

The right to food and global strategic frameworks:

The Global Strategic Framework for Food Security
and Nutrition (GSF) and the UN Comprehensive
Framework for Action (CFA)



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Framework for Action (CFA)

Christophe Golay and Michaela Büschi



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Right to Food Studies

Right to Food Studies is a series of articles and reports on right to food related issues of contemporary interest in the areas of policy, legislation, agriculture, rural development, biodiversity, environment and natural resource management.

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Right to Food Studies are available at www.fao.org/righttofood.

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List of Acronyms and Abbreviations

CAADP	Comprehensive Africa Agriculture Development Programme
CEB	Chief Executives Board for Coordination of the United Nations
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CFA	Comprehensive Framework for Action
CFS	Committee on World Food Security
CONSEA	National Council for Food and Nutritional Security
CSM	Civil Society Mechanism
CSO	Civil society organization
FAO	Food and Agriculture Organization
GPAFSN	Global Partnership on Agriculture, Food Security and Nutrition
GSF	Global Strategic Framework for Food Security and Nutrition
HLPE	High Level Panel of Experts
HLTF	High Level Task Force on Global Food Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFAD	International Fund for Agriculture Development
IMF	International Monetary Fund
NGO	Non Governmental Organization
OHCHR	Office of the High Commissioner for Human Rights
PANTHER	Participation, accountability, non-discrimination, transparency, human dignity, empowerment, rule of law
UCFA	Updated Comprehensive Framework for Action
UDHR	Universal Declaration of Human Rights
UN	United Nations
WFP	World Food Program
WFS	World Food Summit
WTO	World Trade Organization



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Introduction

According to figures from the Food and Agriculture Organization of the United Nations (FAO), there are almost 1 billion undernourished people in the world today, primarily in developing countries.¹ Every year, 6 million children die, directly or indirectly, from the consequences of undernourishment and malnutrition – that is, 1 child every 5 seconds.²

States undertook two quantifiable commitments to reduce undernourishment in the world in the last 15 years. In the 1996 Rome Declaration on World Food Security and the Plan of Action of the World Food Summit (WFS), they pledged to halve the *number* of undernourished people by 2015. Four years later, in the United Nations Millennium Declaration, they undertook to halve the *proportion* of undernourished people by 2015.

Before the start of the global food crisis in 2008, experts already recognized that these goals would be difficult to achieve.³ The number of undernourished people had increased every year since 1996 and the corresponding proportion fell by only 3% between 1996 and 2007.⁴ The situation deteriorated further since 2008 and a new food crisis ravaged the Horn of Africa in 2011.

Recognizing this failure, states and FAO, spurred by civil society organizations, sought to reverse the trend registered since 1996. To this end, they decided to effect a paradigm shift from an anti-hunger approach based on *food security* to one based on the *right to adequate food*.⁵ This decision was taken at the 2002 WFS, when the 179 participating states reaffirmed the right to adequate food and tasked an FAO intergovernmental working group with developing *Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (Right to Food Guidelines)* in order to provide practical guidance for achieving the goals established in 1996.⁶

1 FAO.2010. The State of Food Insecurity in the World 2010. Rome.

2 FAO. 2005. *The State of Food Insecurity in the World 2005*, Rome. p. 20.

3 UN General Assembly. 22 August 2007. *The right to food. Report of the Special Rapporteur on the right to food*, A/62/289, para. 2.

4 FAO. 2008. *The State of Food Insecurity in the World 2008*, Rome. p. 6.

5 W. Barth Eide. "From Food Security to the Right to Food" in W. Barth Eide, U. Kracht (eds.), 2005. *Food and Human Rights in Development. Legal and Institutional Dimensions and Selected Topics*, Antwerpen, Oxford, Intersentia, pp. 67-97.

6 FAO. *Declaration of the World Food Summit: five years later*, para. 10.

The *Right to Food Guidelines* were adopted unanimously by the FAO Council in November 2004.⁷ Since then, they have been used widely in the fight against hunger and in response to the global food crisis. In January 2009, the United Nations (UN) Secretary General stated that the right to food should be added as a third track – with food aid and food security – to respond to the global food crisis and food insecurity. In November 2009, in the Declaration of the World Food Summit on Food Security, states reiterated their commitment to “*collectively accelerate steps... to set the world on a path to achieving the progressive realisation of the right to adequate food in the context of national food security*”.⁸

In parallel to this development and in response to the global food crisis that erupted in 2008, states and international organizations created new institutional frameworks to coordinate their activities. The United Nations system created the High Level Task Force on Global Food Security (HLTF) in 2008, with the mandate to coordinate the responses of international organizations. The HLTF developed a Comprehensive Framework for Action (CFA) to propose measures to be implemented to respond to the food crisis and propose long term solutions. The CFA was revised in 2010, to adjust to the evolving situation, and became the Updated CFA (UCFA).

In November 2009, at the World Food Summit on Food Security, Member States of FAO agreed upon a far-reaching reform of the Committee on World Food Security (CFS), which became a key platform for coordination and exchange of best practices, as well as a forum to promote accountability. Since then, the CFS began to develop a Global Strategic Framework for Food Security and Nutrition (GSF), a global framework and living document designed to support this process.

Both global frameworks aim to provide practical guidance and support for the fight against hunger at all levels.

This study aims to provide guidance on how the right to adequate food can best be integrated into the CSA and the GSF. In its first part, it will present the recognition and definition of the right to adequate food within the United Nations and FAO and the main elements of a rights-based approach to the fight against hunger (I). In its second part, it will describe the two main global frameworks on food and nutrition security that have been developed since 2008 (II) – the CFA and the GSF – and in its third and fourth parts it will propose concrete recommendations for a better integration of the right to adequate food into the CFA (III) and the GSF (IV).

7 FAO. *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*, adopted by the 127th session of the FAO Council in November 2004 (*Right to Food Guidelines*).

8 FAO. 16-18 November 2009. *Declaration of the World Summit on Food Security*.



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1. The right to adequate food and the definition of a rights-based approach to the fight against hunger

The right to adequate food has been recognized and defined by states and human rights experts at the United Nations and FAO since 1948 (1-2). In the last 20 years, the need to adopt a rights-based approach to development was underlined by many international organizations and it is now possible to present the core elements of a rights-based approach to the fight against hunger (3).

1.1 Recognition of the right to adequate food within the United Nations and FAO

The right to adequate food is one of the most fundamental human rights.⁹ This has been recognized by the UN General Assembly in the Universal Declaration of Human Rights (UDHR) of 1948 and in the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966.

In the UDHR, states proclaimed that:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (Article 25).¹⁰

In the ICESCR, states recognized “*the right of everyone to an adequate standard of living for himself and his family, including adequate food (...) and to the continuous improvement of living conditions*” (Article 11, para. 1) as well as “*the fundamental right of everyone to be free from hunger*” (Article 11, para. 2).

9 For a description of the right to food as a fundamental right in international law, see W. Barth Eide and U. Kracht (eds). 2005. *Food and Human Rights in Development. Legal and Institutional Dimensions and Selected Topics*, Antwerpen, Oxford, Intersentia, J. Ziegler, C. Golay, C. Mahon, S-A. Way, 2011. *The Fight for the Right to Food. Lessons Learned*, London, Palgrave Macmillan; C. Golay, 2011. *Droit à l'alimentation et accès à la justice*, Bruxelles, Bruylant.

10 We underlined.

This recognition of the right to adequate food and the fundamental right to be free from hunger in the ICESCR, which can be at least partially attributed to the successful lobbying of the FAO Director General at the UN General Assembly,¹¹ was not followed by a strong commitment at the highest political level to ensure their full realization.

It was only in 1996, at the occasion of the World Food Summit (WFS), that political leaders committed to realize the right to adequate food and asked the UN human rights system to better define the right to adequate food. In response to this request, the UN Committee on Economic, Social and Cultural Rights adopted its General Comment 12 in 1999, in which it defined the right to adequate food, and the UN Commission on Human Rights created the mandate of the first UN Special Rapporteur on the right to food in 2000.¹²

At the World Food Summit organized by FAO in 2002, states welcomed these developments and tasked an intergovernmental working group with developing *Right to Food Guidelines* in order to provide practical guidance for achieving the goals established in 1996.¹³ The *Right to Food Guidelines* were adopted by unanimity by the FAO Council in November 2004 and since then they have been used widely by states in their fight against hunger, often with the support of the FAO Right to Food Unit created in 2004.¹⁴

Since his nomination as UN Special Rapporteur on the right to food in May 2008, Olivier De Schutter worked hard to convince states and international organizations to integrate the right to adequate food in their responses to the global food crisis that exploded in 2008. In May 2008, he convinced the Human Rights Council to organize a special session on the right to food and the global food crisis, in which Member States adopted a resolution at unanimity, calling for a rights-based approach to the fight against hunger and for considering “*reviewing any policy or measure which could have a negative impact on the realization of the right to food*”.¹⁵

Some months later, at a high-level meeting on food security for all in Madrid on 27 January 2009, the UN Secretary General proposed to add the right to food as a third track to fight food insecurity and malnutrition. For Ban Ki-moon:

“We must continue to meet urgent hunger and humanitarian needs by providing food and nutrition assistance and safety nets, while focusing on improving food production and smallholder agriculture. This is the twin-track approach taken in the Comprehensive Framework for Action. We should be ready to add a third track, the right to food, as a basis for analysis, action and accountability.”

11 J. Cartwright Traylor. “FAO and the Right to Food ” in A. Eide, W. Barth Eide, S. Goonatilake, J. Gussow and Omawale, *Food as a Human Right*, Second printing, Singapore, United Nations University, 1988 (first printing 1984), pp. 190-192.

12 Jean Ziegler became the first UN Special Rapporteur on the right to food in September 2000. Olivier De Schutter replaced him in May 2008. See their respective websites at <http://www.righttofood.org> and <http://www.srfood.org>.

13 FAO. *Declaration of the World Food Summit: five years later*, para. 10.

14 See FAO. 2011. *Right to Food. Making it Happen. Progress and Lessons Learned through Implementation*, Rome; see also the website created by the FAO Right to Food Unit at <http://www.fao.org/righttofood>.

15 UN Human Rights Council. *Report of the Human Rights Council on its seventh special session*. A/HRC/S-7/2.

1.2 Definition of the right to adequate food and the correlative States' obligations

The UN Committee on Economic, Social, and Cultural Rights and the UN Special Rapporteur on the right to food both gave a definition of the right to adequate food.

For the Committee:

The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The core content of the right to adequate food implies (...) the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture (and) the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.¹⁶

For the Special Rapporteur:

The right to food is the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.¹⁷

These definitions were clearly inspired from the definition of food security adopted by the Member States of FAO in the 1996 WFS Plan of Action, according to which «*all people at all times have physical and economic access to sufficient, safe and nutritious foods to meet their dietary needs and food preferences for an active healthy life*».

Following these definitions, we can conclude that all human beings have the right to food that is *available in sufficient quantity, nutritionally and culturally adequate* and physically and *economically accessible*.¹⁸

The main added-values of the right to adequate food lie in its focus on human dignity and in its definition of correlative states' obligations.

The states' obligations to *respect, protect* and *fulfil* the right to adequate food were first developed by A. Eide¹⁹ and subsequently defined by the UN Committee on

¹⁶ UN Committee on Economic, Social and Cultural Rights (Committee). *General Comment 12*, paras. 6-8.

¹⁷ UN Commission on Human Rights (Commission). 7 February 2001. *The right to food. Report by the Special Rapporteur on the right to food, Mr. Jean Ziegler*, E/CN.4/2001/53, para. 14.

¹⁸ Committee. *General Comment 12*, paras. 6-8.

¹⁹ Commission. 28 June 1999. *The right to adequate food and to be free from hunger. Updated study on the right to food, submitted by A. Eide*, E/CN.4/Sub.2/1999/12.

Economic, Social, and Cultural Rights, the UN Special Rapporteur on the right to food and states in adopting the *Right to Food Guidelines*.²⁰

The obligation to *respect* the right to adequate food is essentially an obligation to refrain from action. It implies that states should refrain from taking measures that prevent individuals from accessing food:²¹

*Violations of the obligation to respect would occur, for example, if the Government arbitrarily evicts or displaces people from their land, especially if the land was their primary means of feeding themselves, if the Government takes away social security provisions without making sure that vulnerable people have alternative ways to feed themselves, or if the Government knowingly introduces toxic substances into the food chain, as the right to food entails access to food that is “free from adverse substances” (...).*²²

The obligation to *protect* the right to adequate food requires that states ensure that enterprises and private individuals do not deprive individuals of their access adequate food.²³ This obligation was defined generically in the Maastricht Guidelines:

*The obligation to protect includes the state’s responsibility to ensure that private entities or individuals, including transnational corporations over which they exercise jurisdiction, do not deprive individuals of their economic, social and cultural rights. States are responsible for violations of economic, social and cultural rights that result from their failure to exercise due diligence in controlling the behaviour of such non-state actors.*²⁴

This obligation requires that states create appropriate legislative and institutional frameworks and legal systems for the protection of the right to adequate food.

Finally, the obligation to *fulfil* implies that states should first *facilitate* the realization of the right to adequate food, by creating an environment that enables individuals and groups of individuals to feed themselves by their own means, and second *provide* the right to adequate food for those who are not capable of feeding themselves for reasons beyond their control, through the distribution of food and implementation of social protection programmes.²⁵

20 In the introduction to the *Right to Food Guidelines*, states reiterated the exact same definition provided by the Committee on Economic, Social, and Cultural Rights in 1999.

21 Committee. *General Comment 12*, para. 15; Introduction to the *Right to Food Guidelines*.

22 Commission. 16 March 2006. *The right to food. Report by the Special Rapporteur for the right to food, Jean Ziegler*, E/CN.4/2006/44, para. 22.

23 Committee. *General Comment 12*, paras. 15, 27.

24 *Maastricht Guidelines on Violations of Economic, Social, and Cultural Rights* (Maastricht Guidelines), para. 18.

25 Committee. *General Comment 12*, para. 15; Preface and introduction to the *Right to Food Guidelines*, para. 17.

The purpose of facilitating the right to adequate food is to enable those individuals to have access to adequate food by themselves. As provided for in the Right to Food Guideline 8, facilitating includes the obligation of states to take measures to ensure that undernourished persons have access to productive resources or means, including land, water, seeds, microcredit, forest areas, fisheries, and livestock.

States also have the obligation to *provide* the right to adequate food for those with no long-term prospects of access to adequate food by their own means. This obligation applies to detained persons and children. Further, it requires that states implement social safety nets to support the most vulnerable members of society, such as the elderly, the unemployed, and the disabled.²⁶ These social safety systems may be organized on the basis of monetary or food resources.²⁷

Finally, in emergency situations – in general, natural catastrophes or armed conflict – states should deliver food assistance without delay to persons who are vulnerable, alone, or have no means to access adequate food, with the assistance of other states, UN agencies, and national and international NGOs.²⁸

1.3 Definition of a rights-based approach to the fight against hunger

The need to adopt a human rights-based approach to development cooperation has been underlined by the United Nations since at least 15 years²⁹ (i) and it is now possible to give a definition of a rights-based approach to the fight against hunger (ii) and present its core elements (iii, iv, v).

1.3.1 Efforts to mainstream the human rights based approach within the UN system

In 1997, the UN Secretary General, Kofi Annan, in his report *Renewing the United Nations: A Programme for Reform*, asked for human rights to be mainstreamed into the programmes, policies and activities of all UN specialised agencies, programmes and funds. This was followed by the publication of the UNDP report on *Human Development on Human Rights* in 2000 and by the adoption of the Millennium Declaration at the UN General Assembly, in which states committed to reach development goals and protect all human rights. Three years later, the UN agencies, funds and programmes adopted a Common Understanding on the Human Rights-Based Approach to Development Cooperation and Programming (UN Common Understanding).

26 Committee. *General Comment 12*, para. 13; *Right to Food Guideline 14*.

27 FAO. "Safety nets and the right to food," in FAO. 2006. *The Guidelines on the Right to Food. Documents and Case Studies*, Rome, pp. 141-151.

28 FAO. "Safety nets and the right to food," in FAO. 2006. *The Guidelines on the Right to Food. Documents and Case Studies*, Rome, pp. 5-24.

29 See OHCHR. 2006. *Frequently Asked Questions on a Human-Rights Based Approach to Development*.

According to the UN Common Understanding:

1. All programmes of development cooperation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacities of “duty-bearers” to meet their obligations and/or of “rights-holders” to claim their rights.

1.3.2 Defining a right to food-based approach to the fight against hunger

Applied to the fight against hunger, the UN Common Understanding implies that the right to adequate food should be the main objective of policies and programmes on food security, that human rights principles should guide the elaboration and implementation of activities designed to improve food insecurity and that policies and programmes need to develop the capacities of rights-holders to claim their right to adequate food and of duty-bearers to meet their obligations to respect, protect and fulfil this right.

These three elements of a rights-based approach to the fight against hunger have been given a very concrete meaning in the *Right to Food Guidelines* and they have been eloquently summarized by the UN Secretary General when he recommended that the right to food should be added to the fight against hunger, as a basis for analysis, action and accountability.

1.3.3 The right to adequate food as the main objective of food security policies and programmes

A rights-based approach to the fight against hunger implies that the basis of all food security policies and programmes should be the right to adequate food, as proclaimed in the UDHR and enshrined in the ICESCR, and that their *aim* should be to respect, protect and fulfil the right to adequate food. It is therefore not sufficient that these policies and programmes incidentally contribute to the realization of the right to food.

Following the definition of the right to adequate food given in the first part of this study, as well as in the introduction of the *Right to Food Guidelines*, we can conclude that food security policies and programmes should increase food availability as well as food adequacy (both nutritionally and culturally) and accessibility (both physically and economically). And the final aim of food security policies and programmes should always be to promote and protect human dignity, which for example means that they should improve access to food and social assistance schemes, but also to productive resources for peasant families and to a sufficient salary for wage workers

The *Right to Food Guidelines* give practical examples of food security policies and programmes that should be implemented in accordance with these objectives, in particular Guidelines 2 (Economic development policies), 4 (Markets system), 8 (Access to resources and assets), 9 (Food safety and consumer protection), 10 (Nutrition), 11 (Education and awareness raising), 12 (National financial resources), 13 (Support for vulnerable groups), 14 (Safety nets), 15 (International food aid) and 16 (Natural and human-made disasters).

1.3.4 The use of human rights principles as a guide in the elaboration and implementation of food security policies and programmes

As the UN Special Rapporteur on the right to food, Olivier de Schutter, put it, the right to adequate food is not merely a slogan or highly valued principle:

It is a tool, with clear operational impacts, that can improve the impacts of interventions in a variety of domains, and make them more sustainable in the long-term. Because it improves targeting, it can act as a compass for tackling food insecurity. Because it promotes accountability, it can ensure that efforts are directed to those whose rights are violated.³⁰

A human rights-based approach to the fight against hunger implies that the analysis of food insecurity and the definition of actions to reduce it should be done using human rights principles. These human rights principles should be used as a guide in all phases of the programming process, from assessment and analysis to policy and programme design and planning (including setting of goals, objectives and strategies), implementation, monitoring and evaluation.

In the context of the fight against hunger, the most relevant human rights principles are those of participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law (PANTHER).³¹

The PANTHER principles have been included in various parts of the *Right to Food Guidelines* and they have guided the elaboration and implementation of food security policies in a number of countries.³²

Brazil provides a model for building effective legislative, institutional and policy frameworks that follow these principles.³³ In January 2003, the Brazilian Government

30 De Schutter O. 18-19 May 2010. *Five Proposals for a genuine integration of the right to food in the revised Comprehensive Framework for Action*, contribution to the Dublin consultation.

31 De Schutter O. May 2010. *Countries tackling hunger with a right to food approach. Significant progress in implementing the right to food at national scale in Africa, Latin America and South Asia*, Briefing Note; FAO. 2011. *Right to Food. Making it Happen. Progress and Lessons Learned through Implementation*, Rome, pp. 6-7.

32 See FAO. 2011. *Right to Food. Making it Happen. Progress and Lessons Learned through Implementation*, Rome.

33 See C. Golay. « Legal and Institutional Issues » in FAO, 2005. *The Right to Food. Putting Into Practice*, Rome; FAO. 2011. *Right to Food. Making it Happen. Progress and Lessons Learned through Implementation*, Rome, pp. 55-73.

adopted a national food security policy (the Food and Nutritional Policy) and established a national food security programme (the Zero Hunger Programme) recognizing the state's responsibility to ensure access to adequate food for the Brazilian population. The National Council for Food and Nutritional Security (CONSEA) was re-established as a discussion forum between the government and civil society in 2003, directly advising the Brazilian President. Since then, it plays a vital role in coordinating the policymaking agendas of several government institutions in conjunction with the participatory efforts of civil society and observers. In 2004, the Brazilian Institute of Geography and Statistics undertook a survey to identify the most vulnerable people to food insecurity in the country. In 2005, the CONSEA established its Standing Commission on the human right to adequate food to advise the government on the incorporation of the right to adequate food in food security policies. On 15 September 2006, the Brazilian Congress passed the National Food and Nutrition Security Framework Law, which defined in detail the right to food and the correlative states' obligations.³⁴ And in 2010, it amended the Constitution to include the right to food as a fundamental right of every Brazilian.

The result of the creation of these legislative, institutional and policy frameworks is that Brazil is one of the few countries that have already reached the first Millennium goal of reducing undernourishment by half.³⁵ In a study published in 2010, ActionAid classified 51 countries according to their effectiveness in fighting hunger and ranked Brazil first, because the country built adequate legislative and policy frameworks and reduced child malnutrition by 73% during Lula's Presidency.³⁶

1.3.5 The need to strengthen empowerment of rights-holders and accountability of duty-bearers through food security policies and programmes

A rights-based approach to the fight against hunger implies that food security policies and programmes should contribute to empower people to claim the right to adequate food and states' representatives at all levels to establish and implement policies and programmes to meet their legal obligations to respect, protect and fulfil this right. It should also contribute to develop the capacities of other stakeholders, including civil society organizations and the private sector, to facilitate the realization of the right to adequate food.

The *Right to Food Guidelines* – in particular Guidelines 1 (Democracy, good governance, human rights and the rule of law), 3 (Strategies), 5 (Institutions), 6 (Stakeholders), 7 (Legal framework), 17 (Monitoring, indicators and benchmarks) and 18 (National human rights institutions) – offer states practical guidance for developing effective legislative, institutional and policy frameworks that recognize the right to adequate food,

34 Law 11.346 of 15 September 2006, entitled *Cria a Sistema Nacional de Segurança Alimentar e Nutricional – SISAN com vistas em assegurar o direito humano à alimentação adequada et dá outras providências*.

35 FAO. 2011. *Right to Food. Making it Happen. Progress and Lessons Learned through Implementation*, Rome, pp. 55-73.

36 ActionAid. 2010. *Who's really fighting hunger? Why the world is going backwards on the UN goal to halve hunger and what can be done*, Johannesburg.

establish independent monitoring mechanisms and inform people about their rights. In summary, the *Right to Food Guidelines* recommend that states construct an adequate legal framework that ensures access to justice for all individuals and groups who have their right to adequate food violated, inform the general public of all available rights and remedies and establish independent mechanisms to monitor the progressive realization of the right to adequate food.

The Right to Food Campaign in India can be seen as an example of such an approach.³⁷ In 2001, many people in the State of Rajasthan were starving although food stocks from the Food Corporation of India were available. In response to this situation, the People's Union for Civil Liberties, a human rights NGO, appealed to the Supreme Court. This NGO argued that the constitutional right to life³⁸ and, thus, to food, was being denied. In a number of interim orders the Supreme Court ruled that all individuals in India have the right to food and that this right should be fulfilled by the state.³⁹ The Court then directed all state governments of India to implement numerous assistance programmes to realize the right to food. Today, a national campaign on the right to food led by human rights NGOs is informing the most vulnerable groups, as well as the general public, about their rights entitlements to adequate food.⁴⁰

37 See FAO. 2011. *Right to Food. Making it Happen. Progress and Lessons Learned through Implementation*, Rome, pp. 93-117; C. Golay, «Legal and Institutional Issues» in FAO. 2005. *The Right to Food. Putting Into Practice*, Rome.

38 Article 21 of the Indian Constitution.

39 Supreme Court, People's Union for Civil Liberties Vs. Union of India & Ors, Writ Petition (Civil) No. 196/2001.

40 See the website of the Indian Right to Food Campaign at <http://www.righttofoodindia.org>.



The right to food and global strategic frameworks

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2. Global frameworks for food security and nutrition: the Comprehensive Framework for Action (CFA) and the Global Strategic Framework (GSF)

Since the start of the food crisis in 2008, the fight against hunger has been placed high on the international agenda by states and international organizations. Various initiatives involving diverse actors have emerged and there is a growing consensus on the need to improve coordination and create new governance mechanisms on food and nutrition security.

Among these initiatives, the most important are the creation of the United Nations System High Level Task Force on Global Food Security (HLTF) by the UN Secretary General in 2008 and the reform of the Committee on World Food Security (CFS) endorsed by FAO Member States in 2009. The establishment of these new bodies led to the elaboration of two global strategic frameworks on food and nutrition security: the Comprehensive Framework for Action (CFA) and its updated version (UCFA) by the HLTF and the Global Strategic Framework for Food Security and Nutrition (GSF) by the CFS. Member States of the G20 also adopted the Global Partnership on Agriculture, Food Security and Nutrition (GPAFSN) to synchronise government's actions under the coordination of the G8/G20.

In this study we are focusing on the two main global frameworks on food and nutrition security that have been created since 2008: the CFA/UCFA and the GSF. In this second part of the study, we will begin by presenting the process that led to the creation of the HLTF and the elaboration of the CFA and the UCFA (1). We will then describe the reform of the CFS and the elaboration of the GSF as a living instrument to support country-led processes in ensuring the right to adequate food (2). The review of these two frameworks, their main features and objectives and the description of their main actors will reveal their particularities and distinct capacities to promote a human rights-based approach to the fight against hunger.

2.1 The United Nations System High Level Task Force on Global Food Security, the CFA and the Updated CFA

For the first time in the history of the United Nations, to respond to the global food crisis that erupted in 2008, the United Nations created a coordinating body to develop concerted responses to food insecurity and malnutrition. In April 2008,

the Chief Executives Board for Coordination of the United Nations (CEB) called for the creation of the HLTF, which brings together the heads of specialized agencies, funds and programmes, the World Bank, the International Monetary Fund (IMF) and the World Trade Organization (WTO), as well as relevant parts of the UN Secretariat to foster coordination at the highest level of international agencies.⁴¹ The UN Secretary General leads the HLTF, the Vice-Chairman is the FAO Director-General and the UN Special Representative of the UN Secretary General for Food Security and Nutrition David Nabarro is the Task Force Coordinator. A Senior Steering Group (SSG) facilitates the work of the HLTF and serves as a technical working group. The SSG provides the Task Force with substantive analysis and advice and brings together senior-level representatives of the 22 agency members of the HLTF.

The first task of the HLTF was to elaborate the CFA, as a plan of action to coordinate strategies and programmes at the international, regional and national levels to respond to the global food crisis. The instrument was adopted in July 2008. It proposes a twin track approach: its first aim is to respond to the immediate needs of the most vulnerable in the context of the food crisis; its second aim is to ensure food and nutrition security globally and in the long term.⁴²

A year after the adoption of the CFA, the context had significantly changed, with the number of people affected by food insecurity reaching one billion and the political commitments to fight against hunger becoming stronger. In this context, the HLTF decided to revise the CFA “*to better reflect ways in which UN System bodies advise the national authorities, other policy makers, development practitioners, researchers and the private sector in their efforts to address food and nutrition security*”.⁴³ It was also the opportunity to “*build upon lessons learned since the production of the 2008 CFA not least the experience gained of coordinated work among the HLTF members themselves*”.⁴⁴ The revision of the CFA was seen as “*an opportunity to maintain the momentum that had been created at the global and regional level while translating it into coordinated strategies and plans, programmes and actions at the national level*”.⁴⁵

41 The 22 members of the HLTF are represented by the heads of the following agencies: FAO, International Fund for Agricultural Development (IFAD), International Labour Organization (ILO), International Monetary Fund (IMF), UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (OHRLLS), United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), United Nations Environmental Programme (UNEP), Office for the United Nations High Commissioner for Refugees (UNHCR), United Nations Children’s Fund (UNICEF), World Food Programme (WFP), World Health Organization (WHO), World Bank, World Trade Organization (WTO) Department of Economic and Social Affairs (DESA), Department of Political Affairs (DPA), Department of Public Information (DPI), Department of Peacekeeping Operations (DPKO), Office for the Coordination of Humanitarian Affairs (OCHA), Office for the Coordination of Humanitarian Affairs (OCHA), Office of the High Commissioner for Human Rights (OHCHR), Organization for Economic Cooperation and Development (OECD), Special Adviser to the Secretary-General on the Millennium Development Goals (MDGs) and the UN Secretary General and Task Force coordinator.

42 HLTF. September 2010. *Updated Comprehensive Framework for Action*; HLTF, July 2008. *Comprehensive Framework for Action*.

43 HLTF. August 2011. *Summary of the Updated Comprehensive Framework for Action*.

44 HLTF. 17 and 18 May 2010. *Dialogue on the Comprehensive Framework for Action, Synthesis and Analysis of comments received for the update of the Comprehensive Framework for Action*, Dublin.

45 *Ibid*.

The revision process of the CFA started with a phase of consultation including HLTF members and other stakeholders, in January 2010, followed by a meeting in Dublin in May 2010.⁴⁶ The UCFA was adopted in September 2010. It maintains the twin track approach at its core but integrates important elements of a right to food-based approach to the fight against hunger, even if unequally present throughout the document.

The UFCA describes the ways in which its members can support food and nutrition security policies along the twin track approach: by ensuring predictable support for households in difficulty; by providing emergency assistance; by improving safety nets; and by addressing structural problems of dysfunctional systems. Four objectives have been defined to respond to the immediate needs of the most vulnerable (first track – outcome 1): emergency food assistance, nutrition intervention and safety nets should be enhanced and made more accessible; productivity of smallholder farmer should be increased and the food should be made quickly available; trade and tax policies should be adjusted to help vulnerable groups cope with shocks; and macroeconomic implications of the food and economic crisis should be managed. Four objectives have also been defined to build resilience and contribute to global food and nutrition security in the long term (second track – outcome 2): social welfare systems should be expanded; increase in food availability should be maintained through productive and sustainable smallholder farmer-led food farming systems; ecosystems should be better managed for food and nutrition security; and performance of international food market should be improved. For each of the eight objectives, a set of actions has been proposed. And to enhance the realisation of the two tracks or outcomes, the UCFA defines a third outcome aiming at improving information and accountability systems (outcome 3).

The UCFA was the result of a relatively open revision process and in response to calls from human rights experts, the Office of the High Commissioner for Human Rights (OHCHR) and civil society organizations (CSOs), as well as from a number of states, important efforts have been made to integrate several elements of a right to food-based approach to fight against hunger, totally absent from the CFA. To a certain extent, the UCFA successfully integrates a number of PANTHER principles, even if partially and unequally in its different parts.

The UCFA is a very dense piece of work and key issues can be difficult to extract for high level policy makers. To respond to this concern, a Summary of the UCFA was elaborated in August 2011 and officially released at the 37th session of the CFS in October 2011,⁴⁷ highlighting ten main principles of the UCFA.⁴⁸

⁴⁶ A synthesis report of the comments received through the external consultation was made available by the HLTF. The synthesis report made clear that the revised CFA should maintain the twin track approach, improve partnerships, design people-centred strategies and clarify the new role of the CFA and the HLTF. See *Ibid.*

⁴⁷ HLTF. August 2011. *Summary of the UCFA*, p. 14.

⁴⁸ The Summary version of the UCFA presents the following ten key principles: twin-tracks to food and nutrition security; the need for a comprehensive approach; small holders, particularly women, at the centre of action; increased focus on resilience of household livelihoods; more and better investments in food and nutrition security; importance of open and well-functioning markets and trade; the value of multi-stakeholder and multisectoral partnerships; sustained political commitment and good governance; strategies led by countries with regional support; accountability for results.

2.2 The reform of the FAO Committee on World Food Security (CFS) and the elaboration of the GSF

In October 2009, another major step towards the improvement of governance mechanisms on food and nutrition security took place at FAO, when the CFS endorsed its own internal reform during its 35th session.⁴⁹ The realization of the right to adequate food is at the core of this reform, in which the CFS is to become the foremost inclusive international and intergovernmental platform in support of country-led processes to ensure the right to adequate food and food and nutrition security for all. As stated by the Chairperson of the CFS at the UN General Assembly:

*The Committee on World Food Security will strive for a world free from hunger where countries implement the “Voluntary Guidelines for the progressive realisation of the right to adequate food in the context of national food security”.*⁵⁰

The main aims of the reformed CFS include the improvement of coordination of food security policies at the global, regional and national levels, the promotion of policy convergence and the strengthening of support and advice to countries and regions, the promotion of accountability, the sharing of best practices at all levels and the development of a GSF.

The CFS has been an intergovernmental body since its establishment in 1974. But while the former CFS was composed of a selected number of states, the reformed CFS comprises all Member States of FAO, the World Food Program (WFP) and the International Fund for Agriculture Development (IFAD), as well as non Member States that are Members States of the United Nations.⁵¹ The Bureau is the executive arm of the CFS, with a Chairperson and twelve countries.⁵² Other stakeholders can intervene in the plenary of the CFS, including CSOs, but only states have the right to vote.

The institutional reform of the CFS also included the creation of a High Level Panel of Experts (HLPE) to ensure the regular inclusion of advice based on scientific evidence

49 FAO. *Reform of the Committee on World Food Security. Final version. Thirty-fifth Session of CFS*, 14, 15 and 17 October 2009, CFS:2009/2 Rev.2.

50 UN General Assembly. 23 April 2010. *Note by the Chairperson of the Committee on World Food Security on the reform of the Committee and on progress made towards implementation*, A/65/73- E/2010/51. The objectives of the GSF are also outlined in the Agreement on the GSF Purposes, Basic Principles, Structure and Process: “*The overall purpose of the GSF is to provide a dynamic instrument to enhance the role of the CFS and promote its vision as a platform to improve coordination and guide synchronized action by a wide range of stakeholders in support of global, regional and country-led actions to prevent future food crises, eliminate hunger and ensure food security and nutrition for all human beings*”.

51 FAO. *Reform of the Committee on World Food Security. Final version. Thirty-fifth Session of CFS*, 14, 15 and 17 October 2009, CFS:2009/2 Rev.2, pp. 3-4.

52 In 2011-2013, the Chair of the Bureau of the CFS is the Ambassador of Nigeria and the 12 Members States are Angola, Australia, Brazil, China, Egypt, France, Guatemala, Indonesia, Jordan, Switzerland, USA and Zimbabwe.

and knowledge in the work of the CFS,⁵³ and of an Advisory Group to support the work of the CFS Bureau. The Advisory Group is composed of representatives of the following stakeholders:⁵⁴ (1) UN system agencies and bodies with a specific mandate related to food security and nutrition;⁵⁵ (2) civil society organizations and their networks that work on food security and nutrition issues;⁵⁶ (3) international agricultural research institutions;⁵⁷ (4) international and regional financial institutions;⁵⁸ (5) and representatives of private sector associations and philanthropic foundations.⁵⁹

A significant result of the revision of the CFS is the increased level of participation of CSOs. CSOs were called to organize themselves in order to facilitate their interaction with the CFS and their interventions in the plenary, which led to the creation of the Civil Society Mechanism (CSM).⁶⁰ The participatory process also led to the creation of new forms of electronic consultation to facilitate discussion and debate in an inclusive process.⁶¹

One of the main tasks of the CFS is to develop the GSF, described as a living instrument to orient the work of the reformed CFS. According to the reform documents of the CFS, the role of the CFS is to:

*Develop a Global Strategic Framework for food security and nutrition in order to improve coordination and guide synchronized action by a wide range of stakeholders. The Global Strategic Framework will be flexible so that it can be adjusted as priorities change. It will build upon existing frameworks such as the UN's Comprehensive Framework for Action (CFA), the Comprehensive Africa Agriculture Development Programme (CAADP), and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.*⁶²

The elaboration of the GSF is a complex process. At its 36th session in October 2010, the CFS decided to launch an inclusive consultative process led by the CFS Bureau,

53 CFS. *Rules and Procedures for the Work of the High Level Panel of Experts on Food Security and Nutrition*, Agreed by the CFS Bureau, 27 January 2010. The HLPE is composed of a Steering Committee made up of internationally recognized experts in a variety of food security and nutrition-related fields, and of a roster of experts used to build teams that act on a project-specific basis to analyze and report on issues related to food security and nutrition.

54 UN General Assembly. 23 April 2010. *Note by the Chairperson of the Committee on World Food Security on the reform of the Committee and on progress made towards implementation*, A/65/73- E/2010/51.

55 FAO, WFP, IFAD, the Special Rapporteur on the Right to Food (appointed by the Human Right Council), the UN High Level Task Force on the Global Food Security Crisis and the UN Standing Committee on Nutrition (SCN).

56 The World Forum of Fish Harvesters & Fish Workers (WFHFF), MIJARC, Indigenous Caucus (ICAZA), World Alliance of Mobile Indigenous Peoples (WAMIP).

57 Bioversity International.

58 The World Bank.

59 International Agri Food Network; Bill and Melinda Gates Foundation.

60 See their website at <http://cso4cfs.org/civil-society-mechanism>.

61 UN General Assembly. 23 April 2010. *Note by the Chairperson of the Committee on World Food Security on the reform of the Committee and on progress made towards implementation*, A/65/73- E/2010/51, para. 23.

62 FAO. *Reform of the Committee on World Food Security, Final version, Thirty-fifth Session of CFS, 14, 15 and 17 October*, CFS:2009/2 Rev.2, para. 6) iii).

with the involvement of all stakeholders, to develop a first version of the GSF to be presented in October 2012.⁶³ After consultation with Member States, the CFS endorsed the Agreement on the purposes, principles and structure of the GSF in April 2011,⁶⁴ followed by the adoption of an Annotated outline.⁶⁵ The Annotated outline, designed to open discussion and debate, was made widely available through electronic consultation from July to October 2011.⁶⁶ This innovative process fostered a wide range of contributions from different constituencies, including several representatives of CSOs, in contrast with the elaboration of the CFA. At the beginning of 2012, a first draft of the GSF was developed by the CFS Secretariat with the inputs of the HLPE.

Several steps will lead to the presentation of the first version of the GSF to the plenary of the CFS in October 2012. In March-May 2012, the first draft of the GSF will be discussed at FAO regional conferences and through an open consultation. In June 2012, the second draft of the GSF will be prepared by the CFS Secretariat and reviewed by the CFS Intergovernmental Open-Ended Working Group mandated to help develop the GSF. And in October 2012, the first version of the GSF will be submitted for approval at the CFS.

63 FAO. *Global Strategic Framework for Food Security and Nutrition, A Concept Note, Thirty-sixth session of CFS*, 11-14 and 16 October 2010, CFS/2010/2 and FAO. *Global Strategic Framework for Food Security and Nutrition. Final Report. Thirty-sixth session of CFS*, 11-14 and 16 October 2010, CFS/2010/Final Report.

64 FAO. *Global Strategic Framework for Food Security and Nutrition, Agreement on GSF purpose, basic principles, structure and process, including timeline*, as approved on 27.04.2011.

65 FAO. *Global Strategic Framework for Food Security and Nutrition. Annotated Outline*, CFS: 2011/..., Background, iii).

66 The contributions to the electronic consultation are available online at <http://km.fao.org/fsn/cfs/cfs-e-consultation/en>.



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3. Possible ways to integrate the right to adequate food into the CFA/UCFA

As we have seen in Part II of the study, the HLTF adopted two main documents since its creation in 2008, the CFA in July 2008 and the UCFA in September 2010. While recognizing the significant progress made in updating the CFA, this chapter will provide recommendations for a better integration of the right to adequate food in *future versions* of the CFA/UCFA (1). It will also present ways to integrate the right to adequate food in the *implementation* of the CFA/UCFA (2).

3.1 The integration of the right to adequate food in future versions of the CFA/UCFA

The CFA/UCFA was developed by the HLTF in 2008, updated in 2010 and summarized in 2011. It aims to stimulate and give strategic guidance for a comprehensive, coherent and partnership approach for food and nutrition security. The principles included in its Summary reflect an on-going learning, practicing and innovating process towards sustainable improvement in food and nutrition security. The adoption of the first version of the GSF by the CFS in October 2012 will lead to a revision of the CFA/UCFA. It is in this perspective that the following recommendations are made and will be detailed below: the right to adequate food should be integrated as a third track in future versions of the UCFA (i); a definition of the right to adequate food should be integrated (ii); human rights principles should be better properly integrated in the different outcomes of the CFA/UCFA (iii); new monitoring mechanisms should be proposed to hold UN agencies and other international organizations accountable (iv); and structural and global inequities that affect the right to adequate food should be integrated among the main obstacles to food security (v).

3.1.1 The right to adequate food should be integrated as a third track

The UCFA makes clear references to the human rights framework and the human rights-based approach is mentioned as a strategic entry point to the framework, with reference to the International Covenant on Economic, Social and Cultural Rights as a legally binding instrument and the *Right to Food Guidelines* as a practical guide. Under its third outcome, the UCFA has also put more emphasis on the need to increase information and accountability systems. And the Summary confirms that key principles of the UCFA imply the integration of cross-cutting issues such as the protection

and promotion of human rights, gender equity and their adaptation into law, policy and programme design.⁶⁷

The progress achieved in updating the CFA reveals that stakeholders who wanted to mainstream human rights in the document were successful. But the UCFA maintains the twin track approach, with elements of the right to adequate food that have been integrated – unequally in the document – in the immediate and long term responses to food crisis and structural food insecurity.

A way to achieve a better integration of the right to adequate food within the UCFA would be to develop a real three track approach. This could be achieved in future versions of the CFA/UCFA that could describe the measures needed to respond to the urgent needs of the most vulnerable (first track), to address structural food insecurity (second track), and to make the right to adequate food a real basis for analysis, action and accountability (third track), as recommended by the UN Secretary General in January 2009.⁶⁸

3.1.2 A definition of the right to adequate food should be integrated

Food security is defined in the text of the UCFA but the right to adequate food is defined in one of its footnotes. In future versions of the CFA/UCFA, a definition of the right to adequate food should be included in the text, together with the definition of food security. As we have seen in the first part of this study, two definitions have been used by most contributors in the last 10 years.

According to the Committee on Economic, Social and Cultural Rights:

The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The core content of the right to adequate food implies (...) the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture (and) the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.⁶⁹

According to the UN Special Rapporteur on the right to food:

The right to food is the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.⁷⁰

67 HLTF. August 2011. *Summary of the UCFA*, p. 14.

68 Concluding remarks of UN Secretary General Ban Ki-moon to the Madrid High-Level Meeting on Food Security for All, 27 January 2009.

69 Committee. *General Comment 12*, paras. 6-8.

70 Commission. 7 February 2001. *The right to food. Report by the Special Rapporteur on the right to food, Mr. Jean Ziegler*, E/CN.4/2001/53, para. 14.

3.1.3 Human rights principles should be better integrated in the different outcomes of the CFA/UCFA

The human rights principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law (PANTHER) have been integrated in the UCFA, but not equally in its different parts.

In its different outcomes and actions, the UCFA refers to human rights principles, such as the principle of non-discrimination which is mentioned in relation to the eligibility to targeted assistance.⁷¹ The UCFA also requires a participatory approach, including with the most vulnerable groups, in the design and implementation of social protection policies and in the framing of agro-ecology and smallholders farming strategies.⁷² And accountability is mentioned as one of the core principles that need to be followed in the framing and implementation of social programmes.⁷³ It should also be noted that the principles of non discrimination, participation, transparency and accountability are integrated in all the elements of the outcome aiming to expand social protection system.⁷⁴

But this is not sufficient. For example, the need to ensure the participation of communities in policy debates that concern them should be integrated, and the need to empower community-based organizations should be enhanced. As stated in the *Right to Food Guidelines*, it is also essential to ensure the participation of vulnerable people and local communities in the elaboration of all food security policies and programmes.⁷⁵ Their participation improves the likelihood that they will benefit from these policies and programmes and therefore have their human rights, including the right to adequate food, fulfilled.

The principle of non discrimination should also be better integrated, for example in outcome 3, which outlines key steps for the implementation of national strategies. This third outcome should explicitly say that states must abolish any discriminatory laws, regulations and practices affecting the enjoyment of human rights, including the right to adequate food, and put an end, as speedily as possible, to the unequal enjoyment of the right to adequate food.⁷⁶

71 See Outcomes 1.1 and 2.1 of the UCFA.

72 See Outcomes 2.1 and 2.3 of the UCFA

73 See Outcome 2.1 of the UCFA.

74 De Schutter O., 18-19 May 2010. *Five Proposals for a genuine integration of the right to food in the revised Comprehensive Framework for Action*, contribution to the Dublin consultation, , p. 6, para. 5.

75 See in particular the *Right to Food Guidelines* 3.9, 13.2, 13.3 and 15.5.

76 This is a legal obligation under international law. See FAO. *Right to Food Guideline 3.5*; Limburg Principles on the Implementation of the ICESCR, E/CN.4/1987/17, Annex, paras. 37-38.

3.1.4 New monitoring mechanisms should be proposed to hold UN agencies and other international organizations accountable

Access to remedies and effective accountability mechanisms at all levels are fundamental for the protection of the right to adequate food.⁷⁷ As the UN Special Rapporteur on the right to food, Olivier De Schutter, put it:

*The right to food requires that accountability mechanisms be put in place so that victims of violations of the right to food have access to independent bodies empowered to monitor the choice made by decision makers. The right to food implies that victims must have a right to recourse mechanisms, that governments must be held accountable if they adopt policies which violate that right, and that courts are empowered to protect that right.*⁷⁸

The UCFA recognises that national authorities hold primary responsibility in enabling people to realize their right to adequate food and that a strong accountability system is needed. The third outcome of the UCFA encourages the creation of accountability systems to review national food and nutrition security policies, programmes and laws, and it refers to the need to put in place recourse mechanisms, including administrative and judicial remedies, for those unable to meet their food and nutrition needs.

In the Summary of the UCFA, the HLTF underlines that “states and development partners are increasingly expected to deliver on their promises and to be fully accountable for the actions they take” and that countries making the most progress on food and nutrition security are those with “a high sense of accountability on all interlinked areas of food and nutrition security”.⁷⁹

These elements are important. But making states accountable for the steps they take for the realization of the right to adequate food is not sufficient within the HLTF context. Given their power and responsibilities, it is also important that UN agencies and other international organizations are held accountable for the policies and programmes they implement for realizing the right to adequate food.⁸⁰ Such accountability framework at the international level should be included in future versions of the UCFA. This would make the HLTF and its members more accountable for their action in supporting the realization of the right to food.

77 See C. Golay, *The Right to Food and Access to Justice: Examples at the National, Regional and International Levels*, Right to Food Studies, Rome, FAO, 2009.

78 UN Human Rights Council. 21 July 2009. *Report of the Special Rapporteur on the right to food, Olivier de Schutter. Crisis into opportunity: reinforcing multilateralism*, A/HRC/12/31, para. 11.

79 HLTF. August 2011. *Summary of the UCFA*, p. 16.

80 On the power and responsibilities of international organizations in relation to the right to food, see J. Ziegler, C. Golay, C. Mahon, S-A. Way, 2011. *The Fight for the Right to Food. Lessons Learned*, London, Palgrave Macmillan, pp. 84-90.

3.1.5. Structural and global inequities affecting the right to adequate food should be integrated among the main obstacles to food security

The former Special Rapporteur on the right to food, Jean Ziegler, demonstrated that structural inequities in the global trade and financial systems are major obstacles to the realization of the right to food.⁸¹ However, this has not been recognized in the CFA and the UCFA.

As the UN Special Rapporteur on the right to food, Olivier De Schutter, put it:

It is important to recognise the relatively narrow focus of the CFA on actions to be undertaken at the domestic level. The structural dimensions and, in particular, the international obligations of rich countries that correspond to the fulfilment of the right to development are left out from the CFA. In his work the Special Rapporteur has consistently highlighted a number of mechanisms that constitute obstacles to the realization of the right to food by poor countries. Among these obstacles are a deeply inequitable trading system, an international division of labour that leads to deteriorating terms of trade for many poor countries, and an unsustainable foreign debt. In addition, conditionalities included in trade and investment agreements may make it difficult for developing countries to strengthen their ability to feed themselves, and thus increase their dependency on foreign imports of lower-priced foods subsidized by rich countries or, even worse, on food aid.⁸²

These structural and global inequities should be integrated among the main obstacles to food security in future versions of the CFA/UCFA.

3.2 The integration of the right to adequate food in the implementation of the CFA/UCFA

In 2012, one of the main objectives of the HLTF will be to continue to raise awareness about the UCFA and to encourage the use and adoption of its comprehensive approach for food and nutrition security. It will also support exchanges and convergence of experiences by its members and other stakeholders.. In 2012, the HLTF will review the outcomes of its action since its inception in 2008.⁸³

To help the HLTF and its members to better integrate the right to adequate in the implementation of the CFA/UCFA, the following recommendations can be made: the HLTF and its members need to promote a right to food-based approach when advising states on food security policies and programmes (i); they need to use common

81 See J. Ziegler, C. Golay, C. Mahon, S-A. Way. 2011. *The Fight for the Right to Food. Lessons Learned*, London, Palgrave Macmillan, pp. 68-100.

82 De Schutter O. 18-19 May 2010. *Five Proposals for a genuine integration of the right to food in the revised Comprehensive Framework for Action*, contribution to the Dublin consultation,.

83 Information received by the Coordination Team of the High Level Task Force on Global Food Security, Geneva, January 2012.

indicators to monitor the realization of the right to adequate food (ii); they need to promote gender equality in the enjoyment of the right to adequate food (iii); and they need to convince states to undertake impact assessments of public policies, including market and trade policies, to protect the right to adequate food (iv).

3.2.1 The need to promote a right to food-based approach when advising states on food security policies and programmes

Citing a number of countries that have adopted the right to adequate food as a framework for design, implementation and evaluation of national laws, policies and programmes, the UCFA encourages the private sector, civil society and governmental institutions to adopt the right to adequate food as a reference framework for the development of their food security policies and programmes. In the implementation of the CFA/UCFA, the HLTF and its members should therefore promote a right to food-based approach when they encourage states to elaborate, revise or implement food security policies and programmes.

It is important to underline that in doing so, they should also encourage the adoption of measures aimed at raising awareness and building capacities on the right to adequate food and states' obligations to respect, protect and fulfil this right. Awareness raising campaigns involving NGOs and CSOs as well as local and national authorities should be encouraged, to ensure that the right to adequate food will be the main objective of food security policies and programmes, that human rights principles will guide the elaboration and implementation of these policies and programmes, and that people will be empowered to claim their right to adequate food and the capacities of governmental authorities will be strengthened to meet their obligations.

3.2.2 The need to use common indicators to monitor the realization of the right to adequate food

Significant improvement has been achieved in defining indicators related to the measurement of progress of the UCFA outcomes. The UCFA cites efforts made by the HLTF members and other stakeholders to agree on common indicators, and while this work is in progress since 2010, the UCFA refers to the human rights indicators framework developed by OHCHR and adapted to the UCFA.⁸⁴ It is satisfying to observe that the UCFA integrates the combined use of structural, process and outcome indicators, widely accepted as the most relevant framework to monitor progress in the realization of human rights. As the UN High Commissioner for Human Rights puts it:

This framework aims to link: states' commitment to and acceptance of obligations under international human rights standards (structural indicators); efforts undertaken to meet those obligations through implementation of policy measures and programmes (process indicators); and the results of those efforts as regards

⁸⁴ According to the UCFA, "Bodies within the HLTF are joining efforts with other stakeholders to agree on indicators that will help measure progress in relation to UCFA outcomes". UCFA, September 2010, A.2.viii).

the concerned populations' enjoyment of human rights (outcome indicators). Indicators identified should be able to reflect the full spectrum of state's obligations to respect, protect and fulfil human rights.⁸⁵

In the implementation the CFA/UCFA, a list of indicators related to the right to adequate food should be agreed upon by the HLTF members and these indicators should be used to monitor the realization of the right to adequate food in all countries in which they give advice to states on food security policies and programmes.

3.2.3 The need to promote gender equality in the enjoyment of the right to adequate food

In its first chapter, the UCFA underlines the special challenges faced by women in conditions of food insecurity. And in the strategies for improving food and nutrition security and ensuring that women will be at the centre of policies, the UCFA refers to the rights enshrined in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

According to FAO's latest estimates, 925 million people are currently undernourished⁸⁶ – 70% being women and girls – and closing the gender gap in agricultural yields could bring that number down by as much as 100–150 million people.⁸⁷ No simple “blueprint” exists for achieving gender equality in agriculture and protecting women's right to adequate food, but lessons can be learned from best practices. Basic principles for achieving gender equality and empowering women in agriculture include eliminating all discrimination against women under the law; strengthening rural institutions that should be made more gender-aware; allowing women to conduct more rewarding and productive activities; building on the human capital of women and girls; addressing multiple constraints with bundle interventions; improving the collection and analysis of sex-disaggregated data; and making agricultural policy decisions more gender-aware.⁸⁸

In the implementation of the CFA/UCFA, the HLTF and its Members should promote gender equality in agriculture and in the enjoyment of the right to adequate food. They should also raise awareness about the possibilities for women to use the CEDAW procedures if their right to adequate food is violated, a possibility that is almost never used.⁸⁹

85 See ECOSOC. July 2011. *Report of the UN High Commissioner for Human Rights*, E/2011/90.

86 FAO. 2010. *The State of Food Insecurity in the World 2010*, Rome.

87 FAO. “Women in Agriculture, Closing the Gender Gap”, in FAO. 2011. *The State of Food and Agriculture 2010-11*, Rome.

88 FAO. “Women in Agriculture, Closing the Gender Gap”, in FAO. 2011. *The State of Food and Agriculture 2010-11*, Rome.

89 I. Rae. *Women and the right to food, International law and state practice*, Right to Food Studies, Rome, FAO, 2008.

3.2.4 The need to convince states to undertake impact assessments of public policies, including market and trade policies, to protect the right to adequate food

The UCFA mentions the need to undertake impact assessments of public policies, including trade agreements, as a requirement for the protection of the right to adequate food. It also stresses the need to improve transparency and predictability of food commodity markets,⁹⁰ which can, to some extent, be linked to the recommendation of the UN Special Rapporteur on the right to food, Olivier de Schutter, to reduce price volatility.⁹¹ In the Summary of the UCFA, the HLTF also agreed that markets and trade policies should contribute to the realization of internationally agreed human rights,⁹² which include the right to adequate food.

In the implementation of the CFA/UCFA, the HLTF and its members should therefore convince states to undertake impact assessments of public policies, including market and trade policies, to protect the right to adequate food. This would be in line with the resolution on the right to food and the global food crisis adopted by unanimity by the Human Rights Council in May 2008, in which states committed to consider “*reviewing any policy or measure which could have a negative impact on the realization of the right to food*”.⁹³

Useful tools to undertake these impact assessments are the *Right to Food Assessment Checklist* developed by the FAO and human rights experts, including the UN Special Rapporteur on the right to food, in 2009, and the *Guide to Conducting a Right to Food Assessment* published on the same year by the FAO.⁹⁴

90 See Outcome 2.4 of the UCFA.

91 De Schutter O. 18-19 May 2010. *Five Proposals for a genuine integration of the right to food in the revised Comprehensive Framework for Action*, contribution to the Dublin consultation, , p. 6, para. 4. See also A/HRC/9/23, paras. 41-43.

92 HLTF. August 2011. *Summary of the UCFA*, p. 15.

93 UN Human Rights Council. *Report of the Human Rights Council on its seventh special session*. A/HRC/S-7/2.

94 FAO, 2009. *Right to Food Assessment Checklist. Assessing the Right to Food in the National Development Context*, Rome ; FAO, 2009. *Guide to Conducting a Right to Food Assessment*, Rome,.



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4. Possible ways to integrate the right to adequate food into the GSF

As we have seen in the second part of our study, the reformed CFS aims to become the most important forum for coordination, promotion of accountability, share of best practices and provision of mutual support at all levels with regards to food and nutrition security. The GSF will be a central element in this process and it will be built upon existing frameworks, including the CFA/UCFA and the *Right to Food Guidelines*.⁹⁵

After consultation with various constituencies and through various means, on the basis of previous documents – in particular the Agreement on GSF purposes, basic principles, structure and process⁹⁶ and the Annotate outline⁹⁷ – the first draft of the GSF was developed at the beginning of 2012 by the CFS Secretariat with inputs from the HLPE.

In March-May 2012, the first draft of the GSF will be discussed at FAO regional conferences and through an open consultation, and in June 2012, the second draft of the GSF will be prepared, in order to reach the objective of submitting the first version of the GSF for approval at the CFS plenary in October 2012.

In this fourth part of the study, we will describe the integration of the right to adequate food in the first draft of the GFS (1), present possible ways to improve it in future versions of the GFS (2) and make recommendations to integrate the right to adequate food in the implementation of the GFS (3).

4.1 The integration of the right to adequate food in the first draft of the GSF

In comparison with its integration in previous documents of the CFS – including the Agreement on GSF purposes, basic principles, structure and process and the Annotate outline – the right to adequate food has been given much more importance in the first draft of the GFS.

95 FAO. Reform of the Committee on World Food Security, Final version, Thirty-fifth Session of CFS, 14, 15 and 17 October, CFS:2009/2 Rev.2, para. 6) iii).

96 FAO. *Reform of the Committee on World Food Security, Final version, Thirty-fifth Session of CFS, 14, 15 and 17 October*, CFS:2009/2 Rev.2, p.6, iii and FAO, *Global Strategic Framework for Food Security and Nutrition. Final Report. Thirty-sixth session of CFS. 11-14 and 16 October*, CFS/2010/Final Report.

97 FAO. *Global Strategic Framework for Food Security and Nutrition. Annotated Outline*, CFS: 2011/..., Background, iii).

The right to food is well defined in the first draft,⁹⁸ the effectiveness of the right to food-based approach to fight against hunger is recognized as one of the main lessons learned of the past decades⁹⁹ and the *Right to Food Guidelines* are very well described among the foundations and overarching frameworks of the GSF.¹⁰⁰ The fact that part IV on food security policies and programmes begins with a detailed presentation of the practical guidance offered by the *Right to Food Guidelines* and the seven steps that must be followed to implement the Guidelines must also be welcomed.¹⁰¹

It is also worth mentioning that the fundamental right to be free from hunger is mentioned among the core elements of the first track aimed at immediately tackling hunger and malnutrition for the most vulnerable through direct actions, and that in the presentation of the Five Rome Principles for Sustainable Global Food Security, the right to adequate food is put as a core element of the second track aimed at addressing the root causes of hunger through medium/long-term actions.¹⁰²

Important elements of a right to food-based approach to fight against hunger and of the *Right to Food Guidelines* are also mentioned in other parts of the first draft of the GSF, including on the issues of tenure of land, fisheries and forests, protracted crisis, and core actions to be taken at the country level.¹⁰³

It is also positive to see that the structural causes of hunger and malnutrition include many forms of discrimination and exclusion, which is essential for the analysis of food insecurity based on the right to adequate food.¹⁰⁴ At the exception of large scale land acquisitions and leases, which represent serious threats to the right to adequate food, the most important emerging challenges are also mentioned in the GSF.¹⁰⁵

This progressive integration of the right to adequate food in the first draft of the GSF should be welcomed, even if possible ways to improve it in future versions of the GSF must be presented.

4.2 Possible ways to improve the integration of the right to adequate food in future versions of the GSF

In the first version of the GSF that will be adopted in October 2012, it is important to include the right to adequate food among the core components of the second track aimed at addressing the root causes of hunger through medium/long-term actions.¹⁰⁶

98 CFS. 27 January 2012. *Global Strategic Framework for Food Security and Nutrition. First draft*, p. 4.

99 *Ibid.*, p. 6.

100 *Ibid.*, p. 6.

101 *Ibid.*, pp. 9-10.

102 *Ibid.*, p. 7.

103 *Ibid.*, pp. 14, 17 and 23.

104 *Ibid.*, p. 6.

105 *Ibid.*, p. 5.

106 *C Ibid.*, p. 8.

The human rights principles of participation, accountability, non-discrimination, empowerment, transparency, human dignity, empowerment and rule of law (PANTHER) should also be fully included in all parts of the GSF.

As demonstrated by the UN Special Rapporteur on the right to food, Olivier de Schutter,¹⁰⁷ large scale land acquisitions and leases are among the major threats to the right to adequate food. This issue should therefore be included among the emerging challenges to food security in future versions of the GSF.

All governments have extraterritorial obligations towards the realization of the right to adequate food, as outlined in the UN Special Rapporteur's report to the Commission on Human Rights in 2006¹⁰⁸ - they should all respect the right to adequate food, protect this right and support its fulfilment in other countries. These extraterritorial obligations should be described in future versions of the GSF, within the proposals to improve global support to regional and national actions and response to global challenges.¹⁰⁹

In the last part on monitoring and follow-up (part V.E.), several measures to monitor food security and nutrition are mentioned, but specific references should be made in future versions of the GSF to the need for the CFS, states and other stakeholders to monitor the implementation of the *Right to Food Guidelines* and the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (Tenure Governance Guidelines)* adopted at FAO in March 2012.¹¹⁰ A clear mandate should also be given to the CFS to monitor the implementation of the GSF, as a way to fulfil its role as a forum to promote accountability. And the role of local authorities and civil society organizations in the implementation and monitoring of food security and nutrition and the right to adequate food should be described.

The need to strengthen mechanisms to monitor the right to adequate food and ensure access to justice for victims of violations of the right to adequate food should also be underlined.¹¹¹ To further improve this part V.E on monitoring and follow-up in future versions of the GSF, judicial, quasi-judicial, administrative and political fora in which the right to food is and should be monitored should be mentioned, including international, regional and national human rights monitoring bodies, such as the UN Human Rights Council, the UN Committee on Economic, Social and Cultural Rights, regional human rights commissions and courts, national courts and national human rights institutions.¹¹²

107 UN Human Rights Council. 28 December 2009. *Report of the Special Rapporteur on the right to food, Olivier De Schutter, Large-scale land acquisitions and leases: A set of minimum principles and measures to address the human rights challenge*, A/HRC/13/33/Add.2.

108 See E/CN.4/2006/44.

109 CFS. 27 January 2012. *Global Strategic Framework for Food Security and Nutrition. First draft*, p. 25.

110 FAO. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, adopted on 9 March 2012. FAO. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, adopted on 9 March 2012.

111 CFS. 27 January 2012. *Global Strategic Framework for Food Security and Nutrition. First draft*, p. 28.

112 See C. Golay. FAO. 2009. *The Right to Food and Access to Justice: Examples at the National, Regional and International Levels*.

Finally, in trying to define common indicators, explicit references should be made to the indicators for measuring the right to adequate food developed by the Office of the High Commissioner for Human Rights¹¹³, as well as to the possibilities of using indicators, benchmarks, scoping and assessment when monitoring progress towards the realization of the right to adequate food.

4.3 Possible ways to integrate the right to adequate food in the implementation of the GSF

The first draft of the GSF rightly notes that “*despite some notable and laudable exceptions, there has been a lack of implementation of the [Right to Food Guidelines] and [of the development of] effective rights-based food security and nutrition strategies*” and that “*discrimination against women that perpetuates their lack of access to productive resources, including land, credit and extension services, while broadly recognized as a severe constraint to the achievement of food security and nutrition, continues to be widespread*”.¹¹⁴

In the implementation of the GFS, states and other stakeholders should therefore largely promote a right to food-based approach in the elaboration and implementation of food security policies and programmes, based on the *Right to Food Guidelines*. Following positive examples, such as the example given by Brazil, states should put in place an adequate institutional framework to ensure the coordination of relevant ministries and other stakeholders and the efficiency of policies and programmes designed to respect, protect and fulfil the right to adequate food. This is essential to respond to a very multi-sectoral issue – food security – requiring the involvement of different ministries and actors.

Adequate remedies – including judicial, quasi-judicial, administrative and political – should be made available at the national, regional and international levels to ensure accountability of states and access to justice for victims of violations of the right to adequate food. It is also important that in designing and implementing food security policies and programmes, states follow the human rights principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law (PANTHER).

Local authorities and civil society organizations should play a key role in the implementation of the GSF and the right to adequate food. A Declaration to be signed by local authorities in which they would commit to implement the GSF and the right to adequate food could be drafted by the CFS, in consultation with local governments. This possibility could be discussed at the next ICEL – Local Governments for Sustainability – World Congress in Belo Horizonte (Brazil) in June 2012.

Awareness raising campaigns using the *Right to Food Guidelines* and involving NGOs and CSOs as well as local and national authorities should be also encouraged, to ensure that the right to adequate food will be the main objective of food security policies and

113 HRI/MC/2006/7.

114 CFS. 27 January 2012. *Global Strategic Framework for Food Security and Nutrition. First draft*, p. 22.

programmes, that human rights principles will guide the elaboration and implementation of these policies and programmes, and that people will be empowered to claim their right to adequate food and the capacities of governmental authorities will be strengthened to meet their obligations. In monitoring the implementation of the right to food, these actors should make use of the Monitoring guides developed by FAO.¹¹⁵

In the implementation of the GFS, states and other stakeholders should promote gender equality in agriculture and in the enjoyment of the right to adequate food. They should follow the relevant provisions of the *Right to Food Guidelines* and the *Tenure Governance Guidelines* and should raise awareness about the possibilities for women to use the CEDAW procedures if their right to adequate food is violated, a possibility that is almost never used.¹¹⁶

115 FAO, 2008. *Methods to Monitor the Human Right to Adequate Food. Vol I and II.*, Rome.

116 I. Rae. 2008. *Women and the right to food, International law and state practice*, Right to Food Studies, Rome, FAO.



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Conclusion

In the first part of this study, we presented the recognition and definition of the right to adequate food within the United Nations and FAO. States' correlative obligations were also defined, as well as the main elements of a rights-based approach to the fight against hunger.

In describing the context in which the CFA and the GSF were created, we focused on the different actors involved and their objectives. It enabled us to better understand the differences and convergences of the two frameworks. The HLTf developed the CFA to coordinate actions of international agencies and support country-led actions following common principles. The CFS developed the GSF as a central tool to synchronise and coordinate actions from governments and other stakeholders. Each membership has a different view on the governance mechanisms and actions needed to respond to food crisis and structural food insecurity. Each framework has its own role to play, from international agencies coordination in supporting country led initiatives to government initiatives for synchronised actions and engagement on food and nutrition security. It is also important to note that while the right to adequate food is described as an end and a mean in the elaboration of the GSF, it is mainly described as a mean in the CFA/UCFA.

The analysis of the two versions of the CFA highlighted the significant steps achieved during the revision process of the CFA and the main elements of the right to adequate food and human rights-based approach to the fight against hunger that were included into the UCFA. This integration is impressive but unequally present throughout the document. There is therefore a need to further improve the integration of the right to adequate food in future versions of the CFA/UCFA. To reach that objective, future versions of the CFA/UCFA will have to integrate a real three tracks approach to the fight against hunger; they will have to describe the measures needed to respond to the urgent needs of the most vulnerable (first track), to address structural food insecurity (second track), and to make the right to adequate food a real basis for analysis, action and accountability (third track), as recommended by the UN Secretary General in January 2009.¹¹⁷

In the meantime, the right to adequate food should already be integrated in the implementation of the CFA/UCFA. For that, the HLTf and its members should promote a right to food-based approach when advising states on food security policies

and programmes, use common indicators to monitor the realization of the right to adequate food, promote gender equality in the enjoyment of the right to adequate food, and convince states to undertake impact assessments of public policies, including market and trade policies, to protect the right to adequate food.

The analysis of the ongoing process at the CFS stresses the need to build on the example of the integration of the right to adequate food within the UCFA but within a GSF that seems more engaged to promote a real three tracks approach based on short and long-term measures to respond to food crisis and structural food insecurity, as well as on the right to adequate food.

The first draft of the GSF that was presented at the beginning of 2012 is promising in its integration of the right to adequate food. To further improve this integration in future versions of the GSF, the human rights principles of participation, accountability, non-discrimination, empowerment, transparency, human dignity, empowerment and rule of law (PANTHER) should be fully included in all parts of the GSF, large scale land acquisitions and leases should be included among the emerging challenges to food security, and extraterritorial obligations towards the realization of the right to adequate food should be described within the proposals to improve global support to regional and national actions and response to global challenges.

In future versions of the GSF, it will also be important to include specific references to the need for the CFS, states and other stakeholders to monitor the implementation of the *Right to Food Guidelines* and the *Tenure Governance Guidelines*. A clear mandate will have to be given to the CFS to monitor the implementation of the GSF and it will be important to describe the role of local authorities and civil society organizations in this monitoring. The need to strengthen mechanisms to monitor the right to adequate food and ensure access to justice for victims of violations of the right to adequate food will also have to be underlined, and use should be made of the right to adequate food indicators developed by the Office of the High Commissioner for Human Rights.

The adoption of the GSF will represent a great opportunity to convince states and other stakeholders to improve the implementation of the *Right to Food Guidelines* and rights-based food security and nutrition strategies, as well as more effective strategies to fight discrimination against women in access to food and productive resources.

In the implementation of the GSF, it will be important to put in place adequate legal and institutional frameworks to respect, protect and fulfil the right to adequate food, to ensure effective remedies for victims of violations of the right to adequate food, and to design food security policies and programmes following the human rights principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law (PANTHER).

To increase the role of local authorities in the implementation of the GSF, the CFS should draft a Declaration to be signed by local authorities, through which they would commit to implement the GSF and the right to adequate food. A preliminary discussion could take place at the next ICEL – Local Governments for Sustainability – World Congress

in Belo Horizonte (Brazil) in June 2012. And to involve NGOs and CSOs and local and national authorities in the implementation of the GSF, awareness raising campaigns using the *Right to Food Guidelines* and monitoring activities using the *Monitor guides* and the *Assessment Checklist* developed by FAO should be encouraged.

Finally, gender equality in agriculture and in the enjoyment of the right to adequate food should be promoted in the implementation of the GFS, following the relevant provisions of the *Right to Food Guidelines* and the *Tenure Governance Guidelines*, and awareness should be raised about the possibilities for women to use the CEDAW procedures if their right to adequate food is violated, a possibility that is almost never used.

Putting together, these measures will help to reduce food insecurity and malnutrition in the world, by ensuring that the right to adequate food will be the main objective of food security policies and programmes, that human rights principles will guide the elaboration and implementation of these policies and programmes, and that people will be empowered to claim their right to adequate food and the capacities of governmental authorities will be strengthened to meet their obligations.

