The FAO Voluntary Guidelines for the Right to Food: Lasting Solutions against Hunger

A – Fighting Hunger with Human Rights

Food is a human right! Hunger and malnutrition will in the long run not be overcome by distributing food, but by guaranteeing adequate government policies that will allow people to feed themselves. While distributing food can save lives in emergency situations, it does not provide any mid or long term solution to the problem of chronic hunger. It can even aggravate the causes of hunger and malnutrition and - it does not reach a huge amount of the hungry. Contrary to what is frequently claimed by the media only about 10 percent of the hungry are victims of natural catastrophes or armed conflicts.

An overwhelming majority of the hungry are victims of violations of their right to food and suffer from chronic hunger and malnutrition. These people are small peasants whose lands were robbed, or small fishers struggling against depletion of fishing grounds to the benefit of industrial fleets, or poor rural women starving to death due to non functioning or non existing social welfare programmes for the most vulnerable. The UN Food and Agriculture Organisation (FAO) itself recognises that hunger is not so much due to lack of food but because of lack of political will. Human rights oblige states to respect, protect and fulfil the right to food. Because states are legally bound to follow their obligations, human rights enable people to hold states accountable for their action or inaction. That is why we need human rights in the struggle against hunger! And that is why FIAN together with a large alliance of civil society organisations (CSOs) has been actively promoting the adoption of the FAO Voluntary Guidelines for the realisation of the right to food. This new instrument gives guidance to the states on how they can adapt and design policies towards the realisation of the right to food, providing proposals for action in all sectors relevant to food security.

B - The FAO Voluntary Guidelines as an important step in standard setting for the right to food

As a response to the 1996 World Food Summit’s call for clarification of the content of the right to food, FIAN, WANAHR and Institut Jacques Maritain elaborated the Draft Code of Conduct on the Right to Adequate Food in 1997. The text was discussed among experts and civil society actors and enabled to mobilise close to 1000 organisations and associations all over the world. This civil society mobilisation has been crucial throughout the process which led to the adoption first in 1999 of the General Comment Nr. 12 on the right to adequate food by the UN Committee on Economic, Social and Cultural Rights (CESCR) and eventually to the adoption of the Voluntary Guidelines by 187 states in November 2004 at the FAO (references at the end of the document).

1http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3d02758c707031d58025677f003b73b9?Opendocument
C - Practical guidance to States to use human rights for achieving food security

The 19 Voluntary Guidelines for the realisation of the right to food concern political and development issues. They propose strategies and priority fields of action to overcome hunger and malnutrition by implementing the right to food. After recalling the definition of the right to food and corresponding state obligations, the Guidelines apply this definition to concrete areas of national policies which play a role in the achievement of food security (such as economic development, market systems, agriculture, nutrition, social policy, education and emergency measures in food crises). In order to achieve this coherent national effort towards food security for all, the Guidelines indicate practical steps to be taken by governments in collaboration with civil society and international actors.

- One of these first steps is the identification of reasons for hunger, malnutrition and vulnerable groups.
- According to their specific situation, states should then develop adequate strategies, policies and programmes, which fit best to their own institutional, financial and human possibilities.
- States should also make a review of their existing national legislation in order to identify inefficient or redundant laws or programmes and to identify where better coordination is needed.
- The Voluntary Guidelines recognise the importance of the international dimension for the realisation of the right to food and therefore for their implementation. They provide guidance on how to adapt international development and food aid policies, as well as trade agreements and external debt.

D - What is the legal status of the Voluntary Guidelines?

The Guidelines were adopted by the 187 FAO member states out of which 151 are parties to an international treaty, the International Covenant on Economic, Social and Cultural Rights (ICESCR) which guarantees the right to adequate food and the fundamental right to be free from hunger. This article 11 of the ICESCR imposes obligations on ratifying states regarding the right to food. However, article 11 needs to be interpreted in order to define the content of the right and the related states obligations.

As follow-up of the 1996 World Food Summit, the experts of the UN CESCR adopted General Comment Nr.12 in 1999 in which they have defined the legal content of the right to food and states obligations. The Guidelines serve the same purpose to specify and interpret. They are a detailed definition of the right to food and of states obligations adopted by FAO member states. The Guidelines can be seen as a complementary political tool to the legal approach of the UN Committee. Last but not least, they give orientation on how to implement the right to food for states which have not ratified the ICESCR.

Thus, the Voluntary Guidelines do not create new legal obligations for States or international organizations. This means that a victim of a violation of the right to food cannot go to a court to sue her or his state by evoking obligations which the state would have accepted by adopting the Guidelines. They do not create rights which can be claimed before courts but they can be used as interpretation of valid national legislation on the Right to Food.

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2 http://www.ohchr.org/english/law/cescr.htm
3 The UN Committee on Economic, Social and Cultural Rights (CESCR) was established in 1985 by the UN Economic and Social Council to monitor the implementation of the International Covenant on Economic, Social and Cultural Rights which has been in force since 1976. The CESCR (for the Office of the High Commissioner for Human Rights) is the author of the General Comment 12 from 1999.
E - What does it mean to achieve food security with human rights?

The great advantage of the Guidelines is that they give priority to enabling people to feed themselves and reiterate the obligation to provide food for those who temporarily or permanently cannot make use of resources such as land or credit to feed themselves. The way these two goals are achieved must correspond to the basic principles embedded in human rights.

a) Empowerment

Emphasis is laid on the empowerment of individuals. Individuals and especially vulnerable groups should be enabled to raise demands to their governments so that political decisions correspond to their specific needs. Justice and other remedies against violations should be made accessible to them financially, socially and physically. Education is seen as a means which helps to claim rights, to articulate demands and to fully participate in political and social life.

c) Transparency

The decision-making processes of governments should be transparent and state actors in charge should be clearly identified. This concerns especially the use of public resources in favour of food security. These strategies which are decided upon to ensure food security for all should be comprehensive and coherent, and information should be accessible at all stages of designing and implementation is a basic condition so that civil society and vulnerable groups can participate in and monitor state action. Eventually, it should be possible to hold states accountable for their activities.

d) Non-discrimination

Efforts against discrimination of particular social or ethnic groups and of women should be integrated in the states’ poverty reduction strategies. Wage inequality has to be avoided, access to the labour market as well as the possibility to gain equal benefits from productive resources, such as land, water and credits and appropriate technologies should be ensured. Furthermore education programmes should be implemented regardless of race, colour, gender, language, religion, political opinion, national or social origin, property, birth or other status.

F - How to use the guidelines? First steps towards implementation...

The implementation of these Guidelines is primarily the responsibility of States. They should use the Guidelines wherever they help to develop more efficient policies. Civil society has a fundamental role in making the Guidelines known among other civil society organisations and vulnerable groups, as well as among authorities in charge of food security related policies. Civil society has to demand the implementation of the right to food and the Guidelines are a good tool to support this demand. They should be used when it comes to monitor state performance. The Voluntary Guidelines should be used as a reference when elaborating national strategies. and policy programmes. It is necessary to train administrative bodies as well as judicial staff so that judgments will refer to the principles formulated in the guidelines.
Elements of a national strategy to implement the Voluntary Guidelines

The VG are specific in describing the five necessary elements of national strategies, which are a precondition for an effective implementation of the right to adequate food. Such a strategy has to start (1) with a careful analysis of the causes of hunger and be followed by (2) an assessment of the existing legislative and policy framework and identification of problematic legislation or areas in which adequate legislation is missing. A third element of the national strategy is that (3) all policy measures taken by governments need to be screened in order to make sure that they do not contribute to violations of the right to adequate food and ensure that the state is using the maximum of available resources to progressively implement the right and to direct its implementation particularly to those groups, which are extremely marginalized in the country. The fourth element (4) is that governments install a functioning monitoring mechanism which will help to identify victims of violations as well as progress over time. Finally (5) governments have to have in place effective recourse procedures which allow victims of violations of the right to adequate food to claim their rights and ask for meaningful remedies.

FAO

The full text of the Voluntary Guidelines are can be found on the webpage of the Food and Agriculture Organisation of the United Nations:

→ http://www.fao.org

http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm (June 2005)

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FIAN- For the Right to Feed Oneself

FoodFirst
Promotes the fundamental human right to food as guaranteed in international human rights treaties. FIAN focuses on the right to feed oneself.

Information
FIAN informs victims about their right to feed themselves and alerts the general public about violations of this right.

Action
Through its activities, as for example protest letter campaigns, FIAN supports the struggle of victims’ groups against violations of their right to feed themselves.

Network
FIAN is a network of members and sections in more than 60 countries all over the world, joining hands for the realisation of the right to feed oneself.

✔ For more information about FIAN and the Voluntary Guidelines, please visit our website: www.fian.org

✔ To participate in our interventions against concrete cases of violations, or

✔ To become member and/or support our work with donations, please contact:
FIAN International Secretariat
Iris Ebert
P.O. Box 10 22 43
D- 69012 Heidelberg / Germany
Tel: +49 .6221 830 620
Fax: +49 .6221 830 545
Ebert@fian.org

Bank Account:
Postbank Frankfurt
SWIFT : PBNKDEFF / CCP-No : 201 080 601
IBAN : DE43 5001 0060 0201 080601