



International Conference

**Policies against Hunger VII:  
“Food is a Human Right”**

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**Recommendations of the Working Group**

**Working Group 1  
Access to Natural Resources as a Condition for the Right to Food**

Access to natural resources, especially land, is a key factor for the realization of the right to food. This correlation is of central importance where (1) poverty and hunger are predominantly rural, (2) land tenure is highly polarized and (3) large parts of peasantry is land-poor or landless.

- 1. Implementation of existing commitments (FAO right to food guidelines, UNCCD, EU land policy guidelines, ICCARD declaration...).**
  1. Popularize these commitments on national and local level.
  2. Organize broad-based dialogue on the status of the implementation of these commitments in order to develop strategies how to move forward.
  3. Further promotion of the right to food as a normative frame for land policy (particularly the FAO should promote them at national level by e.g. sensitizing all agricultural development practitioners, land administration, local government, policy makers, trade policy decision makers, harmonization and aligning donors...)
- 2. Support to new initiatives (initiative on FAO voluntary guidelines on responsible governance of land and natural resources tenure; Peasants Rights Convention).**
  1. Support a participatory process to elaborate these VGL in FAO governing bodies and particular attention should be given to consult peasants, women and other vulnerable groups.
  2. Support the Advisory Committee of the Human Rights Council in elaborating a study about the food crisis, the right to food and the rights of peasants.
- 3. Support the networking of organizations working on human rights accountability of investors interested in natural resources.**
  1. Develop guidelines for good practices for investors.
  2. Develop control mechanisms of investors in their countries of origin.
- 4. Support impact assessment studies of policies relevant for land use, food production and food availability (trade policies, agricultural development policies, agri-business sector development....)**



## Working Group 2 Experiences from National Implementation of the Guidelines on the Right to Food

How can national strategies to the implementation of the Rights to adequate Food be initiated and supported?

No standard answer is possible because the national situation varies from country to country. Some countries have already started to implement the right to adequate food, but others have not done anything so far.

In some countries the political will of governments has initiated the processes in other countries; civil society groups initiated for the start of the rights-based process.

### 1. Recommendation towards governments

1. Governments should manage to provide statistics (assessments) that help to identify the most vulnerable groups in order to focus implementation activities.
2. Governments should address the Right to food as basic human rights and should train relevant officers.
3. Governments should request and initiate regional and international partnerships to speed the implementation of the right to adequate food (including training of officers and parliaments).
4. Governments need to develop sound sector policies (access to productive resources, safety nets, regulating investments, sustainable increase of production, adequately regulating trade relations etc.) regarding the implementation of each of the voluntary guidelines.
5. Governments should guarantee the participation of civil society organisations in the planning and implementation of policies and programmes.
6. Decentralization should be an important aspect of any implementation strategy.

### 2. Recommendations towards donors, development partners, intergovernmental organisations and international NGOs

1. Need to support civil society for different activities such as advocacy, analyses, survey, monitoring and reporting, in order that people know about their right to food and secondly to allow them proper interaction.
2. Need for sound monitoring and evaluation tools based on indicators.
3. International organisations and development actors should consider the human rights approach in their work.
4. These actors should actively approach the private actors.
5. Training and capacity building of officers and parliamentarians.

### 3. Recommendations towards the Civil Society

1. Support governments, if there is political will, otherwise try to initiate a start from below with civil society organisations and social movements.
2. There should be dialogue among different civil society stakeholders about the implementation of the right to adequate food.
3. Create awareness to the general public through sensitising and information.



4. Civil society should build capacity that they are able to monitor, evaluate and report on the status of implementation of the right to adequate food (such as parallel report at international human rights monitoring systems).

#### **4. Recommendations towards the FAO**

1. FAO should support national implementation strategies in countries already working on the issues.
2. In other countries FAO should raise awareness and encourage countries to implement the right to adequate food.
3. There must be the creation of a platform where countries and other actors can share information and experiences.
4. FAO should take the task to spread information about the implementation of the Right to Food. The Right to Food Unit should be kept up in FAO for this and other purposes.
5. FAO should support the governments in building capacities at all levels to start a meaningful implementation process.
6. The FAO should encourage and support states to participate actively in monitoring procedures at the international, regional and national levels. The FAO should consider a regular report “State of the right to Food”, based on the Voluntary Guidelines.

#### **5. General recommendations**

1. Global and regional partnerships for the exchange of experiences (best practices) and information for all relevant stakeholders is needed (governments, donors, civil society etc.). Regional platforms may support these efforts.
2. The role of women for the implementation of the right to adequate food is very central. Women and women organisations should have direct support from governments and donors to improve production and food processing. It is crucial to ensure their integration in the development and implementation of relevant policies.



### **Working Group 3**

#### **The Right to Food as a Criterion for Coherent International Policies**

The Working Group agrees that the Right to Food is an important criterion for coherence of international policies in the field of agriculture, trade and development. It is the obligation of every government to ensure everybody's right to food, as much as possible from national production.

#### **1. Development cooperation**

1. All cooperating partners need to respect the national priorities and ownership.
2. Investment into sustainable agriculture and rural development needs to be increased.
3. Inter-linkages of different sector policies and programmes need to be strongly addressed.

#### **2. International Trade**

1. Free trade is not necessarily a solution to achieve food security. Any international agreement should respect the right to food.
2. The participation of LDCs in the decision making process of WTO should be increased.
3. The donor community should assist the D.C.s in building their capacity for negotiations of international standards and sanitary regulations and ensure compliance.
4. The safeguards of D.C. with special food security concerns should be considered and strengthened; and anti-dumping procedures in WTO need to be easier accessible for these countries.

#### **3. EU Agricultural Policy**

1. Some credit can be given to CAP reform; however the past reforms are not yet sufficient for achieving full coherence with development concerns.
2. The EU should politically support the objective of food security in D.C. and especially national right to food strategies.
3. Direct payments to farmers in the developed countries need to be shifted to rural development programmes, like programmes to combat climate change or the promotion of bio diversity.
4. CAP should avoid any kind of public-funded exports.
5. CAP impact on developing countries should be monitored with complain mechanisms installed in the EU.

The world needs a Global Partnership for a new agricultural policy, which should embrace the Right to Food. We need a scientific based assessment of the future of food and agriculture.



## Working Group 4 Considerations of the Right to Food in Strategies for Solving the Food Crisis

We welcome the international efforts such as the HLTF and the GPAF and reaffirm that strong coordination and partnership among all ongoing initiatives is needed if we want the Right to adequate food to become a reality for all, including for those with special needs.

- 1. We encourage the HLTF and GPAF to work under the overarching principle of the promotion of the realization of the Right to Adequate Food**
  1. The HLTF and GPAF should prioritize the role of empowering vulnerable populations, increasing the awareness of their rights, through education and capacity building, and highlighting the role of the RTF as an alternative for the most vulnerable to be heard and claim their rights.
  2. The nutritional security component must be effectively incorporated into the food security policy implementation.
  3. The global food crisis will only be overcome through the mainstreaming of the RTF, and international and national needs and rights based strategies, which identify the vulnerable, assess the causes, develop targeted policies, establish goals, define obligations both addressing the immediate and long term goals.
  4. International and national coordination efforts should enable small scale farmers, pastoralists, fisherfolk, indigenous peoples by addressing the issues of access to land, land tenure security, access to natural resources, technical assistance, support to cooperatives, credit, stimulating production for local markets and access to local value chains and safeguard mechanisms, as well as facing the contradicting urban and rural interests.
  
- 2. All food and agriculture related efforts of international coordination must be established:**
  1. Within an open format, in full cooperation with the different sectors of civil society, with especial attention to the most vulnerable and involving all stakeholders (UN, CSO, small scale farmers' organizations, farmers' organizations, women's organizations, other sectors of civil society, etc.).
  2. As a broad forum for policy discussion including environmental, gender, HIV Aids, social/economic and human rights issues.
  3. Monitoring and accountability mechanisms from a Right to Adequate Food based approach (Voluntary guidelines).
  
- 3. Closer cooperation between UN and Bretton Woods organizations is fundamental and should include assessment and discussion of the coherence between RTF based food and nutritional security policies and agricultural, bilateral trade agreements and trade policies.**
  1. The issue of guaranteeing the Right to Adequate Food of people in emergencies and failed states must be addressed, and effective actions and measures, such as food assistance, put in place.



## **Working Group 5 The Strengthening of the Enforceability of the Right to Food**

The general problem to which the group was to consider was how to reinforce the legal justiciability of the right to food. Given the apparent division of opinion on the justiciability of ESCR-rights, the working group was asked to identify obstacles to the justiciability of the RtAF at the national and international levels and provided practical recommendations to improve the legal enforcement of the right.

### **1. Obstacles identified by the Working Group**

1. Not all countries recognize ESCR as justiciable.
2. Ineffective remedies for violations.
3. Ignorance of rights holders.
4. Inadequate expertise on the part of judges and lawyers to handle cases on ESCR.
5. Absence or lack of precedents of jurisprudence at the national level in many countries.
6. Human Rights defenders at national level lack the national expertise to properly document cases of violations. Often they are unable to build strong cases.

### **2. Recommendations**

1. Measures are required to improve the capacity of lawyers to recognize an effectively handle cases on ESCR. Therefore it is needed to have awareness raising programs for the rights holders.
2. Governments have to recognize the right to food in national constitutions and to pass framework laws for its implementation.
3. National laws should be adopted with the participation of right holders, to give clear and effective recourse mechanisms in case of violations. These mechanisms should be easily accessible by all persons.
4. Empower National Human Rights Institutions to handle the right to food complaints.
5. Create and support a legal aid system for rights holders.
6. The UN Special Rapporteur on the RtAF should use his reports to clarify the justiciability of the right to food.
7. Adopt measures in order to ensure the implementation of judicial decisions in favour of victims in a reasonable period of time.

### **3. Measures that can strengthen enforcing ESCR regarding especially the Optional Protocol.**

1. Countries should ratify the Optional Protocol.
2. Remedies suggested by the Committee shall be implemented.
3. The treaty body Committee can use that to generate jurisprudence, which can guide national judicials.

## **Roles**

### **1. On capacity building**



1. National: (a) national human rights institutions; (b) universities and law schools; (c) judicial training institutes.
2. International: UN agencies (OHCHR, FAO) should develop guidelines for the use of lawyers and judicial officers.
3. National and international NGOs should carry up campaigns and assist in the implementation of these guidelines

## **2. Development of framework law**

1. National: (a) national parliaments; (b) executive
2. International: UN agencies should provide technical support to review national laws and policies, so that they are in line with the international standards.
3. NGOs should campaign for framework laws and constitutional recognition of the right and provide assistance in drafting that law.

## **3. Adoption of effective and accessible recourse mechanisms**

1. National: (a) executive; (b) parliament; (c) judicial; (d) national human rights institutions
2. International: (a) Treaty bodies should focus attention on access to remedies for victims.
3. NGOs should campaign for the creation and improvement of recourse mechanisms at the national level

## **4. Empowering human rights institutions (HRI)**

1. (a) executive and parliament; (b) National HRIs to encourage conciliation and litigate for victims; (c) NGOs should lobby HRIs, disseminate comparative law experiences

## **5. Legal aid**

1. National: (a) governments should establish funds for legal aid; (b) lawyers associations to provide pro bono services.
2. International: (a) international partnership to support legal aid funds; (b) NGOs should take up public litigation cases on behalf of victims and document violation for use in litigation.

## **6. On the optional protocol (OP)**

1. National: (a) governments should ratify and domesticate the provisions of the OP; (b) governments should put in place some measures to implement the protocol
2. International: (a) the Office of the High Commissioner for Human Rights should facilitate the ratification of the OP by states; (b) regional organisations should pass resolutions calling for ratification of the OP; (c) the ICESCR and CEDAW should in their analysis and recommendations address OP issues regarding the right to food; (d) NGOs should disseminate information on the content of the OP to campaign for ratification and monitor its implementation.

Concluding remark: ALL THIS WILL REQUIRE FUNDING