

Global Thematic Event on the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security:

A summary prepared by the office of the Special Rapporteur on the right to food, Hilal Elver

9 May 2019

- I. BACKGROUND AND PURPOSE OF THIS SUMMARY 1
- II. KEYNOTES AND PRESENTATIONS 2
- III. INTERACTIVE PANEL DISCUSSION 3
 - A. REMARKS FROM THE PANEL 4
 - B. INTERVENTIONS FROM THE FLOOR 5
 - C. CLOSING COMMENTS 8

I. Background and Purpose of this Summary

On 18 October 2018, during day three of the 45th Session of the CFS, the Special Rapporteur on the right to food, Hilal Elver, joined several CFS stakeholders and leaders in the Plenary Hall at FAO Headquarters in Rome, Italy to convene a Global Thematic Event (GTE). The GTE’s purpose was to reflect upon [The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security \(the Guidelines\)](#) (RtF Guidelines or Guidelines), which had been adopted by a consensus of the FAO Council in 2004. The RtF Guidelines are a tool to provide practical guidance to States and other stakeholders on developing and adopting strategies, institutions and legal frameworks that positively promote the progressive realization of the right to food.

Almost 15 years later, the CFS provided the GTE as a space for stakeholders to discuss challenges and successes in their use and application of the RtF Guidelines. While the CFS prepared a summary report of the [contributions](#) describing national, regional, and global experiences using the Guidelines, no record of the Special Rapporteur’s keynote address at the GTE or the ensuing inclusive, multi-stakeholder dialogue was prepared.

Recognizing the importance of creating a written record of the GTE at CFS45 so that CFS stakeholders and interested parties may recall and even wider audience outside of the CFS constituencies learn from the discussion, the Special Rapporteur offers the following account,¹

¹ This document is not intended to be a transcription of the GTE, but was drafted to record the general tone and comments made during the event. For an exact account, please refer to a video of the GTE, available [here](#).

summarizing her remarks, those of fellow keynote speakers, and subsequent comments from panelists and CFS members.

II. Keynotes and Presentations

The GTE opened with an introduction from the CFS Chair, **Mario Arvelo**, followed by remarks from Mr. **Kostas Stamoulis**, Assistant Director-General of FAO's Economic and Social Development Department. Mr. Kostas explained that we have entered a new era, one in which we must transform previous commitments including those set forth in the Sustainable Development Goals into real, measurable achievements. Ending hunger is the priority, and the collaboration among a diversity of stakeholders at the GTE is a testament to the potential for success. Mr. Kostas' complete remarks are captured in the event [webcast](#).

The Special Rapporteur on the right to food, **Hilal Elver**, while echoing the FAO Assistant Director-General's testament on collaboration, took to the stage to address CFS stakeholders and offer a powerful statement, summarized as follows:

Food security is a fundamental right, one which is threatened by ongoing violent conflicts and other challenges. The CFS, however, offers a unique and inclusive space for global governance that is necessary for the progressive realization of the right to food. The 2004 endorsement of the RtF Guidelines demonstrate the potential achievements of the CFS forum, yet there is still work to be done. The right to food continues to be erroneously equated with the right to be fed only in certain situations. The reality is that the right to food is an ongoing entitlement and an ongoing challenge, one that will not simply be guaranteed through increased production.

Rather, to ensure the right to food for everyone, we must understand that this right is, in itself, an obligation. Governments must therefore budget, monitor and collaborate with civil society to ensure the realization of this right. Doing so is not just an ethical responsibility, but an international norm. In this sense of promoting multi-stakeholder collaboration, the Human Rights Council and other relevant UN institutions has done good work. However, more must be done. After all, the right to food involves various spheres, including environmental issues, migration, climate change, etc., and various actors. Global policies and priorities addressing these issues must also dedicate some space to the right to food.

Courts, together with States and government institutions, play an important role in the implementation of such policies and ensuring the realization of this right. The roles of the private sector, academia, and media are also critical, as is the involvement of international organizations such as the FAO, which plays an important part in coordination and advocacy. The FAO must collaborate more with the Human Rights Council in the future, and the RtF Guidelines offer a direction for this collaboration. While the Guidelines are voluntary, they reflect international

binding laws endorsed by the Human Rights Council and the member states of FAO. The GTE discussion should not only keep this in mind, but should recall the recent reports on the state of food insecurity in the world and on climate change, which underline the urgency of global hunger and malnutrition.

A copy of the Special Rapporteur's complete remarks are also available for viewing on the event [webcast](#).

Following the Special Rapporteur's remarks, Ms. **Livia Pomodoro**, the UNESCO Chair dedicated to the right and access to food and President of the Milan Center for Food Law and Policy, discussed the emergence of the right to food as an item of interest and awareness in the new millennium. She explained that the RtF Guidelines are key for the conceptualization of food security as a component of the right to food, but acknowledged the challenges in implementation. Though some countries have codified the right to food in their constitutions, there needs to be a change in attitude so that food is not merely seen as a product or good for exchange. The right to food must become unlinked from consumeristic approaches and seen as a key human right, necessary for improving quality of life and for the achievement of zero hunger. Ms. Pomodoro also spoke of the importance of empowerment, and ensuring that all players—citizens, institutions, etc.—are given the opportunity to collaborate in the global effort to realize the right to food for all.

Lastly, Ms. **Anne Marie Moulton**, the Chair of the CFS Open-Ended Working Group (OEWG) on Monitoring the RtF Guidelines emphasized the importance of taking stock of the RtF Guidelines and the progress of implementation in the time since the FAO Council adopted the document by consensus in 2004. She expressed gratitude to the OEWG and TTT on Monitoring of which the UN Special Rapporteur and the FAO Right to Food Team are a part, together with the Civil Society Mechanism of the CFS and the World Food Programme. Ms. Moulton presented the overview of the 56 submissions from stakeholders (governments, UN Organizations, civil society and non-governmental organizations and academia) from different regions of the world. These submissions included: 41 individual submissions and 15 event-based submissions; 36 national submissions; 10 regional submissions; and 10 global submissions. A summary and key elements from the contributions documenting experiences and good practices in the use and application of the RtF Guidelines may be reviewed [here](#).

III. Interactive Panel Discussion

Mr. **Michael Windfuhr**, Deputy Director of the German Institute for Human Rights moderated the subsequent panel discussion featuring:

- Mr. **Badrul Arefin**, Director-General, Food Planning and Monitoring Unit, Ministry of Food, Bangladesh
- Mr. **Issiaka Bictogo**, Executive Secretary of the Food Security and National Council, Burkina Faso

- Ms. **Elisa Maria Cadena Gaona**, Deputy Director of Nutritional Health, Food and Beverage, Ministry of Health and Social Protection, Colombia
- Mr. **Peter Schmidt**, President of the European Economic and Social Committee's Sustainable Development Observatory
- Ms. **Ramona Duminiçoiu**, Member of the Civil Society Mechanism (CSM) Coordination Committee and Coordinator of the CSM Working Group on Monitoring

A. Remarks from the Panel

As an independent expert of the Committee on Economic, Social and Cultural Rights (CESCR), it was fitting for Mr. Windfuhr to introduce the interactive debate by reminding participants of the upcoming 70th Anniversary of the Universal Declaration of Human Rights (UDHR) on 10 December 2019. He provided a historical overview of the right to food within this global human rights context, first mentioning the UDHR and the International Covenant on Economic, Social and Cultural Rights, and then the World Food Summit of 1996 and the elaboration of the right in CESCR's General Comment No. 12 in 1999. Mr. Windfuhr explained the need for assistance in the practical application of the right and its elements, which therefore led to the RtF Guidelines being adopted by the FAO Council in 2004 following two years of negotiations.

Turning to the GTE panel, Mr. Windfuhr suggested the following objectives of the session: (1) to share good practices and learn from experiences in the application of the guidelines in order to foster their wider adoption, adaptation, and scaling up; (2) to monitor the progress in the use and application of the guidelines at the regional, national and global levels; finally (3) to increase awareness and understanding of the RtF Guidelines.

Mr. **Badrul Arefin** (Bangladesh) offered insight into the experience of Bangladesh in applying the RtF Guidelines in drafting the Right to Food Act. He explained the participation of Bangladesh in many key international conventions, the involvement of civil society, private sector and NGOs in realizing the right to food, and on improving the role of Parliament. Mr. Arefin further called for additional funds to be allocated for the realization of the right and for greater coordination among stakeholders. Finally, he presented on a plan of action for 2020.

Mr. **Issiaka Bictogo** (Burkina Faso) discussed the experience of Burkina Faso in using the RtF Guidelines to enshrine the right to food in the national constitution. While there are many national laws in place that have the potential to support the right to food, including policies related to social protection, subsidies, contingency plans and a national fund for food security. Ms. Bictogo explained the need to step up implementation efforts. For example, he noted the lack of uniformity in the approach to the realization of the right, and called for greater capacity building and collaboration with stakeholders, including civil society organizations.

Ms. **Elisa Maria Cadena Gaona** (Colombia) was invited to speak on how Colombia has used the RtF Guidelines to formulate a National Policy to achieve the right to food, and specifically, about efforts to strengthen and develop institutional capacity to incorporate right-based perspectives into normative frameworks and national policies. Ms. Cadena Gaona focused on the role of dialogue and participation, arguing that the rights of women to participate in decision-making and to own land are essential to the realization of the right to food. She further called for

peace agreements that will set up forums at councils at the national level and for the strengthening of civil society's participation. She recognized the need to afford greater visibility to food producers, especially smallholder farmers.

Mr. **Peter Schmidt** (EESC) shared conclusions of a regional event that was convened to discuss to the challenges and opportunities for implementing the right to food in the EU. He discussed the lack of governance and coordination in Europe, arguing that there is a misconception about the right to food as being about charity, and a need for greater dedication to sustainable food systems. He also pointed out issues with the current economic model and the manner in which it defines competition (fueling a race to the bottom to produce cheap food). Mr. Schmidt's presentation contained three critical messages, as follows:

First, the EU has long seen the right to adequate food as an issue for developing countries, and at best, as an external relations issue for the EU. The EU Common Agricultural Policy (CAP) has successfully increased the availability of food in the EU, it does not address access to food, which is an issue for 43 million (or 8,5%) of Europeans who are food insecure. Climate change and financial shocks further threaten the stability of food access. The quality of food and health of the population is an additional concern, as according to the Public Health Journal, 53% of Europeans are affected by obesity and overweight.

Second, the main challenge identified in the European multi-stakeholder meeting hosted at the EESC in April 2018 is that the current EU policy framework does not explicitly recognize the right to food and is not suited for a transition to more sustainable food systems necessary to achieve the right and related SDGs. Mr. Schmidt argued that coherent, human rights-based approaches would need to touch upon several policy areas simultaneously, including: agriculture, poverty and social exclusion health, environment, and access to land, seeds and other resources.

Third, the best way to holistically address the right to food is through implementation of a comprehensive EU food policy, which will tackle the thematic isolation of the various components of the right. A multi-sectoral approach is necessary to provide healthy diets from sustainable food systems, thus linking agriculture to nutrition and ecosystems services and ensuring that supply chains safeguard public health. This more integrated policy should adopt a human rights-based approach and human rights principles rather than a charitable, needs-based model.

Ms. **Ramona Duminiçoiu** (CSM), presented the report prepared by the CSM on the use and implementation of the RtF Guidelines with a focus on raising awareness on the right to food. The report can be read, in full, [here](#). Ms. Duminiçoiu emphasized a few key points from the report, including the need for greater policy instruments to ensure the right to food, the importance of gender mainstreaming, and the need to not just recognize the right to food, but to realize this right. She also explained that while the SDG are a powerful tool, they are not enough, by themselves, to ensure that the right to food is enjoyed by all.

B. Interventions from the Floor

Following remarks from panelists, CFS Members had the opportunity to intervene from the floor and provide response or ask questions on the monitoring and implementation of the RtF Guidelines. A summary of these comments is below:

CPLP used this opportunity express its support and trust in CFS as the main, inclusive platform for ensuring the realization of the right to food.

PSM discussed an event held in March 2018 in which scholars representing agricultural leaders and alumni, farmers, and agricultural professionals exchanged information on research and networking. The right to food and elements of the RtF Guidelines were well-discussed at the event.

Norway explained that consensus on the RtF Guidelines was reached in Norway in 2004, the same year that the FAO council adopted the instrument. Norway was pleased to be involved in the negotiations and discussions leading up to this adoption and to subsequently invest in the guidelines' implementation. Nevertheless, Norway expressed deep concern about the lack of consistent representation of the human rights-based approach in CFS products, noting that the work of the CFS must be aligned with the "PANTHER" principles.

Austria, on behalf of the 28 members of the EU, welcomed the GTE and the initiative to monitor the implementation of the RtF Guidelines. The EU strongly supports the RtF Guidelines and the use of a human rights-based approach to achieve food security and nutrition. The GTE summary report highlights best practices for implementing the guidelines but also shows the barriers that still prevent the realization of the right to food. The EU therefore urges all parties to work collaboratively to achieve the right and to monitor its progressive realization.

Spain expressed support for the EU's comment (as made by Austria) and reiterated the importance of cooperation for meeting the objectives of the CFS. Spain recognized the importance of the year 2030 in terms of the right to food, especially in light of SDG 2, and called for stakeholders to collaborate and take advantage of the platform created by the 2030 Agenda. Spain also commented on its continued support for the Guidelines since 2004 and its initiatives related to the right to food, including in the context of the IALCSH, FAO, Parliamentary Fronts (having organized the Global Parliamentary Summit in October 2018), and regional and national legislative arenas. Spain also noted the benefit of a report documenting good practices employed under the RtF Guidelines since 2004.

France encouraged Rome-based agencies to enhance their collaboration with research organizations and civil society organizations. France concurred with Ms. Duminicioiu (CSM)'s conclusion that more collective action must be taken to assist the 821 million people who are hungry, and offered a few practice examples of how France has managed to operationalize the right to food in furtherance of SDG 2; specifically, France has created a national plan for food security and nutrition that more clearly links food production to food safety. The plan emphasizes social justice, access to nutritious and safe food for all, and features a territorial link between the right to food and education for young people. France has also adopted a law and road map that reflects some of the RtF Guidelines relevant to food waste and highlights the responsibility of business.

Switzerland offered positive examples of RtF Guideline use, including the emergence of multi-stakeholder platforms; legal, regulatory and policy frameworks; and complaint mechanisms for right violations. Despite progress made since 1996 in advancing the right to food, Switzerland noted that there is still much work to be done, especially by the CFS. In that vein, Switzerland suggested that the CFS must do more to embrace the right to food, as the right has become a mere background reference and is rarely the focus of CFS dialogue. Switzerland proposed that the Special Rapporteur be invited to speak about the realization of the right and the state of play every year at CFS. This would be helpful in terms of bridging the gap between CFS and the right to food, and mentioned the role of the open-ended Friends of the Right to Food (FoRTF) group, which discusses this issue.

Kenya requested clarification on Burkina Faso's national fund, asking whether the funds overseen by a public body, private body, or both, and whether more information may be made available to Kenya so that it may replicate this model of funding.

Jordan posed several questions to the panel, including: how many countries have specific legislation on the right to food? What is the coordination between the FoRTF group and CSM/FAO? Is there a global rights-based approach to encourage healthy and adequate food and to address malnutrition? And are relevant authorities giving priority to supporting the right to food in countries experiencing conflict?

CSM discussed efforts to bridge the gap between the framework and implementation of CFS through innovative monitoring mechanisms and by building synergies with national reviews. CSM agreed with Switzerland that the relationship between the Special Rapporteur on the right to food and the CFS must be strengthened. CSM also recognized the need to address the root causes of gender inequality and referenced its report on the use and implementation of the RtF Guidelines.

Germany expressed its complete alignment with the commitments of the EU, and in demonstration of Germany's support for the right to food, the Minister made a strong statement on the right and announced the need to increase international commitment. While Germany has supported the RtF Guidelines, it is also looking internally at its own implementation through multi-stakeholder dialogue, and the development of indicators to ensure compliance with obligations.

OHCHR emphasized the relevance and importance of taking a human rights-based approach and of the human rights principles for achieving food security and nutrition goals and noted the impact of climate change, poverty, and economic recession on the right to food, especially for the most vulnerable. There is a need to take a closer look at the human right to social security with the objective of protecting the right to food, as all rights are interrelated and interlinked. Indeed, all human rights commitments made by States in Geneva and just as a result of participation in the UN never cease to apply and are essential for Members' activities on food security and nutrition in Rome. In particular, monitoring mechanisms such as Treaty Bodies collect very relevant information to the CFS and could help to improve the content of food policies and ensure policy coherence. OHCHR agreed that Switzerland's proposal to further integrate the

work of the Special Rapporteur on the right to food with that of CFS is a crucial step and expressed its willingness to provide technical assistance to States, as needed.

Palestine reiterated the French ambassador's message: it is time to enforce laws and national conventions. The right to food is a noble right, but what about self-determination? Palestine raised the need to ensure access to natural resources, land, marketing of products and food sovereignty, noting its suffering for over 71 years as a result of the Israeli occupation. Palestine called for the enforcement of laws and international conventions, especially the enforcement of the Security Council resolutions, 1976 initiatives, and efforts by CFS.

Russian Federation recognized the importance of enforcement and application of human rights and noted that it has signed many international agreements in the area. The Russian Federation attached great importance to the realization of the right to food at the national level and by means of international cooperation. As donors, the Russian Federation supports the fight against hunger and is one of the main producers and suppliers of food. It welcomed the attention of the CFS to the right to food as a theme and thanked participants and panelists for their contributions. However, the Russian Federation did not agree with the assertion that a human rights based-approach is acceptable in the CFS forum, and stated that human rights as a whole should be addressed by the specialized organizations of the United Nations, and not necessarily within the mandate of the CFS. The Russian Federation expressed its surprise at some of the statements of the CFS pertaining to human rights, and its belief that when the UN steps beyond its mandate, it loses its effectiveness.

Argentina, a member of the FoRTF group, disagreed with the Russian Federation's position, arguing that a human rights-based approach and the right to food must be central to the work of the CFS and to the conversation on the RtF Guidelines. Argentina discussed regional experiences, including the San Salvador protocol, and described a strong commitment to the development of an indicator to measure the protocol's progress.

C. Closing Comments

At the close of the interactive dialogue, Mr. Windfuhr reflected upon the RtF Guidelines, the progress made thus far, and the path forward:

The RtF Guidelines were adopted 14 years ago and transferring international law from theory into practice is a long process. It is important to keep this in mind when assessing the success of the Guidelines. The tool unequivocally provides to the CFS and Rome-based agencies a sound governance-oriented framework and since 2004, States have increasingly relied on these Guidelines to develop other policy instruments. To truly meet their potential, however, it is necessary for the most vulnerable groups to participate in policies and legislative processes relevant to the guidelines. Institutions should be adequately trained, funded, and developed to oversee these inclusive processes. Political backing of the RtF guidelines and the underlying principles is essential. While 19 policy fields are already covered, climate change and other policy areas must be taken into consideration.

As many CFS Members noted, the RtF Guidelines are highly relevant to the SDGs, including SDG 16 (on governance), which will be reviewed by the High-Level Political Forum (HLPF) in the summer of 2019. The RtF Guidelines provide a comprehensive framework in which to assess the governance of policies in food, agriculture, and nutrition sectors. The CFS and Rome-based agencies should further report on the application of the RtF Guidelines and on the process adopted to gather information at that time.

Ultimately, the progress in implementing the RtF Guidelines is encouraging, considering the number of contributions that the CFS received to inform the GTE, as well as the presentations from panelists and interventions from the floor. Of course, there is undoubtedly room for better, and broader use of the RtF Guidelines nationally and in the work of the CFS, as discussed during the GTE. High-level political support is essential for the success of the Guidelines and to move the agenda forward. Thus far, the RtF Guidelines have proven to be a useful tool for enabling civil society to monitor State implementation to identify issues and gaps in national policies.

In sum, government support is absolutely needed, as there must be greater political will to mainstream the RtF Guidelines and their underlying principles in State constitutions, legislation, and policies. Participatory policy processes should guarantee space for civil society and private sector actors to contribute to these efforts and Rome-based agencies should further support these processes. The CFS should continue to promote the Guidelines and discuss the progress and experiences on a regular basis, and should ensure that the RtF Guidelines are applied to multi-sectoral and emerging issues, including climate change, that significantly impact global food security and nutrition.