



# Policies against Hunger IV

## Implementing the Voluntary Guidelines



**International Workshop:  
14 - 16 June 2005, Berlin, Germany**

FOOD

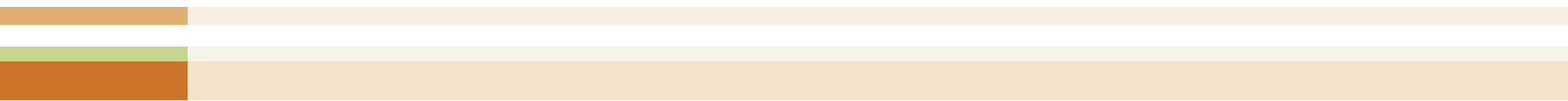
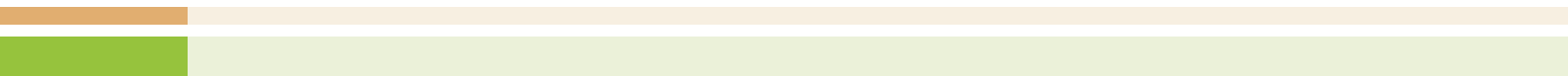
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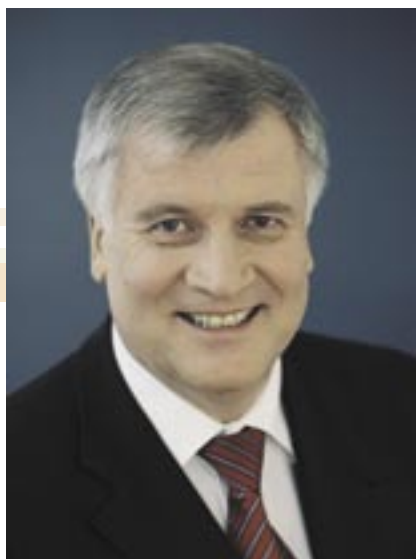
CONSUMER PROTECTION





# Policies against Hunger IV





# Greeting

Dear Reader,  
 dear Participants in the Workshop,

Irrespective of party lines, all parliamentary groups of the Federal German Parliament endorsed the formulation of Voluntary Guidelines on the Right to Food at the Food and Agriculture Organization of the United Nations (FAO) in the last parliamentary term. The basis for this was the shared conviction that adequate food constitutes a human right. This right is on an equal footing with the fundamental political rights. Beyond that, persistent hunger represents a human rights violation of major significance that is unacceptable, particularly in this time of immense private wealth in many parts of the world.

The primary addressees of these new guidelines are those states whose populations are (still) unable to fully enjoy the right to food. Realising this right to food marks the first step for many governments towards securing a minimum standard of living for their population. However, states are also required by international law to make every effort to prevent people from suffering acute hunger or malnutrition or food shortages on a permanent basis. Yet, I also believe that the guidelines on the right to healthy and adequate food constitute both a duty and challenge for all of us.

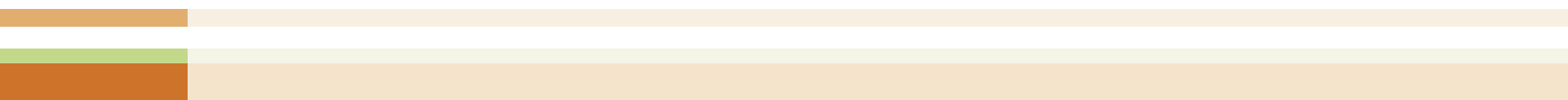
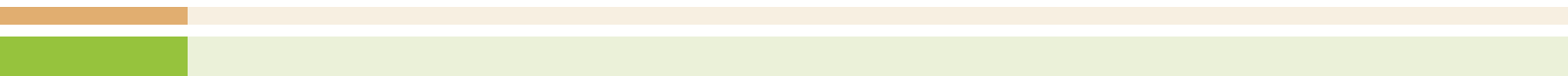
In view of the fact that the guidelines were initially only a result of negotiations, I am delighted to see that they now govern the actions of a large number of stakeholders in the different policy fields. The FAO meanwhile has a separate unit dedicated to this topic. Working out case studies will be crucial for its success. The unit provides support to national governments in coping with the upcoming work. Moreover, it also champions the enshrining of the „voluntary guidelines“ within the UN system and the World Bank. At the same time, non-governmental organisations also demonstrate tremendous commitment. Research groups in Oslo, Turku, Geneva, the FAO, in the Commission on Human Rights in Geneva and the Special Rapporteurs on the Right to Food and Health are networking to put in place a promising impact assessment process. All of these activities pave the way for the implementation of this vital human right.

I would like to thank all those who have so far been actively involved in shaping this process and wish us all every success in implementing the Voluntary Guidelines on the Right to Food.

I hope you enjoy reading this brochure.

A handwritten signature in black ink, appearing to read 'H. Seehofer', written over a horizontal line.

**Horst Seehofer**  
 Federal Minister of Food,  
 Agriculture and Consumer Protection



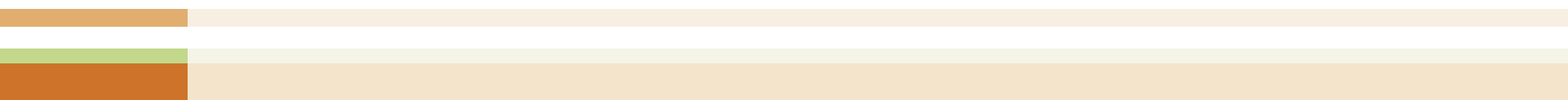
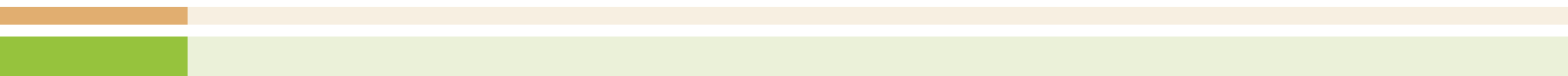
# Editorial Note

This publication builds upon the overall objective of the Policies against Hunger IV Workshop to bring together human rights and development experts in order to discuss the content and potential of the Voluntary Guidelines on the Right to Food. It is thus beyond the scope and purpose of this documentation to reflect in detail all the discussions and presentations that took place during the three-day Workshop. Emphasis has been placed on compiling best practices, innovative ideas and concrete tools which emerged from the discussions, while verbatim accounts or personal attributions have been avoided wherever possible. The inputs and reports presented during and following the Workshop have served as a valuable basis for these efforts, and our sincere gratitude goes to the plenary speakers, authors of the working group inputs and working group rapporteurs for permission to draw on their contributions. In particular, we would

like to thank Workshop Chair, Dr. Noori Naeini, Workshop Rapporteur, Dr. Marc Cohen, and the Food and Agricultural Organization of the United Nations (FAO) for their invaluable services and support. Last but not least, we would like to reiterate our great appreciation to all the Workshop participants for what we believe has been a most promising collaboration between the human rights and development community. While errors of fact or interpretation remain entirely our own, genuine authorship of the recommendations set forth in the documentation lies with them.

The Editors,

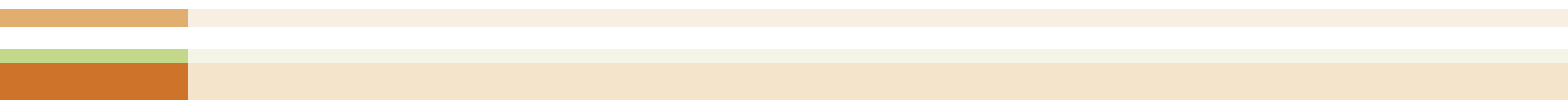
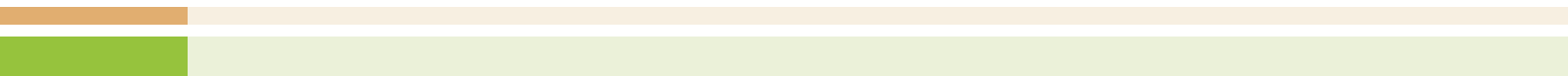
**Julian Germann**  
**Sandra Ratjen**  
**Michael Windfuhr**





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# Foreword



*Mohammad Saeid Noori Naeini, Former Chair, Intergovernmental Working Group for the Elaboration of Voluntary Guidelines*

The fourth international workshop of the 'Policies against Hunger' series, which focused on 'Implementing the Voluntary Guidelines – The Potential of the Guidelines for the Right to Adequate Food to help achieve the Millennium Development Goals', was timely. It followed soon after FAO member states unanimously endorsed a set of Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security in November 2004. In broad terms the workshop was designed to show the practical value of the Voluntary Guidelines in pursuing the battle against hunger and poverty worldwide.

It is important to recall that the Voluntary Guidelines were not meant to develop international law.

They were meant to build upon it and provide practical guidance on how to realize the right to food. This is important, as the existence and recognition of the right to food has not sufficed to ensure its full realization for all. Thus, the need was not for new law, but for better and more focused implementation of what the international community has already agreed to.

Prior to the negotiations there had been declarations reaffirming this right, but its practical relevance had not been defined. Indeed it was the first time that an economic, social and cultural right had been debated in a specialized agency and defined in a meaningful way. The negotiations contributed to realizing the right to food in two important ways. Firstly, they produced a set of Guidelines agreed on by governments which show how states can strengthen their policies, institutions and legal frameworks to realize the right to food. The Guidelines also provide civil society with a concrete tool to advocate for this right at the national level. Secondly, the negotiation process obliged food and agriculture development practitioners and human rights experts to share their ideas about how to realize the right to food. This cross fertilization of ideas enriched the Guidelines as well as the general understanding of the right to food by all participants. It set the stage for constructive inter-disciplinary and inter-stakeholder exchange often absent in the development debate.

The Guidelines have thus served the very useful purpose of placing right to food squarely on the international development policy agenda. What needs to follow is the practical use of these Guidelines by governments, development agencies, donors and civil society alike in the pursuit of hunger and poverty alleviation.

The workshop on Policies against Hunger made a useful contribution towards this goal by bringing together interested parties and practitioners from various fields and callings to strategize about what to do next. These discussions led to a series of valuable recommendations about how to implement a rights-based approach to food security by using the Guidelines. They also contributed to the preparation of a set of right to food briefs designed to assist development practitioners put the right to food into practice.

I consider that priority should be given to disseminating the Guidelines widely while explaining how they can be used to reduce hunger by realizing the right to food. It is necessary to provide clear explanations of benefits likely to accrue from pursuing a rights-based approach which empowers the hungry to demand and be part of policy changes, rather than being passive recipients of benevolent actions by government. Governments and their employees also need to understand the virtues and limits of the Guidelines and how to use them. Focused and combined efforts will be required by specialized agencies, aid programmes, academia and civil society alike to succeed in such efforts.

My congratulations and thanks go to those who enabled and participated in this workshop. I believe it has made a significant contribution to the pressing global debate on the right to food and ways to help fight hunger.

It was an honour for me to chair the fourth workshop 'Policies against Hunger'. As an Iranian national, I am fond of repeating a quote of Abolhasan Kharragani, an ancient Persian Sufy, who remarked: "Whoever enters this house, give him food and do not ask his fate, because the one who is entitled to life by the almighty, definitely is entitled to food by Abolhasan". May this spirit imbue the efforts of those dedicated to realizing the right to food for all and abolishing hunger in our world.

**Mohammad Saeid Noori Naeini**  
Former Chair, Intergovernmental Working Group  
for the Elaboration of Voluntary Guidelines

# Part I

# Introduction

## A Background of the Policies against Hunger IV Workshop

For some years after the World Food Summit 1996 slight progress was made in reducing the number of hungry people. Unfortunately, the latest figures presented by the Food and Agriculture Organization of the United Nations indicate that in the developing world this trend has slowed down and, taking China out of the equation, in most regions of the world has actually been reversed. One-seventh of the world's population lives under conditions of chronic and persistent hunger. Out of the 852 million hungry and malnourished people in the world, 800 million live in developing countries, and the vast majority lives in South Asia and sub-Saharan Africa. Millions of people, including 6 million children under the age of five, die each year as a result of hunger.

The most recent endeavour to develop a typology of hunger and the groups most affected by it was undertaken by the Task Force on Hunger of the United Nations (UN) Millennium Project.<sup>1</sup> Close to 80 percent of the world's hungry live in rural areas where food is produced. Half of the people facing hunger and malnutrition are smallholding farmers who depend mainly or partly on agriculture for their liveli-

hoods. Of these smallholder peasants two thirds live on marginal soils and under environmentally difficult conditions, such as in hills or areas threatened by droughts or other natural risks, like flooding and mud slides. Additionally, 22 percent of those suffering from hunger and malnutrition are landless families who often survive from income obtained under precarious working conditions as landless labourers.

In light of these dismal figures it has become clear that the commitments made at the 1996 World Food Summit and the first Millennium Development Goal of cutting the number of hungry people in half by no later than the year 2015 will not be achieved if business continues as usual.<sup>2</sup> As Jacques Diouf, Director General of the FAO, has reminded members states at all major occasions in recent years, it is above all the lack of political will that accounts for the failure to significantly improve everyday life for millions of poor and hungry people. It is in this context that the human right to adequate food, or more specifically, the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*<sup>3</sup> as adopted by FAO member states in November 2004, can create such invaluable political momentum and set the framework for less hunger and for a life in dignity and freedom.

1 UN Millennium Project. *Halving Hunger: It Can Be Done* (New York: Task Force on Hunger, 2005), at <http://www.unmillenniumproject.org/documents/Hunger-lowres-complete.pdf>.

2 As a note of caution, the 1996 World Food Summit set the somewhat more ambitious target of halving the number of hungry people, whereas the first Millennium Development Goal refers to halving the proportion of hungry people by 2015. The dif-

ference of such mathematical exercises is indeed considerable. If the commitment made at the World Food Summit was to be achieved, there would be an approximate 400 million people suffering from hunger in developing countries in 2015; if the first Millennium Development Goal was to be achieved, roughly 600 million people would suffer from hunger in 2015.

3 Hereinafter referred to as 'Voluntary Guidelines' or 'Guidelines'.

A rights-based approach to hunger eradication and development, while of intrinsic value, is thus also instrumentally valuable, as it helps to complement conventional approaches. In the spirit of this great potential, the German Federal Ministry of Food, Agriculture and Consumer Protection convened the fourth in a series of international workshops and conferences entitled 'Policies against Hunger' from 14 to 16 June 2005.

This time bringing together around 150 participants including senior government officials from both the South and the North, leading human rights and development experts and with valuable contributions from the FAO, the international workshop 'Policies against Hunger IV' set out to follow up on the successful elaboration of the Voluntary Guidelines and



*Plenary session of the Policies against Hunger IV Workshop.*

discuss their implementation and best possible application. With the methodology as well as overall purpose of the Workshop being to combine the analytical strength and expertise of both the international human rights and development community, the specific objectives of the Workshop were:

- to identify areas at national and international levels in which policy changes are needed in order to implement better the human right to adequate food;
- to clarify how best to set up national processes or strategies to combat hunger, or how to meaningfully relate the rights-based approach to hunger and nutrition to existing strategies;

- to make proposals as to how the rights-based approach can best be integrated in the worldwide endeavour to implement the Millennium Development Goals.

Preceded by a two-day non-governmental workshop on the Voluntary Guidelines, the international conference was inaugurated by Chairman Dr. M. Saeid Noori Naeeni, who in very moving words reminded participants of the human tragedy of hunger casting its shadow over the conference. In his introductory statement Commissioner Joel Aliro-Omara from the Uganda Human Rights Commission spoke of the utility of the Voluntary Guidelines as an instrument to achieve the Millennium Development Goals, thus drawing the connection between the right to food and development which was to form the basis for the conference. The Former Federal Minister of Consumer Protection, Food and Agriculture, Renate Künast welcomed participants to the Workshop and opened a day of presentations and general discussion in the plenary.

In the afternoon session, participants were divided into smaller groups in order to exchange views and share their expertise and personal experiences in a discussion on 'The Right to Food Approach within the Context of Hunger Reduction and Food Security'. Guided by a list of questions, participants gave examples from their work environment and national policies.

The second day of the Workshop was dedicated to an in-depth examination of the relevance of the Voluntary Guidelines in different fields of national policies. For these purposes, six parallel Working Groups were formed that focussed on one of the following areas and corresponding Guidelines:

1. Economic Development; Financial Resources; Market System
2. Legal Framework; Institutions; Human Right Institutions
3. Agricultural; Food and Nutrition Policy
4. Safety Nets; Social Policy
5. Education; Awareness Raising
6. Emergency; Food Aid; Relief

In each working group, a thematic input was provided by an expert from either the human rights or development sphere and accompanied by a commentary from his/her counterpart.<sup>4</sup> Together both inputs set the framework for the groups' deliberations. In the evening session, each working group

<sup>4</sup> A collection of these thematic inputs will appear as 'Right to Food Briefs' in a forthcoming FAO publication.

presented the results of their discussion to the plenary and elaborated a report, the content of which serves as a basis for the documentation.

## B The Adoption of the Voluntary Guidelines<sup>5</sup>

The achievement of the right of every person to be free from hunger and to have access to productive resources to feed oneself is a critical global challenge. The right to food is already enshrined in the Universal Declaration of Human Rights of 1948. Nearly two decades later, the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by 151 states, made the right to food binding international law for those states (Art. 11).

In 1996 the World Food Summit (WFS) put the right to food high on the political agenda of member states of the Food and Agricultural Organization of the United Nations. The emphasis on the right to food in the summit declaration was important because the rights perspective focuses attention on what governments can do to end hunger and malnutrition as well as on what their responsibilities and obligations are. Furthermore, the WFS Plan of Action determined that the Office of the High Commissioner for Human Rights (OHCHR), in collaboration with other agencies, should clarify the content and the state obligations with regard to the right to food. This clarification was achieved in General Comment 12, adopted by the UN Committee on Economic, Social and Cultural Rights in 1999 (CESCR). The content of this document has been and continues to be of great significance to the development of international law. Many civil society organizations and governments thought that it would be desirable to have an additional, more implementation-oriented tool to guide the establishment or revision and implementation of national policy decisions related to the right to food.

At the World Food Summit: five years later in June 2002, states parties adopted the decision to develop “voluntary guidelines to support Member States’ efforts to achieve the progressive realization of the right to adequate food in the context of national food security”<sup>6</sup>. An intergovernmental working group (IGWG) on the right to food was established by the FAO Council which, after 20 months of intensive negotiations involving representatives of governments and vari-

ous civil society organizations, reported its results to the FAO Committee on World Food Security (CFS). These Guidelines, officially referred to as the Voluntary Guidelines, were adopted by the 127th session of the FAO Council on November 2004. Proposing general strategies of how to overcome hunger and malnutrition and realize the right to food, the Guidelines are also the product of sustained efforts of civil society that has relentlessly strived for putting the right to food on top of the political agenda for many years now.

Parallel to the official process and in response to the 1996 World Food Summit’s call for clarification of the content of the right to food, FoodFirst Information and Action Network (FIAN), World Alliance for Nutrition and Human Rights (WANAHR) and Jacques Maritain International Institute in 1997 elaborated the Draft Code of Conduct on the Right to Adequate Food. The text was discussed by experts and civil society actors and brought together close to 1000 organizations and associations from all over the world. This mobilization of civil society around the Code of Conduct greatly influenced General Comment 12 and has indeed been crucial throughout the process which eventually led to the adoption of the Voluntary Guidelines.

### The Content of the Voluntary Guidelines

The Voluntary Guidelines document consists of three parts. Part I contains a preface, an introduction and a brief description of the content and relevant state obligations under the human right to adequate food. Part II consists of 19 guidelines that provide information, proposals and strategies for adopting or adjusting state policies in order to support the progressive realization of the right to adequate food. Part III recalls the importance of a functioning international framework to national food security.

The content description of the right to adequate food used in the Voluntary Guidelines is taken from the General Comment 12: “to guarantee the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals; physical and economic accessibility for everyone, including vulnerable groups, to adequate food, free from unsafe substances and acceptable within a given culture; or the means of its procurement” (p. 6). Part I of the Voluntary Guidelines also contains a description of the corresponding state obligations that states parties to the International Covenant on Economic, Social and Cultural Rights have concerning the right to adequate food. The right to

<sup>5</sup> This section is based on an article by Secretary-General Michael Windfuhr, FoodFirst Information and Action Network (FIAN).

<sup>6</sup> Declaration of the World Food Summit: five years later, operative paragraph 10. Available at <http://www.fao.org/worldfoodsummit/english/index.html>.

adequate food, like any other human right, imposes three types or levels of obligations on states parties.

- Firstly, the **obligation to respect** existing access to adequate food by not taking any measures that result in the prevention of such access;
- Secondly, under the **obligation to protect** states are required to take adequate measures to ensure that third parties, including private actors such as enterprises or individuals, do not deprive individuals of their access to adequate food;
- Thirdly, the **obligation to fulfil** comprises both an obligation to **facilitate** which requires the proactive engagement in activities intended to strengthen people's access to resources and their utilization of them to ensure their livelihood and food security – and an **obligation to provide** directly the right to adequate food when an individual or group is unable, for reasons beyond their control, to enjoy that right by the means at their disposal.

The Voluntary Guidelines reiterate all the existing legal standards of interpretation of the right to food. They do not contain or create new binding legal obligations, but their 'voluntary nature' in no way diminishes existing international legal obligations of states regarding the right to food. A number of provisions, such as a national framework law and monitoring mechanisms, are contained in General Comment 12, an authoritative interpretation of the right to adequate food as laid down in Article 11 of the International Covenant on Economic, Social and Cultural Rights. Currently, the Covenant is legally binding for 151 out of the 187 states that adopted the Guidelines.

While only these states are accountable for compliance with the Covenant, for both states parties and non-states parties to the ICESCR, the Guidelines can be



*Session of the Intergovernmental Working Group (IGWG) for the elaboration of guidelines on the right to adequate food.*

used as a point of reference for the orientation of national policies and measures and can be considered a toolbox filled with best practices for becoming more rights-sensitive and for improving national policy-making procedures and their resulting legal frameworks.

Translating the right to food into concrete proposals for political action, the 19 specific guidelines defined in Part II of the Voluntary Guidelines offer practical suggestions for making strides towards the progressive realization of the right to food. They provide for a holistic and comprehensive national strategy to realize the human right to adequate food, covering policy areas such as economic development, market systems, agriculture, nutrition, social policy, education, and emergency measures in food crises. According to the process elements inherent to a human rights-based approach, the Guidelines prescribe the following steps of a successful strategy to realize the right to food:

1. A careful analysis of the causes of hunger and malnutrition and the identification of vulnerable groups stand at the outset of a rights based approach.



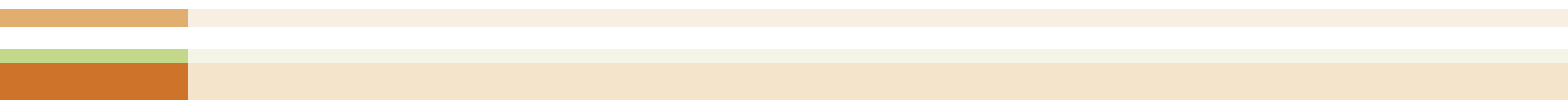
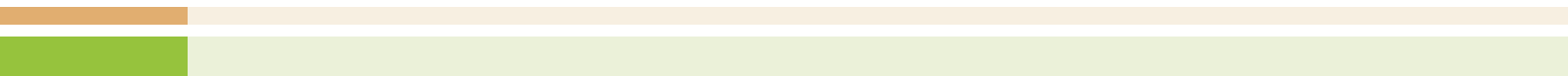
2. On this basis, an assessment of the existing legislative and policy framework is conducted in order to identify problematic legislation or areas.
3. All policy measures should be screened to ensure that they do not contribute to violations of the right to adequate food.
4. A functioning monitoring mechanism needs to be installed in order to examine progress of the implementation of the right to food and to detect violations of the right to food.
5. In such cases, effective recourse procedures have to be provided so that individuals can claim their rights and be given access to adequate remedies.

Part III of the Voluntary Guidelines stresses the importance of an enabling international framework for achieving the right to adequate food. Albeit a contentious issue both in the negotiations leading up to the Guidelines as well as during the Policies against Hunger IV Workshop, the important role of the international community and of international cooperation in supporting a rights-based approach to development is recognized.

### **The Importance of the Voluntary Guidelines**

Can the Voluntary Guidelines really help to combat hunger? The answer is a clear yes. The Guidelines focus on state policies that directly or indirectly contribute to realizing the right to food and food security. Hunger is more likely to be reduced by tackling the problems of discrimination and marginalization in securing access to and utilization of productive resources. In this connection, states have an obligation to review and recognize inadequate policies that cause food insecurity and violate the human rights of certain individuals or groups. The rights-based approach to hunger eradication which the Voluntary Guidelines advocate holds states accountable to all persons living within their territories and highlights the importance of independent human rights monitoring and complaint mechanisms. Furthermore, the Guidelines offer guidance to legislators who are seeking ways to improve current legal systems and to administrators who are or may be responsible for monitoring government performance.

Although the Voluntary Guidelines represent a voluntary instrument, they can be a forceful practical guide to influence state policies. Civil society organizations can use them to challenge states that are inactive or that are implementing inadequate policies. Hopefully, the Guidelines will help to foster productive dialogues between government and civil society organizations as well as between both international and domestic government entities, becoming a source of inspiration for the forceful policy changes needed to realize the Millennium Development Goal to eradicate hunger.



# Part II

## Using the Guidelines in Development Cooperation

### A Major lessons to be learnt from the Berlin Workshop<sup>7</sup>

Plenary sessions of the Workshop featured presentations by some of the key figures from the negotiations that led up to the adoption of the Voluntary Guidelines, senior government officials from both the South and the North, and leading human rights and development experts. Throughout the first day, speakers focused on a number of country case studies that are summarized in Section IIA.3. Workshop participants also had the opportunity to share experiences and consider the issues related to implementation of the Voluntary Guidelines in small discussion groups that focused on a common set of questions related to “The ‘Right to Food Approach’ within the Context of Hunger Reduction and Food Security”.

Workshop facilitators set up the discussion groups so that each included seven to ten participants from both the South and the North, women and men, representatives of different sectors and institutions, and a mix of development- and human rights-oriented perspectives. The groups focused on two questions: “what implications does the right to adequate food have for your working context?” and “what chances and challenges do you see for implementing the right to food?” The groups had extremely wide-ranging discussions on these questions, expressing the need for a right to food perspective to confront issues related to trade, debt, HIV/AIDS, the international financial institutions, corporate policies, indigenous people, natural disasters, environmental degradation, and social policy in the North. The summary below provides only a taste of the very rich stew that they produced.

In order to promote the right to adequate food and a rights-based approach to development, broad consultations should take place among government, civil society organizations, and private sector representatives and efforts should be undertaken to bridge often disparate views and develop a shared vision. Even where national governments lack political will to act, the Voluntary Guidelines offer civil society and local governments an important tool to hold the state accountable. Grassroots pressure and advocacy coalitions should push states to “do the right thing,” and within governments themselves human rights champions are needed.

It was emphasized that the Voluntary Guidelines alone are not equivalent to the right to food. Under international law states have human rights obligations regarding the right to food, and the Voluntary Guidelines constitute a practical tool to translate these obligations into policy. In this connection, non-states parties were called upon to ratify the International Covenant on Economic, Social, and Cultural Rights. Incoherent and frequently changing policies in both the North and the South were considered an obstacle to the implementation of the right to food. While programmes are all too often poorly targeted and poorly monitored, it was hoped that with the Guidelines momentum exists to develop improved data on hunger as well as to allocate the resources necessary to assure monitoring and evaluation of policy implementation.

Discussions focused on international obligations that can improve action at the national level. It was noted with concern that governments cannot or will not keep their pledges made at international summits. Development cooperation policies need to support implementation of the Voluntary Guidelines, and a right to

<sup>7</sup> This section has been contributed by Workshop Rapporteur Dr. Marc Cohen, International Food Policy Research Institute (IFPRI).

food perspective, placing human dignity at the centre of the development debate, should be mainstreamed into those policies. A weakness was seen in the Guidelines not adequately addressing the responsibilities of private actors including transnational companies.

The rights-based approach to development, challenging power structures at all levels, has not yet been institutionalized. Hence, awareness-building is vital and the debate must move beyond “preaching to the choir”, that is, discussion among convinced experts. In this sense, it was believed that the Policies against Hunger IV Workshop has an important contribution to make as it extends the debate on the right to food from the international human rights community to the development community.

### Recommendations for Action

The second day, participants were divided into the six working groups according to their areas of interest and expertise. Detailed reports from each of these groups appear in Part II.B below. Based on the reports from these groups, the following overall conclusions and recommendations were presented at the final plenary of the Workshop.

As is indicated in both the Voluntary Guidelines and General Comment 12, issued in 1999 by the UN Committee on Economic, Social, and Cultural Rights, states have three levels of obligations under the human right to adequate food: to respect protect and fulfil, with the obligation to fulfil including the further duties to facilitate and provide. A human rights based approach requires that policies and programmes are conducive to the realization of this human right. In addition to these content-specific principles, a human rights based approach follows the procedural elements of empowerment, participation, non-discrimination, transparency, informing the rights-bearers, accountability, recourse mechanisms (judicial and non-judicial), and what may be termed “a preferential option for the vulnerable”.

Human rights are indivisible and interdependent. Civil and political rights are not only important in and of themselves, but are crucial to advance the progressive realization of the right to adequate food. This point was made by the Rome Declaration on World Food Security, approved by the World Food Summit, which emphasizes that the “promotion and protection of all human rights and fundamental freedoms...are essential for achieving sustainable food security for all”.

At the same time, the right to adequate food has a privileged place among human rights, for without food, all other human rights and human existence are compromised. As General Comment 12 notes, the human right to adequate food “is indivisibly linked to human dignity and is indispensable for the fulfilment of other human rights”.

The Guidelines are addressed first and foremost to governments, as they are the primary duty-bearers with respect to the right to adequate food. States’ obligation to respect the right to adequate food requires that they “do no harm”. In this regard, the Guidelines offer a checklist to use in formulating, implementing, and evaluating policies, particularly **economic development** strategies and policies in the areas of **food, agriculture, and nutrition**, as covered in Sections IIB.1 and IIB.3. The duty to facilitate means that governments must take steps to assure that food-insecure people have access to productive resources and employment so as to be able to feed themselves.

In the case of people who are unable to feed themselves, for instance due to disability, the duty to provide requires the establishment of **social safety net or social protection programmes** (Section IIB.2), which might take the form of transfers of cash or food. While eligibility for such programmes must be based on need, their design and implementation should also be based on human rights principles, as outlined above. It is important for governments to collect disaggregated data on those who do not enjoy the right to adequate food, i.e., vulnerable people, as the basis for policies with the aim to progressively realize the right to adequate food. Participatory and transparent budgeting is an important tool to assure that adequate resources are available. The obligation to promote requires that governments foster knowledge of the right to adequate food and the rights-based approach to hunger and development amongst the residents of their territory.

States’ obligation to protect means that in addition to doing no harm, they must take measures to prevent others from undermining the right to adequate food. In the case of private sector activities this would include, for example, establishing a system of civil liability, measures to prevent forcible evictions, food safety regulations, and competition policy. Policy coordination and coherence are essential for the progressive realization of the right to adequate food. At the national level, all branches of government (executive, legislative, and judicial) have important roles to play, and

subnational and local levels of government are likewise critical. The Guidelines offer practical guidance on how to assure that policies and programme implementation at all levels focus on the right to adequate food.

In order to implement the Guidelines, governments should establish an appropriate **legal framework** (Section IIB.4). This might involve the incorporation of the right to adequate food into the national constitution, the enactment of a framework law, or the incorporation of international treaties, such as the International Covenant on Economic, Social, and Cultural Rights, into domestic law. In addition, governments must establish an appropriate **institutional framework** (Section IIB.4). National human rights institutions might take the form of a Human Rights Commission, an Ombudsman, and/or a National Rapporteur. The institutions should be based on the Paris Principles, i.e., they should be independent of the government. These examples concerning the legal and institutional framework are only illustrative and other approaches are also possible according to specific national circumstances and legal and institutional approaches.

**Education and awareness**, as discussed in Section IIB.5, are vital in the rights-based approach. Governments, civil society, and the media all have important responsibilities. Both formal education – from the primary to the post-university level – and non-formal education are important for advancing awareness of human rights in general and the right to adequate food in particular. Popular media, including radio, comic books, drama, and song, can play a valuable part. Right-holders must be made aware of their rights, but all actors require education and training, including government officials at all levels, members of the professions, and representatives of the private sector and civil society. Civil society has a dual role to play. First, it must continue to act as a watchdog and advocate to assure governmental accountability. Parallel reports prepared by civil society organizations are an important complement to official government reports at the international, regional, national, and subnational level. At the grass-roots level in particular civil society has a critical role in fostering awareness amongst rights-holders. At the same time, partnerships between government and civil society are important for the formulation and implementation of policies and programmes to advance the right to adequate food. Civil society is an important source of grass-roots early warning data on looming **food emergencies**, e.g. indications that vulnerable people are selling their assets.

Section IIB.6 details the provisions of the Guidelines for such cases of **food emergencies**. There should be more emphasis on maintaining local food production and procuring food aid locally, with less emphasis on external assistance. Cash assistance should be emphasized over assistance in kind. However, there are circumstances where external food aid and food aid in kind will remain essential. Greater emphasis needs to be given to prevention of emergencies and to linking early warning and timely response. At the national level, it is essential to create autonomous disaster prevention and management bodies. Food should never be used as a weapon. The International Criminal Court should prosecute cases in which starvation is used as a deliberate tactic of war.

With regard to Part III of the Guidelines on the **International Dimension**, addressed throughout the publications, donor governments should provide official development assistance to support developing-country governments' efforts to implement the Guidelines and progressively realize the right to adequate food. The Guidelines offer an important lens through which to formulate trade policies so that they do not undermine the right to adequate food, either at home or abroad. Governments should encourage international organizations in both the UN and the Bretton Woods systems, including the World Trade Organization, to make use of the Guidelines and the rights-based approach. In this regard, the UN Secretary General's Action Plan-2 of 2004 and the UN High Commissioner for Human Rights' Plan of Action for 2005 are noteworthy. The Guidelines should be incorporated into Poverty Reduction Strategy Papers (PRSPs) and other national development plans. The Guidelines also provide interpretive aids to international and regional human rights bodies.

In conclusion, the rights-based approach to hunger eradication and development involves a paradigm shift, from one that emphasizes human needs and charity or benevolence to a new viewpoint in which people are empowered to demand a policy environment that enables them to meet their needs, including food, and participate in policy design. People who are hungry become the actors who end their own hunger and are no longer merely objects of policy. Even though the rights-based approach involves this new way of thinking, the sustainable development and food security perspectives remain complementary.

## 1. The Human Rights Based Approach to Development

As development cooperation has increasingly placed human rights at the centre of its support to domestic development efforts, the so-called 'rights-based approach to development' has been discussed in a plethora of documents and forums. Many donors have explicitly recognized the essential nature of good governance, democracy and human rights. These three core elements are necessary to achieve development, the ultimate purpose of which is the satisfaction of human needs and the improvement of the quality of human life. The three elements also represent guiding principles for donors' policy design and should therefore be at the centre of priority setting both at national and international levels. However, donors' understanding of concrete implications for the development programmes can be drastically different. Furthermore, what really stands behind the frequently reiterated phrase 'rights-based approach' is not always clear and unanimous. The Voluntary Guidelines and the Policies against Hunger IV Workshop thus provided a good opportunity to give more substance to the phrase. Discussions in different working groups delivered many practical elements with regard to the content of a rights-based approach to development policies and strategies. The debate naturally focused on the right to food, but many of the outcomes and principles are also valid for other economic, social and cultural rights as well as for human rights in general.

### Added value of a rights-based approach

While a human rights based approach is concerned first and foremost with the relationship between states and their population, human rights are a crucial frame of reference for both state action towards people under their jurisdiction as well as in international cooperation since they provide concrete rules. Adopting such an approach means transforming charity recipients into rights-holders and shifting from basic needs to basic rights. A rights-based approach to development implies addressing issues of marginalization and discrimination and thus helps targeting policies and programmes on the most vulnerable groups.

In such an approach, states have obligations which are inherent to all human rights, i.e. to respect, pro-



tect and fulfil. In cases of non-compliance with these obligations, victims of violations should be able to claim their rights and to seek remedies. Here, a rights-based approach to development commands that development cooperation supports measures such as legal aid and other programmes to make the right to food and other human rights justiciable and exigible, i.e. enabling victims of right to food violations to claim their entitlements by all appropriate means.

In a further and necessary step, analyzing development policies in the light of human rights standards and obligations strengthens accountability and provides a means to monitor state performance in a more systematic manner. While human rights do not impose on states specific measures and policies, they require checking the results of policies. Practically, if violations of the right to food, for instance, are increasing or if states do not use the maximum of their available resources to implement the right to food, policies will have to be revised or given up in favour of more adequate ones.

In this perspective, development cooperation can assist states in implementing their domestic obligations. Furthermore, states parties to the ICESCR have international obligations deriving from article 2 which prescribes states to cooperate internationally for the realization of ESCR. A rights-based approach to development holds development actors accountable to human rights standards.

The basic idea underlying the rights-based approach to development would therefore be that, in the context of international cooperation, efforts in the name of de-

velopment shall be conducive to the realization of human rights. This means on the one hand that development cooperation shall not impede the enjoyment of human rights, while, on the other hand, it should actively contribute to improving the enjoyment of those rights for all in the beneficiary countries.

### Operationalizing the rights-based approach to development

In this context, it is possible to identify both negative and positive roles that can be played by development cooperation in order to support the implementation of the right to food.

#### Negative roles

- On the one hand, development cooperation may constrain the room for manoeuvre and limit choices of governments. Donors should therefore ensure that their development policies do not impede recipient states' ability to implement the right to food (either in bilateral or multilateral cooperation);
- Development cooperation should monitor donors' own domestic policies in fields relevant to the enjoyment of the right to food such as trade or finance, and make sure that those policies do not contribute to violating the right to food abroad.

#### Positive roles

- Development cooperation can support states which are not able to guarantee the right to food and freedom from hunger to their populations because of lack of resources.
- Development cooperation can provide administrative, political and legal advice to states which are not complying with their obligations under the right to food for various reasons such as unwillingness or lack of knowledge.
- Development cooperation can promote the right to food and its full realization by supporting the relevant actors within governments and societies.

#### What would a 'right to food approach to development' look like?

Concrete examples of measures supportive of the implementation of the right to food which can be considered following a right based approach, i.e. measures which can be promoted by development cooperation in order to support the realization of the right to food (according to levels of obligations and fields relevant for food systems).<sup>8</sup>

	Production	Distribution	Consumption
Obligation to respect	Development and maintenance of a land register to guarantee security of tenure	Support of local food producers to access markets	Promotion of traditional patterns of food consumption
Obligation to protect	Support of an environment (legal, administrative, etc.) favourable to the right to organize collectively	Prevention of dumping practices for food products	Promotion of the distribution of nutritionally safe and culturally acceptable food under international food aid programmes
Obligation to fulfil	Support for economic activities creating self-employment of people in the informal sector	Development of local and regional agro-industries stimulating rural economy	Support the development of adequate legislation and of related necessary administrative skills

<sup>8</sup> The following table is based on an article written by Michael Windfuhr and on the FAO food security matrix presented in its background paper issued in December 1997.

To conclude, one of the most consensual aims of the international community and development cooperation, especially in the light of the Millennium Development Goals (MDGs), is to eradicate poverty. As hunger is both a cause and consequence of poverty, combating hunger and fighting poverty are mutually supportive and of equal standing. In many cases, the implementation of the human right to adequate food is a prerequisite to get out of extreme poverty. Taking into account this relationship between hunger and poverty, the FAO has developed and promotes a twin-track approach which combines broad agricultural development with targeted food security programmes for immediate hunger relief. In this sense, a rights-based approach to development and development cooperation is one of the most holistic, coherent and sustainable strategies to fight poverty and to achieve the Millennium Development Goals.

## 2. The Voluntary Guidelines and the Millennium Development Goals<sup>9</sup>

A central objective of the Workshop involved participants exploring in great detail the relevance of the Voluntary Guidelines to achieving the Millennium Development Goals. The Millennium Development Goals are development priorities and targets agreed to by world leaders at the Millennium Summit held in New York in 2000. States have committed themselves to substantially alleviating hunger, poverty, disease, illiteracy, environmental degradation and discrimination against women worldwide by the year 2015. The first seven MDGs are mutually reinforcing, while the eighth goal on a global partnership for development emphasizes the significance of international cooperation for achieving the other seven goals. Five years on, it is clear that the rhetorical commitment has not been matched by the necessary political will. A human rights based approach to development policies and hunger eradication strategies is therefore needed, and the Voluntary Guidelines offer a valuable opportunity to introduce this approach.

<sup>9</sup> The section is based on the presentation made by Commissioner Joel Aliro-Omara, Uganda Human Rights Commission (UHRC), as well as on his article "Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food: An Important Tool for Realizing the Millennium Development Goals", SCN News 30 (2005), pp. 40-43. With kind permission by the author and the Standing Committee on Nutrition (SCN).



In order to appreciate the importance of the right to food and the Voluntary Guidelines in achieving these goals, it is necessary to take a look at how economic, social and cultural rights relate to development in general (see Section IIA.1 above). On the one hand, states parties to the International Covenant on Economic, Social and Cultural Rights have recognized the right to an adequate standard of living and to the continuous improvement of living conditions. The MDGs here can be seen as a commonly accepted framework for measuring such development progress. On the other hand, the Millennium Declaration to which they are annexed explicitly evokes human rights and the need to ensure their respect. It is thus fair to say that economic, social and cultural rights, in tandem with the Millennium Development Goals truly "commit the international community to an expanded vision of development, one that vigorously promotes human development as the key to sustaining social and economic progress in all countries".

While MDG 1 specifically sets the target of halving the number of people suffering from hunger and extreme poverty by 2015, the first six MDGs can all be considered crucial for the achievement of the right to food. In turn, the specific guidelines are directly related to each of the eight MDGs, as shown in Figure 1.



**Figure 1: The Millennium Development Goals, Links to Reducing Hunger, and the Voluntary Guidelines<sup>11</sup>**

MDGs	Selected targets	Links to reducing hunger	Voluntary Guidelines
1 Eradicate extreme poverty and hunger	<ul style="list-style-type: none"> <li>■ Halve, between 1990 and 2015, the proportion of people whose income is less than US\$1 a day</li> <li>■ Halve, between 1990 and 2015, the proportion of people who suffer from hunger</li> </ul>	<ul style="list-style-type: none"> <li>■ Hunger perpetuates poverty by reducing productivity</li> <li>■ Poverty prevents people from producing or acquiring the food they need</li> </ul>	all the Guidelines are relevant
2 Achieve universal primary education	<ul style="list-style-type: none"> <li>■ Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling</li> </ul>	<ul style="list-style-type: none"> <li>■ Hunger reduces school attendance and impairs learning capacity</li> <li>■ Lack of education reduces learning capacity and increases the risk of hunger</li> </ul>	
3 Promote gender equality and empower women	<ul style="list-style-type: none"> <li>■ Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015</li> </ul>	<ul style="list-style-type: none"> <li>■ Hunger reduces school attendance more for girls than for boys</li> <li>■ Gender inequality perpetuates the cycle in which undernourished women give birth to low-birth weight children</li> </ul>	Guidelines 1, 2, 7, 8, 10, 11, 13, 14, 16-19
4 Reduce child mortality	<ul style="list-style-type: none"> <li>■ Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate</li> </ul>	<ul style="list-style-type: none"> <li>■ More than half of all child deaths are caused directly or indirectly by hunger and malnutrition</li> </ul>	Guidelines 2, 5, 7-11, 13, 14, 16-19
5 Improve maternal health	<ul style="list-style-type: none"> <li>■ Reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio</li> </ul>	<ul style="list-style-type: none"> <li>■ Undernourishment and micronutrient deficiencies greatly increase the risk of maternal death</li> </ul>	1, 2, 3, 7, 8, 10, 11, 13, 14, 16, 17, 19
6 Combat HIV/AIDS, malaria and other diseases	<ul style="list-style-type: none"> <li>■ Have halted, by 2015, and begun to reverse the spread of HIV/AIDS</li> <li>■ Have halted, by 2015, and begun to reverse the incidence of malaria and other major diseases</li> </ul>	<ul style="list-style-type: none"> <li>■ Hunger spurs risky behaviour that accelerates the spread of HIV/AIDS</li> <li>■ Undernourished children are more than twice as likely to die of malaria</li> </ul>	1, 2, 3, 5-8, 10-14, 16, 17, 19
7 Ensure environmental sustainability	<ul style="list-style-type: none"> <li>■ Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources</li> <li>■ Halve the proportion of people without sustainable access to safe drinking water and basic sanitation</li> </ul>	<ul style="list-style-type: none"> <li>■ Hunger leads to unsustainable use of resources</li> <li>■ Restoring and improving ecosystem functions are key to reducing hunger among the rural poor</li> </ul>	1-4, 7, 8, 11-13, 16, 17, 19
8 Develop a global partnership for development	<ul style="list-style-type: none"> <li>■ Develop further an open, rule-based, predictable, non-discriminatory trading and financial system</li> <li>■ Address the special needs of the least developed countries</li> <li>■ Deal comprehensively with the debt problems of developing countries</li> </ul>	<ul style="list-style-type: none"> <li>■ Subsidies and tariffs in developed countries hamper hunger-reducing rural and agricultural development</li> </ul>	1-12, 15, 18, 19

<sup>11</sup> Figure adapted from FAO, The State of Food Insecurity in the World (Rome: FAO, 2005), p. 2.

Commissioner Joel Aliro-Omara from the Uganda Human Rights Commission (UHRC) elaborated on this interdependence in his introductory statement to the plenary, his central message being that hunger and ill health are clear impediments to the eradication of poverty. Undernutrition leads to ill health, weakens people and can completely undermine human productivity. Infancy and early childhood malnutrition seriously impair adulthood and thus perpetuate a cycle of inherited poverty which makes it impossible to achieve any of the Millennium Development Goals.

Commissioner Aliro-Omara stressed that the second Millennium Development Goal, which commits states to achieve universal primary education by the year 2015, will be unattainable unless it is ensured that children are healthy and well-fed. In the *5th Report on the World Nutrition Situation* studies are quoted that confirm that undernutrition in infancy and early childhood adversely affects school enrolment rates and behavioural development.<sup>12</sup> Sick and hungry children are unlikely to enrol or remain in school after enrolment, and their mental capacity is greatly impaired by undernourishment (See also Figure 3 on Nutrition throughout the Lifecycle in Section IIB.3).

In order to escape this vicious cycle of malnourishment and lack of education, the integration of the availability and accessibility of adequate food into educational policies and programmes is essential. School feeding schemes can substantially increase school enrolment. In turn, women's education has been shown to have a profound impact on the reduction of child malnutrition. Realizing the human right to adequate food for mothers and children leads to better educational outcomes, so vital in the fight against poverty and the other ills that the MDGs have targeted. Better feeding for infants and children reduces mortality and improves their human development, calling for the promotion of breastfeeding practices and relevant information.<sup>13</sup> The burden of disease is better dealt with and negative impacts minimized when people can benefit from their right to adequate food.

Commissioner Aliro-Omara reminded states that a well-fed population works better and produces more, thereby reducing poverty. The MDGs seek to achieve an adequate standard of living and human development for which the progressive realization of economic, social and cultural rights is essential. The Guidelines

integrate the right to food within the economic, social and human development agendas. Implementing the Guidelines would strengthen food and nutrition issues as components of policies and programmes for the achievement of the MDGs, and the human rights based approach they prescribe has the potential to lead to the realization of a broad range of development goals.

### 3. Country Studies

#### **Experience with the adoption of a rights-based approach to food security and with the implementation of the Voluntary Guidelines at the domestic level**

The Policies against Hunger IV Workshop placed great importance on a practical understanding of the right to food and on providing concrete examples of a rights-based approach to food security in general. For instance, the first day's discussion in groups was organized so as to encourage participants to share their experiences with the right to food in their countries. More generally, the exchange of domestic experiences made up a significant part of the Workshop. In the plenary itself, several country studies were introduced and provided a list of interesting practices which could inspire other national efforts in favour of the right to food. Ms Samira Hotobah-During, Executive Secretary of the Right to Food Commission of Sierra Leone, gave a presentation on the implementation of the right to food in post-conflict situations. Following this presentation, the Brazilian National Rapporteur on the Right to Food, Water and Rural Land, Mr Flavio Luiz Schieck Valente, elaborated on the Brazilian Anti-Hunger Programme. Finally, Mr Julian Thomas, Bureau Secretary of the FAO Intergovernmental Working Group for the elaboration of the Voluntary Guidelines, gave an overview of six FAO case studies that were carried out by national consultants in Brazil, Canada, India, South Africa, and Uganda, and examined and developed by FAO staff into an information paper for the Voluntary Guidelines negotiations.<sup>14</sup> All case studies reflect concrete national experiences with adopting a rights-based approach to food security and hunger eradication.

The implementation of the Guidelines at the domestic level and the corresponding 'right to food based approach' to food security requires specific measures

12 SCN, 5th Report on the World Nutrition Situation: Nutrition for Improved Development Outcomes (Geneva: SCN, 2004).

13 See [http://www.unsystem.org/scn/Publications/AnnualMeeting/SCN31/31\\_breastfeeding.htm](http://www.unsystem.org/scn/Publications/AnnualMeeting/SCN31/31_breastfeeding.htm)

14 The FAO document "Implementing the Right to Adequate Food: The Outcome of Six Case Studies" (Rome: FAO, 2003, IGWG RTFG/INF 4) and the presentation of Julian Thomas at the Policies against Hunger IV Workshop are the main sources of information for this section.

at various levels of the state field of competence. Firstly, measures are necessary at the institutional level, where adequate bodies such as independent national human rights institutions need be set up. The second level deals with the situation of the legal framework and processes, while the third level is concerned with the initiatives in different policy sectors. Overall, the FAO country studies showed that civil society can play a crucial role in putting pressure on governments, empowering vulnerable groups to claim their rights and improving their access to recourse mechanisms, including the courts.<sup>15</sup>

### Initiatives in the institutional field

At the institutional level, the crucial role of independent human rights institutions and the importance of their working in accordance with the Paris Principles were highlighted.<sup>16</sup> They should monitor state performance with regard to the implementation of the right to food, and should offer the victims of violations avenues to claim their rights. An interesting example of a human rights commission set up along the lines of the Paris Principles is the constitution-based South African Human Rights Commission (SAHRC). The Commission is entitled to monitor state actions and omissions and address issues and cases related to all human rights. Monitoring government activity is exercised through questionnaires providing regular information from the relevant authorities and ministries. The Commission reports to Parliament and aims to inform people's representatives about governmental policies and their impact on the enjoyment of human rights.

In Brazil, sustained efforts of non-governmental and civil society organizations (NGO/CSOs) have been behind the creation of a monitoring institution in the person of the Rapporteur on the Right to Food, Water and Rural Land. Furthermore, rights-holders can lodge individual and collective complaints with the *Ministério Público* which has a decentralized structure with representations in the federal states.<sup>17</sup> The *Ministério* benefits from a very constructive collaboration with NGO/CSOs which strengthens popular participation and consultation in policy making. The *Ministério* is competent to inquire into violations of human rights and to make recommendations to the Government when appropriate. Cases specifically addressing right to food violations have been brought to its attention.

A further part of an institutional environment for the right to food,<sup>18</sup> a Food Security Secretariat was established in January 2004 under the new Ministry for Social Development and to Combat Hunger to replace the *Ministério Extraordinário de Segurança Alimentar e Combate à Fome (MESA)*, which had previously formulated and coordinated the implementation of a National Food and Nutrition Security Policy. Finally, thanks to relentless pursuit by civil society actors, the consultative council assisting the Presidency of the Republic, the National Food Security Council or *CONSEA*, was re-established in January 2003. Its task is to ensure participation of civil society (42 civil society actors take part) in the formulation and implementation of, as well as follow-up to, a Nutrition Security Policy and to lead an inter-ministerial dialogue (17 ministers are members).

In Sierra Leone, a Right to Food Commission was established in 2004 in cooperation with Germany and the FAO in 2004 and is placed directly under the Vice-President. The executive secretariat of the Commission gives policy advice, ensures coordination of measures and initiatives which aim at improving food security, and monitors their coherence with right to food objectives and principles.



In Uganda, an independent constitutional body, the Uganda Human Rights Commission (UHRC) has been instrumental to the recognition of the right to adequate food as a fundamental and justiciable right. In India, the independent National Human Rights Commission (NHRC) has played a crucial role in the recognition of starvation and chronic distress as violations of the fundamental human right to be free from hunger. Furthermore, the Indian Supreme Court has nominated two commissioners to give redress in cases of violations of the right to food.

<sup>15</sup> Ibid.

<sup>16</sup> See <http://www.ohchr.org/english/law/parisprinciples.htm>.

<sup>17</sup> More information on the *Ministério Público* can be found at <http://www.mpu.gov.br/mpu>.

<sup>18</sup> See <http://www.planobrasil.gov.br/texto.asp?cod=12>.

## Experiences in the field of legal frameworks

For institutions to efficiently protect and promote the right to food, adequate legal frameworks are crucial. Legal provisions that guarantee the right to food provide the means for making it exigible and justiciable and accord it more stable protection.

Concrete experience shows that the legal protection of the right to food and an appropriate legal framework are essential conditions for the implementation of the right to food. While the legal recognition of the right to food may take various forms in different countries, states parties to the ICESCR have committed themselves to incorporating economic, social and cultural rights into national law. As elaborated further in Section IIB.5, another fundamental precondition in this regard is educating and sensitizing judges and lawyers so that they can develop the knowledge and the will to defend the right to food.

The legal recognition and protection of the right to food varies from country to country. Economic, social and cultural rights, including the right to food, are guaranteed in the constitution of South Africa and thus are accorded a high level of protection. In India, courts have interpreted the right to food to flow from the right to life as enshrined in the constitution. In Canada, several legislative provisions provide avenues for the guarantee of the right to food. Furthermore, a national “Action Plan for Food Security” issued in 1998 addresses poverty and food insecurity.

In addition, the adoption of a framework legislation on food security and/or the right to food as prescribed in the General Comment 12 and the Voluntary Guidelines have been adopted or are under consideration in several countries. They represent legally enshrined national strategies to ensure a coherent rights-based approach to food security with objectives, benchmarks for monitoring and accountability. They also serve to strengthen a ‘rights culture’ within societies.

The Brazilian case is quite exemplary with regards to the process of developing a legal framework as a means to provide a favourable environment for the realization of the right to food. Assuming office in 2002, President Luiz Inácio Lula da Silva and the Brazilian government set the eradication of hunger as the major objective of all government policies. The expression of the political will to achieve this goal provides a first important prerequisite for really eradicating

hunger. A favourable step here has been the definition of a national policy strategy. The federal government set up the Multi-Annual Plan (PPA) 2004/2007 which comprises the following general objectives of national policies: social inclusion; reduction of social inequalities; promoting and expanding citizenship rights and strengthening democracy. The eradication of hunger is the first objective mentioned in the Multi-Annual Plan. It involves the promotion of national food and nutritional security with inputs from civil society. The income transfer to poor families should be increased and its mechanisms be improved. As many as 23 ministries and secretariats are involved in carrying out the Multi-Annual Plan.

## Actions in terms of policy

The empirical analysis in different countries shows that several elements of a policy framework are vital to a coherent rights-based approach to food security and for the realization of the right to food.

First, an ‘enabling environment’ has to be set up. While food policies can take different forms, some key features seem to be necessary, starting with the need to recognize the achievement of universal human rights for all as an overarching goal for public policies relevant to food security. This recognition leads to the design and adaptation of policies so that they focus on those whose rights are not realized (hungry, undernourished, poor). Accordingly, the rights-holders must be actively involved in the elaboration and monitoring of public policies.

A further element concerns the design of national plans or a national integrated strategy to achieve food security following a human rights based approach. These plans, strategies or policies should involve relevant government departments including finance and justice. In this respect, the country studies have shown that the integration and coordination of such a comprehensive and coherent national policy is more problematic in decentralized countries, such as in Canada or Brazil.

As to the latter, efforts for improving the realization of the right to food have suffered fragmentation due to the federal structure of the Brazilian state. However, the right to food is at the centre of the national food security strategy, which is articulated around the anti-hunger programme. The so-called *Fome Zero* programme, which was

launched in October 2002, concentrates on vulnerable groups and their specific difficulties. The Programme comprises various social measures:

- Bolsa Família (direct transfer of income to low-income families, among others, through a Food Card. It is linked to health and education actions)
- Emergency actions for specific groups (provision of basic food baskets to camped groups, indigenous communities, descendents of runaway slaves)
- programme for procurement of food from household agricultures schemes
- food banks
- food and nutrition education.<sup>19</sup>

The most important element of the *Fome Zero* programme, the Food Card (Cartão Alimentação), now reaches many more people than in the former legislative period. During the first 11 months 1.9 million families profited from the Food Card. However, *Fome Zero* does not focus only on food security and food supply but aims at enabling people to feed themselves. In addition to ensuring food supply through direct income transfers, structural policies aim at improving the citizens' situation. Such policies comprise, for example, agrarian reform, adult literacy, the construction of cisterns, food security and local development consortia. The coherence and integration of the Brazilian strategy is reflected in measures such as the linkage made between the beneficiaries of the cartão alimentação (food card), i.e. consumers with low-purchasing power, and small-holder food producers, who are beneficiaries of rural and agricultural development policies (like agrarian reform). This link tries to encourage a virtuous circle.

In the case of South Africa, several integrated policies, including an Integrated Rural Development Strategy (ISRDS), an Integrated Nutrition Programme, and an Integrated Food Security Strategy (IFSS) exist. The IFSS is a coherent and cross-sectoral strategy aiming to achieve the hunger reduction objectives of the World Food Summit Declaration and Plan of Action and the Millennium Development Goals. Finally, in Uganda the Food and Nutrition Policy (FNP) is the first socio-economic policy that includes a strategic action and investment plan which implicitly requires a rights-based approach for its implementation.

A third element to be taken into account in developing an adequate policy framework is to strike a balance between the four components of food security,

i.e. availability, stability, access, utilization. Indeed, food production and availability are insufficient conditions to achieve food security and realize the right to food. Policies for livelihoods, equitable access to resources and utilization of these resources are also needed. Achieving such balance is quite a difficult task since it requires a change of paradigm. The cases of India and South Africa show that until recently great emphasis has been placed on increasing food production and availability, inter alia through fostering agricultural productivity. However, this strategy has been denying other factors that prevent people from having adequate and sustainable access to food and food productive resources. Currently, the South African food security policies take into account not only the availability of food at the national level but the fulfilment of further conditions for the realization of the right to food, such as the provision of livelihoods, especially to poor and marginalized groups.

## B The Right to Food in Different Policy Fields

During the second day of the Berlin Workshop, the six working groups conducted an in-depth analysis of the provisions of the Guidelines on how to realize the human right to adequate food in different policy fields, such as economic development and trade, social policy and social protection programmes, health and nutrition, agriculture and rural development, education, and emergency preparedness and response. It is important to bear in mind that the Voluntary Guidelines recognize the central importance of the international framework in the design and implementation of such national policy, a fact aptly reflected in the working group discussions. Hence, when in the following the discussions and recommendations of the six working groups are presented, due attention is given to what can be termed the international dimension of the human right to adequate food, understood here broadly as ranging from international trade to official development assistance, from extra-territorial obligations of states parties to the ICESCR to the responsibilities of international organizations and multinational corporations. These issues, with slightly different points of emphasis depending on the specific policy sector under discussion, figured prominently in each of the six working groups, and are detailed in the corresponding sections below.

<sup>19</sup> A series of country case studies covering inter alia Brazil and India has been conducted by the SCN and can be found at <http://www.unsystem.org/scn/Publications/html/countrycasestudies.html>.

## 1. The Right to Food in Economic and Rural Development<sup>20</sup>

### ► Guidelines 2, 4, 8, 12

It is clear that in order to comply with a human rights based approach to development as outlined in Section IIA.2, economic policies must be conducive to the realization of the right to food. The provisions of the Voluntary Guidelines concerning economic development, financial resources and market systems (Guidelines 2, 4, 12) – of central importance to such an approach – were considered in Working Group 1. Briefed by Lynn Brown from the World Food Programme (WFP) and Sigrun Skogly from the Law Faculty of the University of Lancaster, the Group focused its discussions on pro-poor economic growth strategies as comprising non-discriminatory and participatory policy-making, rural development, and social protection programmes (as detailed in Section IIB.2 on social development). As there were opposing points of view particularly on the usefulness of market liberalization in addressing the problem of hunger, this summary reflects the trend of discussion but not necessarily a consensus.

The Group agreed that an assessment of the impact of economic and trade policies on the right to food was crucial in order to determine which policies are beneficial and which are detrimental to the realization of the right to food. Such impact assessment was discussed as part of a human rights-based approach to the planning and monitoring of policies which requires a particular method of collecting, processing and disseminating data. Here, Ms Brown stressed that government statistics should move beyond the collection of aggregate data on the components of gross domestic product and government expenditure and towards dis-



aggregated data in order to identify vulnerable groups as well as the root causes for food insecurity (Guideline 2.2, 13.2, 13.2). Food Insecurity and Vulnerability Information Mapping systems are critical to the collection and monitoring of this type of information (Guideline 13). As Ms Brown pointed out that the process of gaining such knowledge also requires meaningful participation, the discussion moved on to consider participatory policy-making as an integral part of pro-poor economic growth strategies. In order to reduce poverty and hunger and realize the right to food for all, the process of designing economic and financial policies at all levels of governance must adhere to the human rights principles of participation and non-discrimination and should be in accordance with the principles of transparency and accountability. The cases of Porto Alegre and Ireland were discussed as exemplary of the opportunities afforded by participatory budgeting.

### Rural development

Parallel to the discussions of Working Group 1, Working Group 3 focused on rural development as part of their agenda of agriculture, food and nutrition policies, pointing out that a focused pro-poor strategy is needed for a rights-based approach to these policy areas.

In order to set out the framework for discussions, participants shared their experiences on concrete cases where policies could be said to be in line with a rights-based approach, such as legal acts and policy measures to protect squatters on government land from forced eviction in Uganda, a guaranteed employment scheme started in Maharashtra and extended to the whole of India, and the introduction of a school feeding pro-



20 This section is based on the report of Working Group 3 by Pascal Bergeret, Groupe de Recherche et d'Echanges Technologiques (GRET).

gramme in Brazil. The Group recognized that the institutional setting of policy-making and implementation in the field of agriculture as well as food and nutrition is very complex, often involving a great number of various government agencies. It is thus necessary that an administrative coordination process be established as a precondition to any attempt at mainstreaming a rights-based approach in these policy areas. It was noted that in Cambodia, for instance, such a coordinating body exists under the auspices of the Prime Minister's office (For a more detailed discussion of the legal and institutional framework, see Section IIB.4).

The Group then concentrated on formulating recommendations on processes that could be conducive to mainstreaming a rights-based approach and the Voluntary Guidelines. In line with the pro-poor economic growth strategies addressed in Working Group 1, it was emphasized that only policies directly aimed at improving the standard of living of the poor on a long-term basis can be conducive to the realization of the right to food. Income specifically of the poorest sections of the population is a crucial variable for the realization of the right to food. Policy measures aimed at securing access to resources and at organizing guaranteed employment schemes must come before safety nets and food aid. It was thus strongly recommended that governments, in accordance with a rights-based approach, implement a genuine agrarian and fisheries reform as the centrepiece of their agricultural and rural development policies. Genuine agrarian reform was understood to go beyond a mere land redistribution scheme and to include securing access to resources for the vulnerable, including fishing resources, credit schemes, training and extension services, etc. There was also a call for the right to food to be included into Poverty Reduction Strategy Programmes, an endeavour which international donors were asked to support.

It was further recognized that the Voluntary Guidelines and a human rights based approach may be useful tools to support conflict mitigation and to resolve tensions resulting from necessary arbitration between alternative development strategies. Examples were given from the Philippines where the Guidelines could help solve conflicts between small farmers benefiting from the land reform programme and indigenous people claiming the same land. Similarly, in Lesotho a difficult choice must be made between policy options aimed at strengthening commercial agriculture (with consolidation of agricultural land into large tracts for economies of scale) and alternative policies aimed at

improving small-scale, subsistence agriculture. Here the Guidelines could be used as a tool to ensure that policy choices are consistent with the right to food.

Governments should use the Voluntary Guidelines to review, formulate, implement and monitor agricultural policy. This requires a paradigm shift in policy making and implementation. For instance, if a human rights based approach is to be put into place, it is necessary to clearly identify government officials at the local level whom the rights-holders can address if they feel that implemented government policies do not comply with government obligations under the human right to adequate food. At the international level, bilateral and multilateral aid agencies should use the Voluntary Guidelines as a checklist for the design and approval of programmes and projects. Moreover, in this connection, agricultural trade, agricultural policies in the North and the operation of transnational corporations were identified as crucial elements to take into account when designing and implementing agricultural, food and nutrition policies at the national level. An implication of Guideline 19 of the Voluntary Guidelines, governments should design their agricultural and trade policies in a way that does not undermine the right to food of their own population and that of other countries.



The Group also acknowledged the strategic importance of civil society in implementing the right to food by means of exercising adequate pressure on and establishing partnerships with governments, as well as through parallel reports aimed at UN agencies and the media. Civil society has a responsibility in making the Guidelines more visible and known, especially to the poorest of the poor who should be informed about their rights and should be made aware of existing best practices in the field of the right to food. (See Section IIB.5 on education strategies).

The realization of the right to food needs a combination of bottom-up and top-down processes which should be carefully balanced. All success stories in the field of the right to food result from a combination of pressure applied by the grass-roots level and adequate responses from the government. However, it was stressed that the necessary partnership between state and civil society does not discharge governments from their obligations.

## 2. The Right to Food in Social Development

### ► Guidelines 13, 14

► **Guideline 14.1: States should consider, to the extent that resources permit, establishing and maintaining social safety and food safety nets to protect those who are unable to provide for themselves.**

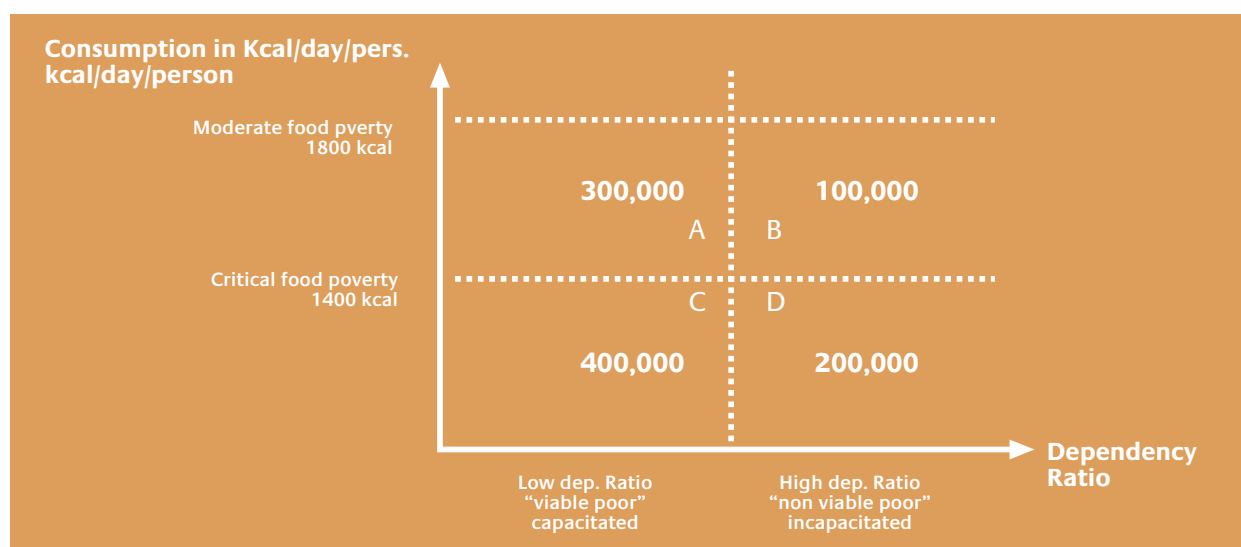
As elaborated in Section IIA.1, a human rights-based approach prescribes the realization of economic, social and cultural rights and of human rights in general as an essential part of development. This entails that states are required to put in place adequate social protection programmes for basically three groups of people which for reasons beyond their control are unable to enjoy these rights. First, there are those

groups that may be permanently unable to provide for themselves, such as orphans or people with physical or health-related disabilities; secondly, there are those who will require proactive measures in a mid-term perspective due to, for instance, structural adjustment programmes or other economic and financial policies which may negatively impact the enjoyment of human rights. Lastly, there are those groups which depend on short-term measures in emergency situations and crises.

At the Berlin Workshop, these issues were taken up in Working Group 4 which focused specifically on how the Voluntary Guidelines can guide states in their social policies. Mr. Schubert initiated the session of Working Group 4, outlining a right to food perspective on the targeting of social safety nets and social policy, the design and organization of safety nets and other social programmes as well as sustainable financing of safety nets and social policy. In accordance with the human rights principle of non-discrimination, the most crucial question is to identify the most vulnerable and disadvantaged groups.

Using Zambia as an example, Mr. Schubert introduced to the Working Group a categorization of food poverty in terms of consumption of calories per day and person, and a measurement of household dependency. A household with healthy adults has a low dependency ratio, whereas if a household only consists of children and elderly, the dependency ratio is high.

**Figure 2: Number of Households Suffering from Different Categories of Food Poverty in Zambia**





Guided by this insightful submission, the Working Group agreed to limit its task to discussing how the right to food can be realized for persons suffering extreme hunger with a high dependency ratio. These are persons who cannot provide for themselves for reasons beyond their control, thus states are obliged to fulfil the right to food directly, as clarified by General Comment 12.

There was consensus that social and food safety nets as discussed in Voluntary Guideline 14 are crucial for realizing their right to food. The importance of making a needs-based assessment was stressed, the questions being who are the marginalized, why are they marginalized, where do they live, how many are they and what would bring them out of poverty. For instance, in some African countries many households consist of children living with their grandparents due to the high mortality as a result of HIV/AIDS.<sup>21</sup> It is clear that in such instances, household composition is of great importance to the enjoyment of the human right to adequate food.

The Voluntary Guidelines have several provisions which highlight the importance of applying human rights principles when designing policies:

- Give priority to the most needy (Guideline 3.6)
- Ensure effective targeting (Guideline 13.3)
- Ensure non-discrimination (Guideline 13.3)
- Respect the dignity and autonomy of recipients (Guideline 13.3)
- Provide assistance in a regular, reliable, timely and transparent way in accordance with recipients' needs (Guideline 7.2)
- Respect existing administrative capacity, local markets and the interests of local producers (Guidelines 14.1, 14.2, 14.3)
- Ensure participation of all stakeholders (Guideline 5.4)

What does it mean in practice to give priority to the most needy and at the same time ensure non-discrimination? The question of how to target was vividly discussed amongst the participants of the Working Group. It was stressed that any programme chosen by a government must ensure that the most marginalized are reached. The Group recognized that targeting can be problematic: for instance, when food aid is only given to a certain group of people, those not benefiting from the programme might actively hinder food aid to be given to the targeted group. A basic income programme for all was therefore seen

by the Group as a means to overcome such problems, endowing everybody with the autonomy to decide how to secure their food intake.


On this issue, Senator Eduardo Matarazzo Suplicy gave a brief presentation of his paper "The Prospect of Basic Income as a Tool to Eradicate Hunger and Absolute Poverty." The paper shows that the idea of a basic income has a long philosophical history and is already implemented in the state of Alaska. In Brazil, such a programme will be implemented in the near future. A basic income is paid to every citizen independent of their income and counterbalanced through a progressive tax system. Such a scheme has the advantage of reducing substantially the bureaucratic burden involved in determining whether a person qualifies for social benefits, as well as safeguarding the human dignity of recipients against potentially discriminatory practices.



It was highlighted that targeting must be based on human rights principles and complemented by an analysis of potential obstacles for rightful claimants. Examples from India illustrate this need. While social policies are in place – such as welfare programmes for the poor, the widows, those unable to work, children etc. – many beneficiaries are excluded from these programmes due to budget constraints, discrimination and corruption at administrative levels.

In his presentation Mr. Schubert highlighted the importance of basic social protection programmes. The basic requirements for such programmes are empowerment, participation, transparency on criteria, informing the beneficiaries, accountability, and recourse mechanisms.

<sup>21</sup> A variety of FAO publications on the severe impact of HIV/AIDS on food security and rural development is available at <http://www.fao.org/hivaids>.



An important aspect of basic social protection programmes is that they must do no harm. It is crucial that they do not destroy local markets or local and national production capacities. Food aid is a case in point. When food is given away for free, nearby markets might be shattered and local producers dragged into poverty (See Section IIB.6).

There was a strong call in the working group for aid being provided in cash to the beneficiaries; only in exceptional cases should food be given in kind. This has in many cases been shown to be more efficient and effective, as the large logistic costs can be spent on the poor and the local economy can be strengthened. Furthermore, such a strategy is argued to be more in line with the human rights principles of dignity and respect, enabling individuals to decide for themselves how to spend the money: in some instances medicine might be of higher importance than food.

In the Global South, people suffering from hunger live in very different environments. The situation of the Least Developed Countries (LDCs) is different from Middle Income Countries (MICs), and within these two categories there are also big differences. In many LDCs there are no basic social protection programmes in place. Governments here are recommended to do pilot activities to find feasible, cost-efficient and affordable programmes with a high impact on the most marginalized. Such activities must be transparent and participatory, and civil society organizations must be included. The countries should also work on their legislation to guarantee the right to food and to ensure that basic social protection programmes reach the most marginalized, which is not always the case in MICs.

In these countries as well as in LDCs, information about human rights is needed so that people are clearly aware of their rights. Governments must be accountable, and it must be clear for the public whom to address if their rights are violated (i.e. ombudspersons, national rapporteur, national human rights institutions etc) and how to do so. Complaint mechanisms should be in place at all administrative levels, and the most marginalized must have access to such recourse procedures. It was further stressed that favourable conditions for laws and political will must be present, and that in order to ensure policy coherence it is crucial that the different ministries and de-

partments communicate with one another. For instance, it is central to the success of a rights-based approach that the ministries of finance and social welfare have a mutual understanding of the importance of realizing everyone's right to food.

In all national strategies including Poverty Reduction Strategy Papers, the social sector should be strengthened by using the Voluntary Guidelines. It is important that the national budget is openly available for CSOs and others to scrutinize. CSOs must monitor states and act as human rights guards and watchdogs, influencing budget preparations and negotiations, and assisting in regular budget analysis to ensure that no retrogression takes place (See Section IIB.1 on the advantages of participatory budgeting).

According to the ICESCR all states parties must use the maximum of available resources for the realization of the right to food for all. Thus basic social protection programmes must be adequately funded. For most countries this will require a reallocation and prioritization of existing resources; for many it also requires additional resources. It is here that Section III of the Voluntary Guidelines calls upon the international community to step in. Additional resources can be made available through review of the tax system, innovative international funds (e.g. an international tax of \$1 per air line ticket), official development assistance (ODA), co-funded government programmes, long-term reliable funding etc.

Development aid should also be guided by the principles that it must do no harm and is progressively realizing everyone's right to food. It was emphasized that states parties to the ICESCR must act in accordance with their extraterritorial obligations, and are accountable for the conduct of intergovernmental organizations (IGOs) to which they are members. In Section III, Paragraph 2 of the Voluntary Guidelines, IGOs are urged to take action for the progressive realization of the right to food. The World Bank is for instance important as an opinion leader and policy advisor. Individual member states should contribute to IGOs adopting a rights-based approach in their work. Most importantly, IGOs must not counteract a country's efforts or undermine achievements regarding basic social protection programmes.

### 3. The Right to Food for Nutritionists<sup>22</sup>

#### ► Guidelines 9, 10

In recent years, the human rights and nutrition community have begun to combine forces under the banner of the human right to adequate food. Understood as the right of everyone to safe, nutritious and culturally appropriate food, the right to food offers many an opportunity for health-related and nutritional concerns to enter into a rights-based approach to development.<sup>23</sup> Against the background of this promising liaison, this section examines the Voluntary Guidelines and its provisions on food safety and nutrition as discussed in Working Group 3.

It is worth noting that no other instrument to date has been as explicit in stressing the relationship between the human right to adequate food and nutrition as the Voluntary Guidelines. They spell out what the obligations of governments are and can guide them in realizing the human right to adequate food through sound food and nutrition policies. The Guidelines encourage states to adopt a multi-stakeholder approach to the design, implementation and monitoring of these programmes and policies, involving in particular communities and local governments (Guideline 10.3).

As argued forcefully in the presentation of Commissioner Aliro-Omara, touched upon in Section IIA.2 and aptly illustrated in Figure 2, nutrition forms the very foundation for leading a life in human dignity. The estimates of the World Health Organization (WHO) and the United Nations Standing Committee on Nutrition (SCN), however, paint a bleak picture of malnutrition as a



problem of truly global dimensions, with its various forms of nutritional deficiency on the one hand, and overweight and obesity on the other hand affecting an increasingly large part of the world's population: in addition to the prevalence and persistence of hunger, today there are an approximate one billion overweight adults living in both developed and developing countries.<sup>24</sup> In addressing this paradoxical coexistence of obesity and hunger in the world, one of the central aims of states' efforts must be the promotion of dietary diversity, healthy eating habits and food preparation (Guidelines 10.1).

According to the 5th Report on World Nutrition Security, an estimated 140 million pre-school children as well as 7 million pregnant women suffer from vitamin A deficiency each year, a disorder often resulting in growth retardation and blindness and assumed to contribute to maternal mortality.<sup>25</sup> Iodine deficiency features as the number one cause of preventable mental retardation in children and increases the number of stillbirths and miscarriages.<sup>26</sup> In order to combat micronutrient deficiencies and malnourishment, states should increase the production of healthy and nutritious food that is both rich in micronutrients (Guideline 10.3) and culturally appropriate to the specific practices, customs and traditions (Guidelines 10.9, 10.10).



22 This section is based on the presentation of Kerstin Mechlem, Food and Agricultural Organization of the United Nations (FAO).

23 For a seminal contribution in this respect, see SCN and IFPRI, *Nutrition: A Foundation For Development: Why Practitioners in Development Should Integrate Nutrition* (Geneva: SCN, 2002), at <http://www.unsystem.org/scn>.

24 WHO, *Obesity and Overweight: Fact Sheet* (Geneva: WHO, 2003), at [http://www.who.int/hpr/NPH/docs/gs\\_obesity.pdf](http://www.who.int/hpr/NPH/docs/gs_obesity.pdf).

25 SCN, 5th Report on the World Nutrition Situation, pp. 20, 101.

26 *Ibid.*, pp. 21, 91.

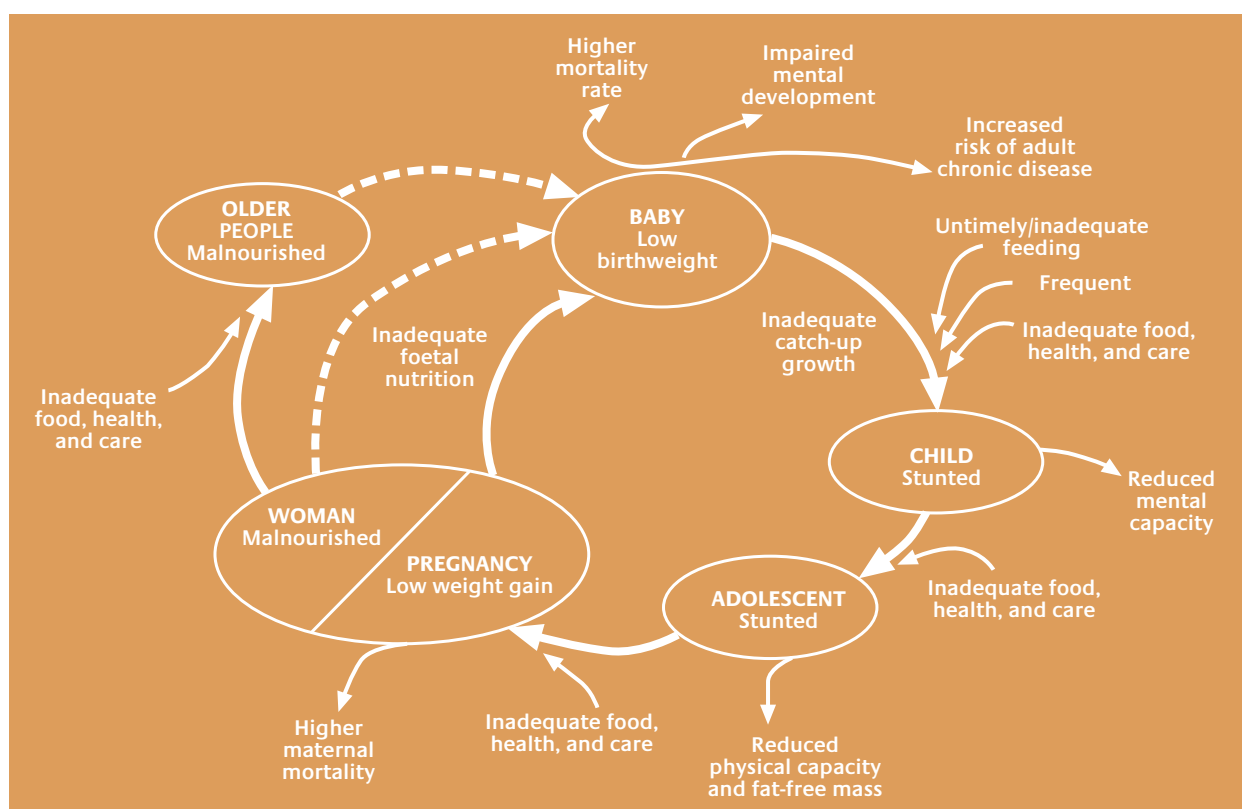
In this context, the significance of breastfeeding for food security is clearly recognized by the Guidelines (Guidelines 10.1, 10.5, 10.6). Breastfeeding indeed has an important contribution to make to realize the right to adequate food for infants and young children and also, as pointed out by the SCN Working Group on Breastfeeding and Complementary Feeding, in efforts to achieve the Millennium Development Goals.<sup>27</sup>

This in turn places great importance on the maternal nutritional status and forcefully adds a gender dimension to nutritional concerns. Accordingly, Guideline 10.8 requires states to protect girls and women from discriminatory practices within households that may threaten their nutritional needs. Furthermore, in accordance with the human rights principle of non-discrimination and a rights-based approach of prioritizing particularly vulnerable groups, Guideline 10.4 requests that states address the food and nutritional needs of people suffering from HIV/AIDS or other epidemics. For people with immunodeficiency, a healthy and balanced diet is particularly important to recover from illness.

Working Group 3 was briefed on these aspects by Kerstin Mechlem from FAO, her input covering the issues of food safety and nutrition as outlined in Guidelines 9 and 10. Food safety means that food must be free from contaminants and adverse substances whether from adulteration or poor environmental hygiene. In order to ensure the quality of food, the Guidelines suggest that comprehensive food control systems are established (Guidelines 9.1, 9.2, 9.3). Ms. Mechlem stated that training and information on food safety (Guidelines 9.5, 9.6), nutrition education and information (Guideline 10.2) as well as the proper labelling of food (Guideline 9.7) are key to enabling the individual to make informed food choices (Guidelines 9.7, 10.2).

Her presentation and the ensuing debate were set out against the background of emerging new food patterns and concomitant changes in dietary and eating habits as well as the global restructuring of agro-food relations, and as such were subsequently incorporated by Working Group 3 into its consideration of agricultural policy (See Section IIB.1).

**Figure 3: Nutrition throughout the lifecycle<sup>28</sup>**



27 See [http://www.unsystem.org/scn/Publications/AnnualMeeting/SCN31/31\\_breastfeeding.htm](http://www.unsystem.org/scn/Publications/AnnualMeeting/SCN31/31_breastfeeding.htm)

28 Figure adapted from United Nations Administrative Committee on Coordination Sub-Committee on Nutrition (ACC/SCN), Fourth Report on the World Nutrition Situation: Nutrition throughout the Lifecycle (Geneva: ACC/SCN and IFPRI, 2000), at <http://www.unsystem.org/scn>.

## 4. The Right to Food and Legal and Institutional Frameworks

### ► Guidelines 5, 7, 17, 19

The framework for discussion was provided by Christophe Golay, assistant to the UN Special Rapporteur on the Right to Food, and Urban Jonsson from the United Nations Children's Fund (UNICEF). Christophe Golay presented the recommendations of the Guidelines concerning the establishment of an effective institutional and adequate legal framework as well as independent and autonomous mechanisms to monitor the progressive realization of the right to food (Guidelines 5, 7, 17, and 18). Urban Jonsson elaborated on the elements necessary for the proper functioning of human rights sensitive institutions, including a legal framework that accords clear responsibilities as well as dedicated officials (As to the latter, see Section IIB.5 for a discussion of the role of education strategies).

Throughout the debate group members emphasized the importance of the Voluntary Guidelines as an interpretative tool of the provisions regarding the human right to adequate food in Article 11 of the ICESCR, useful for regional human rights instruments as well as domestic legislation. In accordance with the five-step strategy that the Guidelines prescribe (see Section IB), the Working Group emphasized that one of the first steps that states must take is to review their legislation and practices in order to identify gaps in the protection of the human right to adequate food.

One of the central questions to be posed is whether there is adequate legal recognition of the right to food. Voluntary Guideline 7.1 recommends that states include provisions in their domestic law and possibly in their constitution that facilitate the progressive realization of the right to adequate food. Noting that states parties to the International Covenant on Economic, Social and Cultural Rights are legally bound to incorporate the right to food into national law, the Group discussed the different forms such legal protection of the right to food may take, such as the inclusion of the right to food into a state's constitution. General Comment 12 on the human right to adequate food envisages a framework law as a national strategy which defines targets, monitoring mechanisms and recourse procedures, as well as the means and time-frame for their establishment, and which is then translated into appropriate legislative acts and administrative measures.

29 The 'Principles relating to the Status of National Institutions' (The Paris Principles) are available from the website of the Office of the High Commissioner for Human Rights at <http://www.ohchr.org/english/law/parisprinciples.htm>.

The same procedure applies to an assessment of the institutional framework. The Guidelines recommend that states assess the mandate and performance of existing public institutions (Guideline 5.1) and determine whether it is necessary to reform them or to establish new or additional ones. The Working Group agreed that such assessment should include *inter alia* an identification of institutional capacities, such as the allocation of responsibilities as well as human, financial, and organizational resources. Where appropriate, a causality analysis should identify institutional shortcomings. The Guidelines suggest that states entrust a specific institution with the responsibility to implement these Guidelines (5.3) and ensure coordinated efforts between government agencies in order to assure the coherence of diverse policies.

The Group recommended that states which have not yet done so establish independent and autonomous national human rights institutions (HRIs) as soon as possible. Voluntary Guideline 18 states that these institutions should include the progressive realization of the human right to adequate food in their mandate. By the same token, states that have HRIs should assess their mandate and performance. In this regard, it was considered necessary for states to assess in particular if the HRIs have the mandate to deal with economic, social and cultural rights and if their financial and human resources are adequate.

After the assessment, states should undertake the reforms necessary for the proper functioning of these institutions in accordance with human rights principles. The Working Group emphasized that they should be independent and autonomous from the government as prescribed by the Paris Principles.<sup>29</sup> It was highlighted that these institutions must respect the indivisibility and interdependence of all human rights and that, therefore, their mandate should encompass all economic, social and cultural rights, in particular the human right to adequate food. It was considered crucial that their mandates include monitoring compliance with the right to food and examining complaints alleging violations.

It was stressed that in all actions to be undertaken, states must respect the basic human rights principles of participation, non-discrimination, empowerment and transparency.

States must establish administrative, judicial and quasi-judicial mechanisms where individuals can submit

their claims with regards to the human right to adequate food. These mechanisms must be accessible to all and provide effective and prompt remedies. A debate ensued on the need to provide 'social access to justice', which would entail the adoption of a variety of measures such as the provision of legal aid and information to the general public on rights and remedies to which they are entitled. It was stressed that in order to improve justiciability of the right to food – understood in a broad sense and not only as access to judicial mechanisms – it is essential that measures be taken to train judicial personal, public servants and other relevant actors.



The issue of an enabling international framework was also taken up. It was recognized that the progressive realization of the right to food requires that international financial institutions undertake a human rights assessment of their projects and policies. It was also considered essential that these institutions ensure transparency in the design and implementation of their policies. Individuals must have access to information on the policies undertaken by these institutions. The Working Group further agreed that inter-governmental organizations must comply with the Voluntary Guidelines and must take the necessary measures to ensure coordination between their various policies and programmes.

In regard to official development assistance, the Group recognized that the progressive implementation of the right to food imposes obligations for recipients as well as donor countries. It was considered crucial that both groups of states establish mechanisms to avoid corruption in the implementation of these programmes. The Working Group stressed that it is important that ODA programmes support the strengthening of the judiciary. It was also agreed that trade policies adopted within the framework of the World Trade Organi-

zation (WTO), the International Monetary Fund (IMF) and World Bank must be consistent with a human rights based approach to development assistance.

After a long and lively debate on the role of civil society organizations and the conditions necessary for their effective participation in the implementation of the right to food, the Group concluded that states must ensure access to information, ensure free and competitive press, and support community-based organizations. States should undertake 'capacity building' understood as capacity development in a broad sense.

## 5. The Right to Food in Education Strategies

### ► Guideline 11

► **Guideline 11.7 States should promote, and/or integrate into school curricula, human rights education, including civil, political, economic, social and cultural rights, which includes the progressive realization of the right to adequate food.**

► **Guideline 11.8 States are encouraged to promote awareness of the importance of human rights, including the progressive realization of the right to adequate food.**

Economic, social and cultural rights continue to be marginalized politically even as their legal interpretation has progressed. The Guidelines constitute a significant step forward in this regard as for the first time governments have unanimously adopted a detailed interpretation of an economic, social and cultural right. At one level, the Guidelines thus offer a valuable instrument to initiate a broad and substantive educational process on the human right to adequate food and human rights in general. In addition to such human rights education, which is detailed in Guidelines 11.7-11.10, the Guidelines acknowledge the central role of education in development strategies to realize the human right to food. Primary education, formal and non-formal training and skill development in agriculture, food policy, food safety and nutrition (as prescribed in Guidelines 11.1, 11.2, 11.3, 11.4, 11.6) aim at building the capacities necessary for people to feed themselves. Thirdly, in accordance with human rights principles, Guidelines 11.5 and 11.11 stress participation in and empowerment through education strategies.

Ellen Mühlhoff, who together with Sibonile Khoza briefed Working Group 5, established the relationship between the human right to adequate food and education. Providing examples from South Africa, Sierra Leone, Honduras, Uganda and Mali, she pointed out the scale of the problem of hunger and the connection to school attendance and literacy.

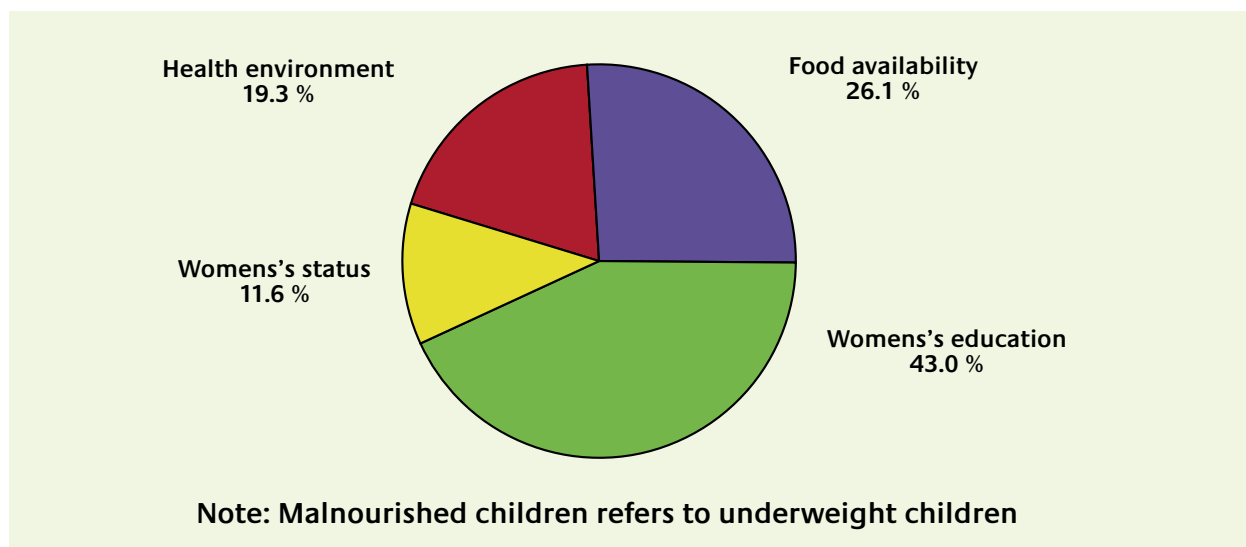
It was noted with concern that women and girls living in rural areas are the social groups most affected by hunger and lack of education. In turn, women's education has a profound impact on the reduction of child malnutrition, infant and maternal mortality and the promotion of health and nutritional safety. The positive role of breastfeeding and the importance of promoting relevant information were also considered by the Working Group (See also Section IIB.3 on the right to food for nutritionists). Moreover, it has been shown that education is the single most effective weapon to combat the spread of HIV/AIDS which FAO studies have shown to have a devastating impact on food security.<sup>30</sup>

Guideline 11.2 urges states "to strengthen and broaden primary education opportunities, especially for girls, women and other underserved populations." Adding to this, Sibonile Khoza from the University of Western Cape, South Africa, suggested that school feeding schemes can promote primary education and should be linked with human rights and nutrition education.

Furthermore, Mr. Khoza discussed education and awareness raising as prerequisites for communities and individuals to engage meaningfully in social and political activities and decisions that affect their lives. He stressed that skills development and understanding of the Guidelines and the right to food are necessary for policy developers and implementers as well as government staff in order to design and carry out their responsibilities efficiently. Therefore, training, teaching, networking, and the production of informational materials are indispensable strategies for making the right to food a reality.



**Figure 4: Estimated contribution of major determinants to reductions in child malnutrition, 1970-1995<sup>31</sup>**



30 For a variety of FAO publications on this issue, see <http://www.fao.org/hiv/AIDS>.

31 This figure is adapted from Lisa Smith and Lawrence Haddad, Explaining Child Malnutrition in Developing Countries: A Cross-Country Analysis, IFPRI Research Report 111 (Washington, DC: IFPRI, 2000), p. 65.

As to the recommendations, Working Group 5 agreed that civil society has a clear mandate to make the Voluntary Guidelines more visible and known. Now that the Guidelines have been adopted, their existence needs to be communicated and information on their various provisions disseminated throughout civil society. For this purpose, regional civil society networks, such as the National Alliances Against Hunger, should be contacted and relevant NGOs should be educated on the right to food and the Guidelines. To this end, it was recommended to publish an NGO Manual on how to use the Voluntary Guidelines. The Voluntary Guidelines should be translated into local and national languages as well as popularized in publications or pamphlets for local use. The introduction of a national right to food day by National Alliances Against Hunger was mentioned in this connection.

The most fundamental task of civil society is to let victims of violations of the right to food know that food is their human right. Education and information should be provided to affected communities. Civil society can make a substantial contribution in devising educational material aimed at vulnerable groups of the population. Popular media, including video, radio, comic books, drama, and song, can play a valuable part in fostering awareness among the public about food insecurity and the right to food. For instance, the Right to Food Secretariat in Sierra Leone has commissioned a song on the right to food, and FIAN Brazil has composed a song on the ICESCR.

Academia also has a great role to play in the promotion of the right to food. The Working Group took note of examples from various countries. The Finnish Institute for Human Rights for instance offers a course for PhD students and practising lawyers, and the University of Benin, in collaboration with United Nations Educational Scientific and Cultural Organization (UNESCO), runs a course on economic, social and cultural rights that specifically targets civil society organizations. The Working Group recommended that efforts be undertaken to develop interdisciplinary courses at the national, regional and international level. The crucial first step to such an initiative will be to identify and interconnect universities that are ready to integrate the right to food in taught programmes. The development of distance or e-learning courses was seen as an innovative method.



In discussing possible good practices, the working group further developed recommendations drawn from relevant areas. National and international conferences on economic, social and cultural rights should be organized, and in turn the Voluntary Guidelines and the right to food should be raised in relevant international forums so as to promote understanding. The United Nations Standing Committee on Nutrition should advocate for endorsement of the Voluntary Guidelines by all relevant bodies.

Parallel reports were considered an educational tool at the local, national and international level, as through their elaboration and dissemination people become engaged, state authorities are involved and networks are established. It was further noted that human rights bodies, such as the Committee on Economic, Social and Cultural Rights also bear responsibility in terms of disseminating information on human rights and that through their application of the Voluntary Guidelines they may exert an educational function vis-à-vis the progressive realization of the right to food. Such a function has most prominently been provided for in the mandate of the UN Special Rapporteur on the Right to Food. Such international efforts must be complemented by national human rights institutions, such as, in the case of Brazil, a National Rapporteur who can go to the local level and take up violations.



## 6. The Right to Food in Emergency Situations<sup>32</sup>

### ► Guidelines 15, 16, 19

Working Group 6 dealt with the complex, controversial, and sometimes contentious issue of national and international food aid and relief in emergency situations, i.e. in the aftermath of natural and man-made disasters, such as earthquakes, storms, tsunamis, floods and droughts, landslides, famines, civil strife and wars. It also considered complex crises with a combination of both man-made and natural factors. The basic assumption is that the immediate impact of emergencies on people can be alleviated by food and relief aid. It should ease the suffering and answer to the immediate needs of the people for food, shelter and basic health services, but at the same time this should happen in such a way as to not disrupt their economies and interfere with their culture in a mid- and long-term development perspective. Humanitarian action should also not be used as an alibi for not addressing the root causes of poverty and conflict. Otherwise food aid and relief operations could become a part of the problem in the aftermath of disasters.

The Voluntary Guidelines on the right to food proved to be very useful for the overall discussion of the Working Group. Guidelines 15 and 16 deal with “International Food Aid” and “Natural- and Human-Made Disasters”, and Section III, Paragraph 13 addresses “International Food Aid” as part of “International Actions, Measures, and Commitments”. While states are the primary duty-bearers of the human rights obligation to respect, protect and fulfil the right to food, the Guidelines also address the international community in cases of emergency when states require food aid and relief assistance.<sup>33</sup> They therefore deal with duties, obligations and responsibilities of states vis-à-vis their citizens as rights-holders. In some points, the Guidelines also address non-state actors directly, for example in Guideline 15.3:

*“States and relevant non-state actors should assure, in accordance with international law, safe and unimpeded access to the populations in need, as well as for international needs assessments and humanitarian agencies involved in the distribution of international food assistance.”*

<sup>32</sup> This section is based on the Report of Working Group 6 by Dr. Jochen Donner, Deutsche Welthungerhilfe (German Agro Action).

<sup>33</sup> If we take into account the “Responsibility to Protect” as finally agreed on at the UN World Summit in New York in September 2005, the responsibility and obligation to intervene goes even further in case a state neglects its duties or is incapable of fulfilling it.

Although the Guidelines are voluntary, the realization of the right to food in emergency situations is governed by a vast body of international law and principles. They have been developed over the years to explicitly affirm the right to food even under conditions of natural and human-made disaster when the survival of people is at stake and whenever the survival of human beings depends on food aid and relief operations.

The essence of Guidelines 15 and 16 is a basic code of conduct for food and relief aid operations, which should be followed and complied with by all governments under the rule of a human rights-based approach to the right to food. The content of the reference points in Guidelines 15 and 16 to food aid and relief can be grouped into four main aspects, i.e. firstly, the obligation of states to **institute disaster preparedness**, secondly, the obligation of states to **follow the needs orientation** in all food aid and relief operations, thirdly, the obligation of states to **maintain the development perspective** of interventions from the very beginning, and fourthly, the obligation of states to **adhere to internationally agreed humanitarian behaviour**.



## Disaster preparedness

- Put in place early warning systems based on international standards and appropriate emergency preparedness measures such as keeping food stocks and adequate systems for distributions (Guideline 16.7)
- Establish mechanisms to assess nutritional impact (Guideline 16.8)
- Keep reliable and disaggregated data (Guideline 16.7)
- Gain understanding of the coping strategies of affected households (Guideline 16.8)

## Needs orientation

- Base food aid and relief on sound needs assessment (Guidelines 15.1, 15.3; Section III, para. 13)
- Prioritize vulnerable groups (Guidelines 15.1; Section III, para. 13)
- Make the assessment of needs, the planning, monitoring and evaluation of the provision of food aid in a participatory manner (Section III, para. 13)
- Take account of food safety (Guideline 15.2)

## Development perspective

- Ensure food aid supports national efforts for food security (Guidelines 15.1, 15.4)
- Do not disrupt local food production, nutritional and dietary habits and culture (Guideline 15.1; Section III, para. 13)
- Use local and regional commercial markets (Guideline 15.1; Section III, para. 13)
- Act consistently with FAO Principles of Surplus Disposal and Consultative Obligations, the Food Aid Convention and the WTO Agreement on Agriculture (15.2)
- Take into account longer-term rehabilitation and development objectives in the recipient countries (15.4)
- Avoid creation of dependency (15.1)
- Have an exit strategy (15.1)

## Humanitarian behaviour

- Ensure safe and unimpeded access to population in need (15.3, 16.6)
- Respect universally recognized humanitarian principles (15.4, 16.2)
- Never use food as a means of political and economic pressure (16.1)
- Prevent starvation as a method of warfare (16.2)

- Ensure food and medical supplies in situations of occupation (16.3, 16.5)
- Use the Guiding Principles on Internal Displacement (16.5)

Prior to the discussion, two thematic inputs were presented to the working group. Mr. Lorenzo Cotula from the International Institute for Environment and Development gave an overview of the international legal framework which guides and regulates food and relief operations of states in emergency situations. He stated that the right to food is embedded in a body of international human rights law, in humanitarian law and in a number of international agreements. The right to food is based on an essential number of internationally acknowledged principles. In particular, he referred to the International Covenant on Economic, Social and Cultural Rights, the Geneva Conventions of 1949 and the additional protocols of 1977, the Statute of the International Criminal Court, WTO norms in the Agreement on Agriculture, FAO Principles of Surplus Disposal and Consultative Obligations, the Food Aid Convention of 1999 and the WFS Declaration of 1996.

Furthermore, in the context of emergencies, be they man-made or caused by natural disaster, the guiding international principles are impartiality, non-discrimination, prioritizing the most vulnerable, a participatory approach, non-disturbance of the local economy and culture and trade-related surplus disposal rules. He argued that the value added to this existing frame of international law and principles by the Voluntary Guidelines is the bringing together of these elements in a single document for states and the international community and their integration into a right-to-food approach. He drew attention to the fact that this does not directly bind and govern the actions of non-state actors in the same way as states, and indeed the Guidelines make a difference of state obligations and responsibilities of non-state actors like NGOs, the private sector or militias in civil conflict.

Ms. Monika Midel from the World Food Programme of the United Nations explained the perspective and work of the WFP, the world's largest intergovernmental food aid and relief agency and provider of food aid and relief operations. Whenever requested by a State, WFP assists states parties in meeting their obligations on the right to food. However, WFP depends on the willingness of donor governments to react on WFP-appeals with adequate donations either in kind or in cash.

WFP applies a needs-based approach and acts on a project-by-project basis. A project is initiated only upon a thorough needs assessment of the target group's situation and has a clearly limited time horizon. It normally ends when the emergency situation is over. The WFP experience has shown that conflict situations (civil war, unrest, failed states) are the most difficult tasks from a right to food perspective. Often essential principles of food aid and relief work cannot be guaranteed in such situations, like safe access to vulnerable groups and the safety of humanitarian personnel. It would need special measures of enforcement. WFP is often challenged in public due to the high amount of food aid in kind in its programmes, received from developed countries instead of finances for procurement (USA, for example). However, this is not a reflection of WFP's policy. To the contrary, WFP policy gives priority to local and regional procurements of food items needed, wherever possible, and whenever the finances which are made available from donor governments allow such procedure.

WFP defines 8 recent major emergencies in the world of 2005. The Tsunami in South-East Asia ranks number eight in terms of the number of people affected. Conflict caused three of these major emergencies, natural disasters four and economic reasons one. Most of the aid given by WFP is food aid for relief, 10 per cent are provided for development programmes.

Presently WFP is facing problems of shortages and delayed commitments in cash for a number of on-going emergencies, for example for West and Southern Africa food emergencies. What makes the work of WFP really arduous is the lack of predictability of food shortages in many countries. Early warning systems and preparedness mechanisms are often inadequate. Therefore, WFP fully welcomes the Voluntary Guidelines as a practical instrument, because it encourages states to overcome such deficiencies. The WFP accepts the guidance and principles of the Voluntary Guidelines.

The discussions of the Working Group were at the beginning quite fundamental and controversial. One participant called for the prohibition of food aid in kind, as it constituted mere surplus dumping of agricultural produce (maize, corn and wheat) of some rich nations, causes neglect of domestic food production and agriculture by the State, and will lead to the ruin and marginalization of small farmers in the developing world. Others were challenging this statement, and confront-

ed it with empirical evidence of situations where only rapidly available food aid supplies saved lives. Eventually it was agreed that even food aid in kind is, in certain situations, a necessary instrument of relief, albeit it should be used with care and only if it is the best option for those in need and only with the consent of the recipient State. The Group agreed that the disposal of surplus food grain production from one country into an emergency situation of another country would certainly not be in line with the intentions of the Guidelines. Here the discussion referred to the situation in 2002/03 where GMO-maize from the USA was flushed via WFP into some South African countries. Such food aid intervention would show a fundamental disrespect of the right to food and disregard of recipients as rights-holders. It would also pervert the true sense of the right to food which has to be understood primarily as the right to feed oneself.

The Group concluded its deliberations with a list of recommendations. Regarding the policy changes needed for implementation of the right to food in accordance with the Voluntary Guidelines, there was consensus for an urgent need of policy changes in a number of developing countries in order to facilitate the implementation of the right to food. First, there should be a focus of national policies on local food production, especially in food deficit countries, and donor countries should put more emphasis on food aid in form of cash rather than in kind. To this end, it was proposed to improve the reporting on food aid assistance, to collect disaggregated data on the form of aid received, and to make this data publicly available as, for instance, reports on food aid.

Second, more emphasis should be put on the establishment and improvement of early warning systems on the local, regional and national level. Preventive action should be decentralized. Relevant UN-institutions should deliver timely and coordinated warnings, and national and international institutions were advised to acknowledge the reporting and early warning mechanisms of civil society. Furthermore, states were encouraged to put into place inter-ministerial coordination mechanisms and assure coherence of government food aid and relief actions, set up national human rights rapporteurs as well as courts with a broad mandate including the right to food and the Guidelines, and mainstream the human rights based approach in all MDG- and PRSP-processes.

Working Group 6 got to the very core of the issue of international food aid and relief operations. In this spirit it was believed that the results of the conference could contribute to action directed towards addressing the underlying causes of hunger and poverty and to a change in paradigm from charity to rights and entitlements in food aid policies and operations.

As mentioned in the above statement of Monika Midel (WFP), there is a tremendous lack of early warning mechanisms in quite a number of countries. This is aggravated by an irresponsible lack of public infrastructures to the effect that often crucial time is often lost and lives and livelihoods are extinguished which could have been saved had earlier and better warning and preparedness mechanisms, roads, storage, flood and storm shelters, and disbursement- and distribution systems been in place. Early warning, disaster and emergency preparedness clearly is a public domain, a responsibility and obligation of the state, not only on the national but also on the international level, i.e. also for the international community of states, but principally in countries which are prone to natural disasters or man-made emergencies. In not doing

this adequately and with the highest priority with all means available, a state would obviously be violating the human right to life and food of affected people.

Market mechanisms do not automatically provide the public goods necessary for disaster preparedness and relief or for human development, particularly in rural areas of developing countries, where few if any capital goods have to be protected but the majority of the poor and vulnerable live. A change of paradigm, inherent to the human rights based approach to development and relief, is thus a *conditio sine qua non* for the implementation to the right to food.

In consequence, applying the right to food or any other economic, social and cultural right means complementing two paradigms, one is the traditional paradigm of charity and voluntariness and the other the market-based paradigm of shareholder value. Both are insufficient for the realization of the right to food on their own, but under the paradigm of the human rights approach to development and relief, they can contribute to the achievement of the MDGs.

## Part III

## Perspectives

At the Policies against Hunger IV Workshop, development and international law experts discussed the Voluntary Guidelines and the policy changes necessary for their implementation. Governments willing to implement the human right to adequate food will find in the Guidelines a useful compilation of best practices and policy prescriptions. In some parts the text is quite detailed while in others it covers broader policy areas, a result of the negotiation process in which many opinions were voiced and different interests were present. Some governments were afraid that the text could become too policy-prescriptive, that is demanding very specific policy actions or interventions. They highlighted the rights of governments to choose between different policy interventions which may lead to similar results. Other governments but also the civil society organizations present wanted the Voluntary Guidelines to at least cover the policy areas necessary for full implementation of the right to food.

The text constitutes a very useful compromise between these opposing positions. The Guidelines in most parts are not policy-prescriptive but provide minimum orientation for government policies aimed at implementing the right to food. Firstly, the basic human rights principles such as transparency, participation and non-discrimination are applied to the policy areas relevant for the right to food. Secondly, the Guidelines develop further the five elements of a national implementation strategy regarding economic, social and cultural rights, as defined by the CESCR. Fundamentally, countries need to give primary consideration to the most vulnerable groups and allocate all available resources to addressing the most pressing forms of violations of these rights. Unlike the standard classification in the UN human rights system, ‘vul-

nerable groups’ means all those who are facing violations of the right to adequate food.

These five elements, mentioned several times in this publication, structure the logic of the Voluntary Guidelines: (1) identifying vulnerable groups; (2) checking whether existing legislation prioritizes, or discriminates against, these vulnerable groups; (3) developing policies to cope with the problems of each of the vulnerable groups; (4) develop adequate monitoring capacities to measure changes over time and (5) allow unrestricted access to effective remedies and complaint mechanisms at the judicial and quasi-judicial level.

The Voluntary Guidelines describe what governments should do in all relevant policy areas if they want to implement the right to adequate food. The Workshop started by regrouping the different guidelines according to the policy areas that can be found in most countries worldwide. This proved to be extremely helpful for discussions and should allow for easier adaptation of the Guidelines to the portfolios of national ministries. Each ministry has to identify the relevant provisions in the Guidelines and discuss their implications for its work.

As became clear during the Workshop, the right to food is one of the economic, social and cultural rights whose implementation often requires changes in many policy areas, ranging from macroeconomic framework conditions over agricultural policies to education in nutrition. The complexity involved in successfully implementing the right to food has often been used as an excuse or argument against economic, social and cultural rights. Implementation might indeed be easier for a human right which is confined to a specif-



ic policy area (such as the right to education) than for a human right which demands policy awareness and/or changes at the inter-ministerial level.

The central finding of the Policies against Hunger IV Workshop is that it is possible to master this complexity. The Guidelines are a practical tool providing practical guidance on how this can be done. What is needed, first and foremost, is implementation at the national level. The countries that are going to apply the Voluntary Guidelines have to develop a national strategy in order to achieve the harmonization of relevant policies and the necessary coordination between relevant ministries and administrations. The nomination of one office that is responsible for overseeing and managing the process will be one of the most important

first steps. Another finding of the Workshop was the acknowledgement that the Voluntary Guidelines can be used both by duty-bearers, e.g. government institutions, legislators, and legal institutions, and by rights-holders, e.g. victims and other civil society groups.

The Workshop discussed the application of the Voluntary Guidelines in six policy areas. In three policy areas the results were quite detailed and commonly agreed in the working groups, i.e. in the areas concerning the legal and institutional framework, emergency situations and nutrition policies. In the policy areas concerning social development and education and awareness raising, progress could be achieved and many ideas for a possible government implementation of the Voluntary Guidelines in these areas were gathered. In economic and agricultural policy making, further discussion is needed on how to best integrate the Guidelines into national policy frames. These are also the areas where further research or follow-up conferences could help to move forward. There was consensus during the Workshop that much more attention has to be paid to investment in rural development.

Two areas of the Guidelines were not covered in the six policy areas analyzed and will need special attention and follow-up. The Guidelines on Monitoring require governments to build up rights-based monitoring skills, an area where governments will need to get advice both from the FAO and the Office of the High

Commissioner for Human Rights. The first research programmes are underway and should come up with results in the course of 2006. The international dimension is the second area that needs to be further integrated into the follow-up work concerning the Voluntary Guidelines. Participants in all working groups highlighted the need to include the international dimension in all policy areas and in particular into each of the steps of the national implementation strategy.

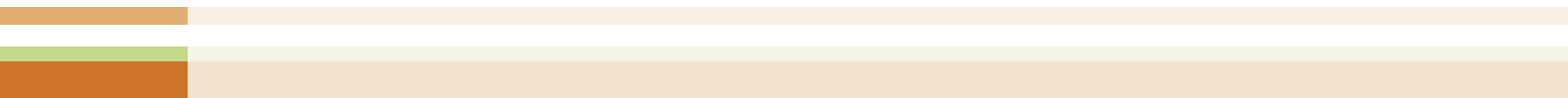
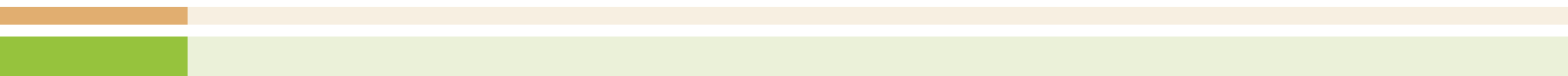
The Voluntary Guidelines are a practical tool that requires national adaptation. As the situation varies significantly from country to country, international guidelines of such nature need to be modified in order to become country-specific enough. Countries must be differentiated according to their level of development, but also concerning their different national legal systems, their legislative traditions and their geographical endowments.

The main challenges for the coming months will be to make the standards of interpretation agreed upon in the Voluntary Guidelines known to actors at the national level who either need to follow them as government officials or who should use them for monitoring and surveillance work as judges, members of national human rights commissions or in national human rights and civil society organizations. At all levels and for all these actors a specific human rights training and education programme is needed. FAO, OH-

CHR, bilateral and multilateral aid agencies and NGO/CSOs have the opportunity to invest in such result-oriented use of the Voluntary Guidelines at the national level. It is one of the core tasks of the new FAO unit for the right to adequate food to initiate and accompany processes in government institutions that are willing to make use of the Voluntary Guidelines.

Great responsibility also lies with civil society organizations to speed up implementation of the right to food. Without adequate pressure from below in many countries progress might be sluggish. What is more, the prevalence of violations or non-implementation of the right to food suggests that in many countries the problem is not that governments and elites are not properly informed about the content of these rights and their obligations and responsibilities. Often there are vested interests of power networks that hinder necessary reforms, improved and secure access to productive resources and the redistribution of assets. Such power structures can only be changed if different civil society actors work together.

Claiming rights is a conflictive process in which legal tools are extremely helpful, but not the only requirement for success. It is to be hoped that by making use of the Voluntary Guidelines and the recommendations of the Workshop, concrete cases of implementing the right to food effectively at the national level can be documented in some years.





# Part IV

## To know more about Policies against Hunger IV

### A References and Links

#### Right to Food Links

**International Workshop 'Policies against Hunger IV'**

► <http://www.policies-against-hunger.de>

#### Relevant organizations

**Association Internet pour la promotion des droits de l'homme**

► <http://www.aidh.org>

**Center for Economic and Social Rights**

► <http://www.cesr.org>

**Centre on Housing Rights and Evictions**

► <http://www.cohre.org>

**Deutsche Gesellschaft für Technische Zusammenarbeit – Global Food Security**

► <http://www.gtz.de/en/themen/laendliche-entwicklung/armut-hunger/2198.htm>

**ESCR Protocol Now! Campaign**

► <http://www.escrprotocolnow.org>

**Food and Agricultural Organization of the United Nations – Legal Office: Right to Food**

► <http://www.fao.org/legal/rtf/rtf-e.htm>

**FoodFirst Information and Action Network**

► <http://www.fian.org>



**German Agro Action**

► <https://www.welthungerhilfe.de>

**International Alliance Against Hunger**

► <http://www.iaahp.net>

**International Baby Food Action Network**

► <http://www.ibfan.org>

**International Federation for Human Rights**

► <http://www.fidh.org>

**International Food Policy Research Institute**

► <http://www.ifpri.org>

#### **International Fund for Agricultural Development**

▶ <http://www.ifad.org>

#### **International Network for Economic, Social and Cultural Rights**

▶ <http://www.escr-net.org/EngGeneral/home.asp>

#### **International Project on the Right to Food in Development**

▶ <http://www.nutrition.uio.no/iprfd>

#### **InWEnt – Capacity Building International**

▶ <http://www.inwent.org>

#### **Office of the United Nations High Commissioner for Human Rights – Right to Food**

▶ <http://www.unhchr.ch/html/menu2/i2ecortf.htm>

#### **United Nations Children’s Fund – Nutrition**

▶ <http://www.unicef.org/nutrition>

#### **United Nations Special Rapporteur on the Right to Food**

▶ <http://www.righttofood.org>

#### **United Nations System Network on Rural Development and Food Security**

▶ <http://www.rdfs.net/index.htm>

#### **United Nations System Standing Committee on Nutrition**

▶ <http://www.unsystem.org/scn>

#### **Right to Food Campaign**

▶ <http://www.righttofoodindia.org>

#### **Vía Campesina**

▶ <http://www.viacampesina.org>

#### **World Alliance on Nutrition and Human Rights**

▶ <http://www.nutrition.uio.no/iprfd>

#### **World Food Programme**

▶ <http://www.wfp.org>

#### **World Health Organization – Nutrition**

▶ <http://www.who.int/nutrition/en>

### **Other sources of information:**

#### **Eldis Gateway to Development Information – Right to Food**

▶ <http://www.eldis.org/food/righttofood.htm>

#### **Hunger Notes**

▶ <http://www.worldhunger.org>

#### **World Bank Development Gateway**

▶ <http://www.developmentgateway.org>

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## B List of participants

### Policies Against Hunger IV Implementing the Voluntary Guidelines 14 –16 June 2005 in Berlin, Germany

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3.	<b>Akplogan-Dossa</b>	Huguette	Soeurs Unies à l'Oeuvre (SUO)	Benin
4.	<b>Aliro-Omara</b>	Joel	Uganda Human Rights Commission	Uganda
5.	<b>Alshaghood</b>	Abdullah	Embassy of Saudi-Arabia	Saudi-Arabia
6.	<b>Andriamandroso</b>	Denis A.H.	Embassy of Madagascar	Madagascar
7.	<b>Atarrd</b>	Hakim	Embassy of Afghanistan	Afghanistan
8.	<b>Atinmo</b>	Tola	University of Ibadan	Nigeria
9.	<b>Badonfai</b>	Judit	Embassy of Hungaria	Hungaria
10.	<b>Bambridge</b>	Chevannes	Embassy of Jamaica	Jamaica
11.	<b>Barriga</b>	Enrique	Embassy of Chile	Chile
12.	<b>Barth Eide</b>	Wenche	University of Oslo	Norway
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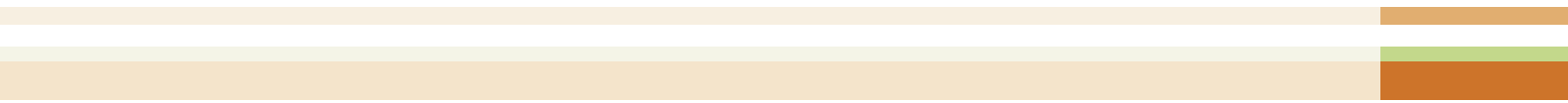
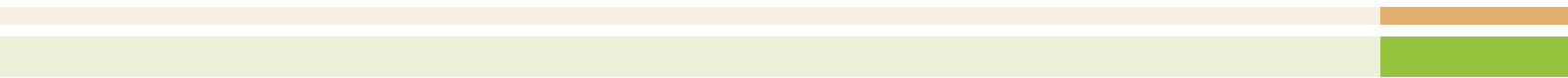
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