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**Written statement* submitted by the Foodfirst Information and Action Network (FIAN),
a non-governmental organization on the Roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

FIAN International would like to express its great satisfaction about the adoption of a new instrument, the FAO Voluntary Guidelines on the right to food which opens new opportunities to achieve significant progress in the struggle against hunger and malnutrition worldwide.

On November 23rd, 2004 in Rome, the FAO Council adopted the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (hereafter Voluntary Guidelines). The adoption marks the end of almost two years of negotiations and provides the 188 member states practical guidance to implement the right to adequate food.

The Voluntary Guidelines promotes a right based approach of national food security. They take stock and combine, in a mutually supportive way, legal instruments and procedures with development strategies and policies conducive to the realization of the right to adequate food. They also provide a framework for human rights based approaches to specific policies and programs to reduce hunger and malnutrition. Furthermore, the Guidelines aim at improving and ensuring the much needed coherence and consistency of governmental decisions at national and international levels as well as actions by international organizations in the field of food security. Finally, the Guidelines are the first document agreed upon by states which focuses on the implementation of one of the economic, social and cultural rights. In that sense, they open perspectives for other ESC-Rights and for a better understanding of what these rights and the related states obligations are.

FIAN would like to congratulate states for their efforts, which enabled to find a consensus on such good standards for the realization of the right to food. The adoption by consensus of the text is all the more encouraging than the negotiations were difficult because many governments initially were not willing to negotiate substantially such a text on the right to food and because it was the first time that one of the economic, social and cultural human rights was discussed and negotiated among governments outside the UN human rights system. Still the fear is great among some governments that they might really be challenged to change policies in future, through people starting to claim their rights. But these are exactly the policy changes needed, if hunger is to be reduced substantially in the coming years. In this regard, FIAN would like to recall the commitment made by states during the 1996 World Food Summit to halve the number of undernourished people by 2015.

However, and considering the absence of significant progress in the struggle against hunger, FIAN would like to appeal on the states to pursue their efforts when it comes to the implementation of these guidelines. Indeed, if the standards enshrined in the guidelines are high, the level of commitment by the states is unfortunately low in several parts of the text. FIAN would therefore like to recall states which adopted the voluntary guidelines and are also parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) that they have very concrete legal obligations to respect, protect and fulfil the right to food. For all states, the guidelines shall thus be a support to design an always improved and coherent strategy to struggle against hunger within a human rights framework.

Importance of a human rights approach to policies in favour of food security.

FIAN and the NGO coalition which supported and gave input to the adoption process see the main achievement of the Voluntary Guidelines in the fact that these put food security back in a human rights perspective. This perspective is in turn of crucial importance if victims of hunger

are to be given real opportunities to realize their right to food in dignity and freedom. The rights based approach driving food security policies is the only means to ensure the empowerment of people who can then become actors and subjects of rights which they can claim from their government before courts when violations occur. In a rights perspective, victims can hold their state legally responsible for their actions and omissions. Furthermore, under a human rights regime, states have to comply with their human rights obligations to respect, protect and fulfil these rights. Under the last level of obligation, states shall create enabling environments through measures and policies in order to give deprived people the possibilities to realize their rights. For those who cannot make use of resources and need assistance, states have to take actions to support them directly in a way that guarantee the realization of their rights in dignity and freedom.

Added value of the Voluntary Guidelines

In the view of FIAN International and the NGO alliance¹, the standards which have been adopted by the states in the text of the Guidelines are of high quality. They follow the standards which have been used so far by the UN Committee on Economic, Social and Cultural Rights in its General Comment Nr.12 of 1999. The Guidelines are comprehensive in terms of fields which are covered, dealing with matters from the protection of human rights defenders, through rural development policies, nutrition to education and international cooperation.

It is positive that all relevant major standards of interpretation of economic, social and cultural rights that have been developed in the last decade among experts in the UN human rights system in the general comments and through the work of civil society organisations are reflected and taken up in the text. The voluntary guidelines will therefore become an important reference text for the future interpretation of ESC-rights, because these standards have now been accepted and reaffirmed by governments with the adoption of the guidelines.

The Voluntary Guidelines contains a list of actions and behaviours which states should adopt in order to achieve food security within a human rights framework. They give the FAO a clear mandate to start a substantial rights based work. Governments have at the same time a clear tool-box how to realize the right to adequate food nationally and in their international work. The voluntary guidelines are a new instrument to challenge governments who are inactive in fighting hunger. The right to adequate food allows each person whose right to adequate food is negatively affected by government policies, or whose fate has never been recognized by the governments to hold its government accountable and to request an adequate treatment.

Challenges and Follow-up to the Voluntary Guidelines

Despite the undoubted added value of the Voluntary Guidelines, FIAN and the NGO alliance still have great concerns regarding their implementation. Indeed, the commitment of states to implement the standards of the Guidelines is presented in a quite weak language in that text. "States are invited", "if appropriate" etc. are typical formulations of the commitment expressed by governments in the guidelines process. The first common statement of NGOs in July 2004 had therefore carried the headline: "No masterpiece of political will". The challenge is now for

¹ The alliance is an ad hoc coalition of North and South civil society organisations from all around the world who have invested a lot of time to support and influence the elaboration of the voluntary guidelines.

states and civil society actor to make the best use of the Guidelines towards a real progress in reducing hunger.

In this context, the follow-up work which will be carried out jointly by the FAO, the states, other intergovernmental organisations and civil society actors will be crucial for the actual impact of the Guidelines on the right to food and the eradication of hunger.

The international agenda this year offers very important opportunities to start using the Voluntary Guidelines. The Millennium Development Goals will be subject of a review by the states after five years of existence. The human rights approach shall definitively gain a due place in the debate and in concrete implications of the MDGs, especially regarding target 2 of the goal to reduce poverty. In the difficult endeavour of implementing the MDGs, the Voluntary Guidelines and the right to food have a fundamental role to play.

Recommendations

Reiterating their satisfaction and hopes regarding the adoption of the Voluntary Guidelines and their future implementation, FIAN International and the NGO alliance appeal upon the states to:

- pursue their efforts towards a better recognition and protection of economic, social and cultural rights

To that end, FIAN would like to encourage states who are not yet bound by the International Covenant on Economic, Social and Cultural Rights, to ratify this crucial instrument for the realization of ESC-Rights and the right to adequate food. In this regard, FIAN would like to express its deep concern that the following members of the 2005 Commission on Human Rights have not yet ratified the ICESCR: Bhutan, Cuba, Indonesia, Malaysia, Pakistan, Qatar, Saudi Arabia, South Africa and USA.

- give due attention and implementation to the standards taken up in the text of the Voluntary Guidelines for the progressive realization of the right to food adopted by the FAO council
- use these Voluntary Guidelines and a rights based approach in the implementation of the Millennium Development Goals.

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