
- In 7.6, access to land is critical for food, but this does not apply to all countries. Land reform should not be a means or excuse for violating human rights (need for legal safeguards) (*Italy/EU and acceding countries*). The Guideline should be more specific on land policies. Policies concerning communal land and participation by communities in such policy formulation, should be addressed. The expression ‘as appropriate’ should be deleted; ‘considering establishing legal and other mechanisms...’ is not an option. (*FIAN*).
- In 7b, women should also be given land property rights and the right to inherit. In this regard there is a need to revise existing legislation which may be discriminatory (*Mexico*).
- In 7.7, the central role of water should be pointed out (*Italy/EU and acceding countries*). The right to water should be mentioned (*FIAN*) and in this regard reference could be made to General comment No.15 (*Special Rapporteur on the Right to Food*).
- 7.8 should refer to the need to ensure or improve access to genetic resources, and protection of traditional knowledge (*FIAN*). The Biodiversity Convention should be mentioned (*Iran, Mexico*).

Guideline 8: Food Safety and Consumer Protection

- In 8.1, indicating that food should only be ‘safe and consistent with national regulatory capacity’ is too weak. Safety and cultural acceptability should also be mentioned. Also, the Guideline is too long and should be shortened for the sake of balance in the document. It could be rearranged as follows: first the general objectives and content of the Guideline, then specific measures and suggestions in a clearer manner (bullet points) – need for streamlining the VG (*Italy/EU and acceding countries*).
- Paragraphs 8.1, 8.2, 8.3, and the first part of 8.6 should be retained (*Italy/EU and acceding countries, Switzerland*).
- The right to food and a rights-based approach should be emphasised (*Switzerland*).
- Food safety and consumer protection should not be merged. Consumer protection goes beyond food safety. Food safety should be treated separately (*Norway, SUO Benin*).
- In 8.5 it should be affirmed that States must establish supervisory mechanisms (*SUO Benin*).
- In 8.7, the expression ‘to provide recourse for any harm’ should be clarified (*Norway*).
- In 8.7, reference should be made to the need to strengthen the capacity of civil society /NGOs (*SUO Benin*).
- VG 8, 9, and 10 should be shortened (*Switzerland*).
- Chemical pesticides should only be used in cases where other control measures fail. The use of any pesticide harmful to the natural environment should be discouraged and even banned. Provisions against pesticides and in favour of national approval processes should be included (*Bangladesh*). The unnecessary use of pesticides should be restricted, sanitary measures at borders should be strengthened and bio agriculture should be promoted (*Senegal*).

Guideline 9: Nutrition

- The paragraphs should be rearranged as follows: first, general objectives and content of the Guidelines, then specific measures. The use of bullet points could help. The central points are: 9.1, 9.5, 9.6, 9.7, 9.8 (*Italy/EU and acceding countries*).
- Language needs to be strengthened in all paragraphs. It is important to include breastfeeding (*Norway*).
- It is important to take into account WHO and UNICEF documents, as well as the outcome of the International Conference on Nutrition (*ABRANDH*).

- ‘Encourage States to set up disease prevention and nutrition programmes’ could be added (*South Africa*).
- Certain parts of the Guideline and references could be moved to an Annex (*Norway*)
- In 9.3, the establishment of community nutritional centres for women, the cure of micronutrient deficiency for children, and the monitoring of breastfeeding and birth spacing could be added (*Senegal*).
- In 9.3, after the sentence ending with ‘combating micronutrient deficiencies’, ‘and changes in feeding habits of beneficiary organisations’ could be added (*Chile*).
- 9.7 needs to be rewritten as it is not in conformity with international standards (e.g. States ‘may wish’ to eliminate discrimination should be changed to ‘should’) (*ABRANDH, Special Rapporteur on the Right to Food*).
- At the end of 9.8, ‘that are not discriminatory or harmful’ could be added (*South Africa*).
- Two new paragraphs could be included: one on monitoring the nutritional status of women and children, and another on promoting adequate healthcare (prenatal care, child care and care of the elderly) (*ABRANDH*).
- A paragraph (9.9) could be added indicating that States should have food and nutrition information systems (*Mexico*).

Guideline 10: Education and Awareness Raising

- The title could be changed to, ‘Information, Education and Communication’ (*Norway*).
- The wording should be more ‘right to food’-specific (*Norway, CESCR*).
- General Comment No. 13 on the right to education should be taken into account (*CESCR*).
- An Introduction is required to cover the right to nutrition (*South Africa*).
- It is necessary to mention that school education should be free (people need to understand their rights before they can exercise them) (*SUO Benin*). It is important to emphasize the link between basic education and productivity issues. The quality and safety of food is linked to the preparation / production of food, and this can be improved through education (importance of basic education in rural areas) (*Mexico*). Food and nutrition issues should be part of primary and secondary education (*Uganda*).
- Intra-household food distribution is missing. Sensitization of gender is important (*Bangladesh*).

- The importance of conservation and sustainable use of resources should be highlighted (*Mexico*).
- The words ‘promote establishment of school canteens in disadvantaged areas and where there are refugees’ should be added (*Senegal, WFP*).
- 10.2 should aim at strengthening education especially for vulnerable groups. Gender issues should permeate the whole document, and not be singled out (*Bangladesh, South Africa*).
- In 10.3, the strengthening of fisheries and related disciplines should also be emphasised (*Norway*).
- In 10.5, language on human rights education should be strengthened; language could be taken from previous resolution from the Commission on Human Rights (*Canada*). Right-to-food education should be mentioned explicitly to avoid civil and political rights bias (*Special Rapporteur on the Right to Food*).
- In 10.6, training for lawyers and judges should also be mentioned (*Special Rapporteur on the Right to Food*).

Guideline 11: National Financial Resources

- The title should be changed to: ‘Mobilization of Financial Resources’ to match the content of the Guideline more accurately (*Cameroon*).
- Under NEPAD there is a commitment to mobilise 10% of the budget for agricultural development. This should be referred to explicitly as a regional commitment (*Cameroon*).
- ICESCR obliges States to use ‘the maximum available resources’. Thus, reference should be made to ‘resources available’ rather than to percentages (*SUO Benin*).
- Reference should be made to the role of remittances from migrant workers in overcoming rural poverty. States should promote capitalization and better utilization of remittances (*Mexico*).
- Reference to the 1995 Summit on Social Development in 11.1, should be modified to reflect recent developments such as Millennium Development Goals and international conferences such as the 2002 Conference on Finance in Development (Monterrey), the 2002 World Summit on Sustainable Development (Johannesburg), and the Maputo Declaration of African Union (*Italy-EU and acceding countries, Norway, Switzerland*).
- The role of international resources and international partners in providing resources should also be mentioned. International Financial Institutions should support States efforts (*Venezuela*).

- Finances should be seen as part of development plans and put in the ‘Enabling Environment’ Guideline. But finances should also be part of ‘resources for action’ (*Norway, Switzerland*).
- It should be stressed that resources should be allocated for research in the agricultural sector (*Bangladesh*).
- In 11.5, ‘both local and community’, as well as ‘public and private’, should be added. It is also important to focus attention on community resources mobilization (*South Africa*).

Part III: Assistance

Guideline 12: Targeting Vulnerable Groups

- The title of Part III (‘Assistance’) should be changed in order to reflect the obligation to fulfil – people’s basic needs should be seen as a matter of rights, not of benevolence (*South Africa, Special Rapporteur on the Right to Food*).
- The word ‘targeting’ is inappropriate in a human rights context; ‘prioritising’ would be better (*FIAN*).
- Priorities should be linked to practical means of action (*Norway, FIAN*).
- The Guideline should be strengthened (*Norway, South Africa*) by including text from the draft Voluntary Guidelines prepared by the Secretariat (*Venezuela*).
- HIV/AIDS should be addressed (*Uganda*).
- A Guideline on vulnerable groups should be placed after Guideline 3 (Strategies) to ensure that the point of departure in State national strategies is to identify vulnerable groups (*FIAN*). It is important to define appropriate criteria for identifying vulnerable groups in different countries (*Iran*).
- The international community needs to support and build the capacity of developing countries to establish, operationalize and maintain Food Insecurity and Vulnerability Information Mapping Systems (FIVIMS) (*Uganda*).
- In 12.1, language should be strengthened by replacing ‘may wish’ with ‘should’ (identification of vulnerable groups is not optional) (*FIAN*).
- In 12.2, assistance seems to be optional; it should be obligatory to ensure freedom from hunger as minimum content of the right to food (*FIAN*).
- 12.2 creates the impression that discrimination could be tolerated; the text should be reworded to correct this. Also, ‘making sure that those not in need are not included’ could

be used to support discrimination, as people currently not in need may have needs in the future (*Venezuela*).

- The importance of implementation measures should be stressed (*Venezuela*).

Guideline 13: Safety Nets

- The guidelines should consider a broad range of safety-nets without placing undue emphasis on food based safety-nets. Where food based safety-nets are mentioned, the guidelines should emphasise the importance of local procurement (*Italy/EU and acceding countries*).
- It is important to evaluate policies for food assistance. Nutritional needs should not be subordinate to commercial interests (*Venezuela*).
- Reference should be made to food chains and international organisations such as FAO and IFAD (*Venezuela*).
- Food aid is unsustainable in the long run (it can turn into dependency). Also the Guideline should require a commitment from food aid donors to ensure the quality and safety of the food they donate (*Uganda*).
- As safety nets are important for people unable to feed themselves, 13.1 and 13.3 should use 'maximum available resources' from art. 2 of ICESCR instead of 'to the extent that resources permit' (*FIAN*).
- 13.2 should include a system that continuously monitors food insecurity and vulnerability (*South Africa*).
- In 13.2 and 13.3, 'are encouraged' should be replaced with 'should' (*FIAN*).
- 13.3 needs redrafting to reflect that policies with negative effects have limited temporal duration (*Venezuela*).
- In 13.5, 'government' should be replaced with 'state' (*Japan*).
- In 13.5, access to clean water and sanitation should be mentioned as an integral part of the right to food, (*FIAN*).

Guideline 14: International Food Aid

- Guideline 14 should be moved to Part V (*Switzerland, FIAN*).

- The Guideline should be clearer and should take into account the final statement of the Berlin Conference on “Defining the Role of Food Aid” (2-4 September 2003), as well as the International Food Aid Convention (*Germany/EU and acceding countries*).
- It should be made clear that food aid should not be used as a means of disposing of food surplus in developed countries (*Cuba, Venezuela, FIAN*).
- Food aid should be free; this is not clear in the Guideline (*Cameroon*).
- Food aid is fundamental in achieving food security; but it should also be borne in mind that the problem of hunger and food insecurity is closely linked to development issues (*Cuba*).
- It is important to provide information to recipients on the quality of food so that they can exercise their right to refuse it (*FIAN*).
- In 14.1, food aid has to be ‘increased’ and not ‘revised’. Appeal should be to ‘increase’ it on the basis of criteria of efficiency and fairness. (For instance through school feeding programmes) (*Cuba, Venezuela*).
- 14.2 should indicate that aid should be administered effectively and efficiently and that civil society should be able to check the quality of aid provided. Measures to oversee food distribution should be included as part of good governance (*SUO Benin*).
- The text proposed in the Secretariat’s Draft is preferable (*Switzerland*).

Guideline 15: Emergencies

- Guideline 15 should be moved to Part V (*FIAN*).
- Guidelines 14 and 15 should be in reverse order (15 before 14) (*Senegal, Venezuela*).
- The title should be changed to: ‘Natural Disasters and Complex Emergencies, including Armed Conflict’. The Guideline should be broadened to reflect this change, including occupied territories (*Switzerland*). Guideline 15 should not be expanded to cover situations of armed conflict. The issue is dealt with in the Preface (*USA*).
- There should be a separate chapter with a provision on right to food in situations of conflict (*Nepal/Asia*). The right to food should be guaranteed in times of peace as well as in times of conflict (*Cameroon, Venezuela, Special Rapporteur on the Right to Food*).
- In 15.1 the scope of the Guideline should be broadened by deleting the reference ‘in their territory’ (*Italy/EU and acceding countries, Venezuela*).
- The Guideline should commence with cooperation and early warning systems (*Senegal*).
- Attention should be paid to the right to food of refugees (*Iran*).

- It is important to establish, as a basic principle, the fact that food should never be used as a means of political and economic pressure (*Syria/Near East, Uganda/East Africa, Cuba, Venezuela*).
- 1) 'Food should never be used as a tool for political pressure' should be added 2) In the process of cooperation, conflicts and other calamities that deplete resources and generate claims for compensation, should be stopped 3) Parties to armed conflicts should respect the right to food and refrain from destroying food producing centres 4) Access to food should be guaranteed and monitored by a neutral body during occupation. Occupying powers should not destroy food-related goods and services. 5) Destruction of essential facilities (water resources, assets, facilities for production, storage, processing of food etc) should not be used as punishment. (*Syria/ Near East, Cuba. Uganda/East Africa agrees on (1) and (5). Venezuela agrees on(1)*).
- Language on food aid in case of military conflict needs to be strengthened both in Guidelines 14 and 15. Food aid needs to be guaranteed in those cases (*Syria/Near East, Uganda/East Africa, Cameroon, Cuba, Venezuela*).
- Political cooperation and armed conflict should be mentioned . Parties to a conflict should respect access to food and refrain from destroying food production (*Uganda*).
- Mention should be made of the important role of international organizations in this area (*Iran*).
- The question of requests for international aid raises the issue of access. But the main problem is whether there is willingness to attend to those requests (*Venezuela*).
- The importance of 'international responsibility' and 'favourable environment' should be stressed (*Venezuela*)
- There should be mention of global food safety nets (*FIAN*).
- Rights based approach should be taken into account as stated in the guidelines developed by the International Federation of the Red Cross and others (*FIAN*).
- In 15.2, it is important that there are resources available to respond to the emergencies of vulnerable groups (*Venezuela*).
- Guideline 15 should take into account that assistance in emergencies should be adapted to local circumstances, traditions and culture (*Switzerland*)

Part IV: Accountability and Rule of Law

Guideline 16: Monitoring, Indicators and Benchmarks

- The title is confusing, it could be changed to: 'Monitoring and Reporting' (*Switzerland*). Monitoring should be a separate Guideline and indicators could be placed in an Annex.

Benchmarks are for programming and need to be included. New and unnecessary demands should not be placed on the administration; attention should be drawn to mechanisms that are already in place. Monitoring should be linked to internal assessment and international reporting. It is important to make use of existing national and international reporting mechanisms. There should be 3 paragraphs on: 1) Purpose of monitoring 2) Monitoring systems 3) Use of results (*Norway, Switzerland*).

- Guideline 16 should deal with national monitoring, while international monitoring should be moved to Part V (*Switzerland*).
- Reporting is not necessary. It is better to spend time and energy on implementation of national policies (action/new projects) than on reporting (*USA*).
- In Part IV, individuals should be ensured non-discriminatory access to judicial and other remedies. Part IV does not adequately address issues of accountability and the rule of law (key areas). A new Guideline on this matter is necessary (*Italy/EU and acceding countries*). Clear guidance should be provided on timelines and benchmarks (*FIAN*).
- In 16.1, 16.2 and 16.3 no distinction should be made between 'States that have adopted a rights-based approach' and others. (*Nepal*).
- It is the mandate of the IGWG to promote a right to food approach in every State. Therefore, no distinction should be made between 'States that have as a matter of national policy adopted a rights based approach' and others (*Special Rapporteur on the Right to Food*).
- Monitoring and accountability are essential to promote human rights. This is established in the ICESCR and in the recommendation contained in WFS Plan of Action (7.3). Indicators, standards, benchmarks and timelines, monitoring of violations and progressive realization should be described. Violations of the right to food can occur through actions or omissions. (*Cameroon, ABHRAND*).
- Monitoring is important. Evaluation of effectiveness of programmes should be added (*Venezuela*).
- Information systems should be added (*Cameroon*).
- Standards for right to food monitoring are needed (*ABHRAND*).
- Guideline 16 should be linked to the Guideline on Institutions, as strong institutional capacity is necessary (*Venezuela*).
- Given the various components of the right to food, monitoring resides with different sectors thereby posing an institutional problem of prime responsibility (*Senegal*).
- Accountability and reporting of States at the international level on progress at the national level is missing. Recommendation of reports on implementation at the international level should be included (*Cameroon*).

Guideline 17: National Human Rights Institutions

- The expression ‘States that have as a matter of national law...’ should be deleted. States that have ratified ICESCR already have obligations, and others have responsibilities under UNDHR. Universality, indivisibility and interdependence of all human rights should be taken into account. Relevant experiences should be mentioned (i.e. Special Rapporteur in Brazil). Obligations under ICESCR and international law include the need to have human rights institutions in place. There are other important mechanisms that could be mentioned such as public civil inquiries which exist in Brazil (*ABRANDH*).
- Specific reference should be made to the Paris Principles on national institutions (*Ireland/EU and acceding countries, South Africa*).
- A rights based approach is needed. States that have a National Human Rights Commission should include in their mandate: monitoring the progressive realization of the right to food. They should also include issues pertaining to the right to food in education and training programmes. Existing institutions need to be strengthened (*South Africa*).
- Participation of stakeholders is a must; 17.2 must be changed accordingly (*ABRANDH*).

Part V: International framework

- The International Framework should be strengthened as hunger and malnutrition are due to lack of access to food - some of the causes of which are poverty and under-development. Thus, there is a key role for international cooperation (*Brazil/GRULAC, Philippines/Asia, Bangladesh, Cameroon, Cuba, Egypt, Iran, Norway, Switzerland, Syria, Venezuela, FAO, OHCHR, FIAN*).
- The title of Part V could be changed to: ‘International Dimension’ and have as Guidelines: international cooperation, food aid (reference to be made to international instruments on food aid) and international monitoring (texts to be taken from June draft) (*Switzerland*).
- The International dimension should be integrated in each Guideline. Part V would need to be completely revised (*Cameroon*).
- The International Framework could be dealt with as a separate Guideline (*Iran*).
- The International framework and cooperation are important but IGWG has neither the ability, the time, nor the mandate to address these issues (*USA*).
- The question of the international framework is still open. Trade and assistance, as well as other issues dealt with in other forums, should not be touched upon here (*Ireland/EU and acceding countries, Canada, Japan, USA*). Part V should deal with certain issues even if they are also dealt with in other forums (*Cuba*).

- It is important to stress the principle that food should never be used as a means of political pressure (*Syria/Near East, Uganda/East Africa, Venezuela, OHCHR*).
- Guideline 14 should be moved to Part V (*Switzerland, FIAN*).
- Guideline 15 should be moved to Part V (*FIAN*).
- International policies have an impact on national food security. There could be a chapter on international obligations including issues such as: international cooperation, debt relief, food aid, emergencies, trade (addressing trade opportunities and risks). The international dimension should also be part of a chapter on 'enabling environment' (*FIAN*).
- International Financial Institutions should be addressed in this section (*Cameroon*).
- Paragraphs 5 to 11 should be dealt with as separate Guidelines (*Philippines/Asia, Egypt, South Africa*).
- There should be separate Guidelines on: ODA, debt relief, access to international markets (link with 4.6), trade, the right to development, the right to food in conflict situations, the role of international organizations and international financial institutions. Concentrating only on national processing policies is misleading. The document should apply to all, and not only to developing countries (*Egypt*).
- There is a need for subsections on: financial assistance, markets/trade, food production, food safety, environment and other cross-cutting sections (*Bangladesh*).
- Guidelines 4.6, 4.7, 4.9, 8.8 should be consolidated in a section on international issues (*Italy/EU and acceding countries*).
- Part V commitments on ODA are in line with Monterrey consensus. International support should be recommended especially for those countries that make efforts to implement the right to food (*FAO*).
- Paragraph 5 on ODA should not be included (*Japan*).
- International Monitoring: IGWG should discuss the options of reporting mechanisms (e.g. to CFS as part of WFS follow-up, or to CESC). The Voluntary Guidelines should contain a provision on international reporting and monitoring. Experience with similar instruments has shown that reporting and monitoring enhance the effectiveness of a voluntary instrument and allow for knowledge sharing and the exchange of experiences. Reporting on and monitoring of the Guidelines should become part of States' reporting on the WFS follow-up to CFS in the form of a specific appendix on the Guidelines (*FAO*).
- There is already an International Alliance against Hunger in which States have committed joint action. References to other documents should be kept short and this section should be simple and concise. Mention of NEPAD should be included. (*South Africa*)

- Reference should be made to internationally agreed Development Goals including those contained in the Millennium Declaration, agreed on by Governments, and not to Millennium Goals (*USA*).

List of Abbreviations

ABRANDH	Ação Brasileira pela Nutrição e Direitos Humanos
CARICOM	Caribbean Community
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes Convención sobre la eliminación de todas las formas de discriminación contra la mujer اتفاقية القضاء على جميع أشكال التمييز ضد المرأة 消除对妇女一切形式歧视公约
CESCR	Committee on Economic, Social and Cultural Rights Comité des droits économiques, sociaux et culturels Comité de Derechos Económicos, Sociales y Culturales لجنة الحقوق الاقتصادية والاجتماعية والثقافية 经济、社会和文化权利委员会
CFS	Committee on World Food Security
CRC	Convention on the Rights of the Child Convention relative aux droits de l'enfant Convención sobre los Derechos del Niño لفطالقوقح ةيقافتا 儿童权利公约
ESCR	Economic, Social and Cultural Rights
FAO	Food and Agriculture Organization of the United Nations
FIAN	Foodfirst Information Action Network
FIVIMS	Food Insecurity and Vulnerability Information Mapping System
GRULAC	Group of Latin American and Caribbean Countries
ICESCR	International Covenant on Economic, Social and Cultural Rights Pacte international relatif aux droits économiques, sociaux et culturels Pacto Internacional de Derechos Económicos, Sociales y Culturales المعهد الدولي الخاص بالحقوق الاقتصادية والاجتماعية والثقافية 经济、社会、文化权利国际盟约

ICRC	International Committee of the Red Cross
IFAD	International Fund for Agricultural Development
IGWG	Intergovernmental Working Group
NEPAD	The New Partnership for Africa's Development
NGO	Non-governmental Organization
ODA	Official Development Assistance
OHCHR	Office of the High Commissioner for Human Rights
SUO	Sœurs Unies à l'œuvre
UN	United Nations

UNDHR	Universal Declaration of Human Rights
	Déclaration universelle des droits de l'homme
	Declaración Universal de Derechos Humanos

الإعلان العالمي لحقوق الإنسان

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UNICEF	United Nations Children's Fund
VG	Voluntary Guidelines
WFP	World Food Programme
WFS	World Food Summit
WHO	World Health Organization
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization