

National strategies for realising the right to food

The right to food has received increasing attention internationally and nationally following drastic increases in food prices and widespread protests against these increases in more than 40 countries this year (FIAN International, 2008: 2-3). This global food crisis is endangering millions of the world's most vulnerable and threatens to reverse critical gains made towards reducing poverty and hunger as outlined in the Millennium Development Goals (CFA, 2008: executive summary, para 1). The Comprehensive Framework for Action (CFA) was developed by the High-Level Task Force on the Global Food Crisis, established by the United Nations (UN). It proposes actions to promote a comprehensive response to the global food crisis.

In a recent report to the UN Human Rights Council, the UN Special Rapporteur on the right to food, Olivier de Schutter (2008), analyses the global food crisis. He also explains why a human rights framework should be used in identifying the measures needed to respond to that crisis. Such an approach would target the most vulnerable segments of the population - those most severely affected by the crisis or those who may least benefit from the remedies (para 2).

The report emphasises the need for governments to develop national strategies for the realisation of the right to food in order to

- (a) identify, at the earliest stage possible, emerging threats to the right to adequate food, by adequate monitoring systems;
- (b) assess the impact of new legislative initiatives or policies on the right to adequate food;
- (c) improve coordination between relevant ministries and between the national and subnational levels of government, taking into account the impact on the right to adequate food, in its nutritional dimensions, of measures taken in the areas of health, education, access to water and sanitation, and information;
- (d) improve accountability, with a clear allocation of responsibilities, and the setting of precise time frames for the realization of the dimensions of the right to food that require progressive implementation; and

- (e) ensure the adequate participation, particularly of the most food-insecure segments of the population (para 14).

The national strategies listed in the report include: adopting measures based on an adequate mapping of food insecurity and vulnerability, ensuring accountability for violations of the right to food, improving the protection of the rights of land users and strengthening the protection of women's rights.

Mapping of food insecurity and vulnerability

Guideline 13 of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Voluntary Guidelines) recommends the establishment of food security and vulnerability mapping systems (FIVIMS) to identify groups that are food insecure. These guidelines were adopted in 2004 by the member states of the General Council of the Food and Agricultural Organization to elucidate how the right to food can be implemented in practice.

Relying on the Voluntary Guidelines, the Special Rapporteur notes that a human rights approach requires that states develop policy responses based on an adequate mapping of food insecurity and vulnerability, identify how interventions should be targeted and assess the impact of the right to

food (para 16). This would help states to identify the scope of the problem and the development of appropriate policies. The Special Rapporteur further notes that impact assessments can significantly improve the quality of law- and policy-making (para 16). The Voluntary Guidelines contain recommendations on conducting impact assessments of the right to food (Guideline 17).

Ensuring accountability for violations of the right to food

Since mapping food security alone is not enough to deal with the food crisis, the Special Rapporteur also recommends improving accountability by establishing mechanisms through which rights holders can claim their right to food. Hence, in addition to ensuring that people have access to adequate food, states must ensure that they have legal claims against those whose actions or inactions impact on their situation (para 17). The Special Rapporteur therefore proposes that states should adopt framework legislation to render the right to food justiciable domestically and thus empower the courts to monitor compliance with the right to adequate food (para 18). Such accountability mechanisms, observes the Special Rapporteur, will ensure the identification at an early stage of macroeconomic or social policies that are misguided or not well targeted (para 18).

The Special Rapporteur notes that the CFA does not have such accountability mechanisms.

Improving the protection of the rights of land users

The Special Rapporteur remarks that responses to the global food crisis pay very little attention to the rights of land users and, to the extent that they emphasise increasing food production, they could lead to new threats to security of land tenure (paras 20 & 21). He recommends that developing countries be encouraged to ensure security of tenure for all land users (para 21), to avoid excessive concentration of land and, where possible, to accelerate agrarian reform to ensure that those who depend on land for their livelihood have access to it. The Special Rapporteur also recommends that special attention be paid to the removal of all obstacles to the equal enjoyment of land rights by women (para 22).

Strengthening the protection of women's rights

Respect for women's rights is important to the enjoyment of the right to adequate food, principally in its nutritional aspects. Accordingly, as noted by the Special Rapporteur, there is a high degree of consensus on the need to strengthen women's rights. States should therefore be encouraged to make women's rights an explicit component of their national strategies to respond to the food crisis (para 23).

Conclusion

The report of the Special Rapporteur also deals with the obligations not to pursue policies that have a negative impact on the right to adequate food, using the example of agrofuels (paras 25-34); to protect the right to adequate food by controlling private

actors (paras 35-8); and to cooperate internationally in order to contribute to the fulfilment of the right to food (paras 39-40).

The Special Rapporteur concludes by making a number of recommendations, calling on the UN Human Rights Council to

- continue monitoring the initiatives adopted by governments, the private sector and international agencies in response to the global food crisis, ensuring that it focuses attention on the human rights dimensions of the crisis and the effective participation of rights holders;
- encourage states to build national strategies for the realisation of the right to adequate food, which should take into account the need to strengthen the protection of the human rights of the most vulnerable groups, including land users whose land tenure is insecure, landless labourers, women, the displaced, indigenous people, minorities, the disabled and the rural and urban poor;
- encourage the development of an international consensus on agrofuels, to avoid the negative impact of the development of agrofuels on the international price of staple food commodities, and ensure that the production of agrofuels is consistent with human rights and does not result in distorted development in producer countries;
- insist that all states ensure that third parties do not interfere with the right to adequate food, and clarify how the private sector can contribute to the shaping of a just food production and distribution system;
- request further studies on the role of international cooperation in combating the negative effects of non-commercial speculation on the price of primary agricultural commodities; and
- examine the contribution that the establishment of a global reinsurance

fund could make to the realisation of the right to adequate food.

A summary of the responses of the international community to the global food crisis of 2007-2008 is annexed to the report (Annexure II), as is an account of the impacts of agrofuels production on the right to adequate food (Annexure II).

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The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security is available at www.fao.org/righttofood/en/highlight_51596en.html.

The Comprehensive Framework for Action is available at www.un.org/issues/food/taskforce/Documentation/CFA%20Web.pdf

References

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