

Contribution of Mr. Olivier De Schutter Special Rapporteur on the right to food

2nd meeting of the Contact Group to support the Committee on World Food Security (CFS)

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Coordinating, Learning, Monitoring : A New Role for the Committee on World Food Security

SUMMARY

This note proposes a new role for the Committee on World Food Security. It is based on a diagnosis of the reasons for our failure to eradicate hunger and severe malnutrition. It lists five reasons for this failure: an almost exclusive focus on increasing agricultural production, instead of the adoption of a more holistic view about the causes of food insecurity; a failure of global governance to overcome existing fragmentation of efforts; a still incomplete understanding of how to work in certain areas which have an impact on our ability to achieve food security for all; a failure to follow upon commitments, itself a result of a lack of accountability; and the insufficiency of national strategies for the realization of the right to food at domestic level.

It follows from this diagnosis that the revised CFS should combine the three core functions of coordination, learning, and monitoring progress. This, it is argued, could be achieved by transforming the CFS into a platform in which governments, international agencies, and civil society organizations could jointly improve their understanding of what needs to be done, and improve the accountability of both the international community and national governments. This note proposes the monitoring by the CFS of time-bound targets and guidelines, to be revised at regular intervals, setting clear benchmarks for action, and allowing to track progress made at national and at international levels.

We know where hunger and malnutrition come from. They have their source in a deeply unequal distribution of incomes; in the absence or the insufficiency of social protection schemes; in the weak protection of agricultural workers; in gender, ethnic and other types of discrimination; in an increasingly dualistic farming system in which smallholders hardly manage to live off farming, due to their poor connection to markets, to the high prices of inputs, to the insecurity of land tenure, to unequal access to resources, and to our failure to adequately regulate the food chain; in an inequitable system of international trade and unregulated markets which do not guarantee remunerative prices; in insufficient or inadequately targeted investments in agriculture; in speculation on the futures markets of agricultural commodities by non-commercial investors; and in the absence of a recognition of the right to food and appropriate mechanisms to ensure that it is complied with.

This is a long list, and the task ahead of us seems considerable. Yet, there is hope in the fact that these different causes are now better understood, and that we know, for the most part, how to address these obstacles to the realization of the right to food. We have failed, however, to make significant progress in overcoming most of these obstacles. This is a collective failure for which we are all responsible. Rather than allocating blame, we must seek to understand what went wrong, and what can be done to change this.

1. Current obstacles for decisive action

Our failure to take decisive action to eradicate hunger and extreme malnutrition is due to a combination of five factors. First, while hunger stems from a wide number of causes – the most important of them are listed above, but the list is by no means exhaustive –, it has generally been seen only from the point of view of agricultural production: while much efforts have been put successfully into improving our ability to produce enough food to feed the world, too little attention has been paid to the political economy of hunger, especially to questions of accessibility and equity, including the marginalization and disempowerment of certain groups of the population and the imbalances in the food system. We are now in a position to understand hunger and malnutrition in a much more

holistic way – and we see the fight against them as requiring collective action in a number of areas beyond agriculture, rural development and food aid.

Second, global governance is fragmented. A large number of UN agencies, as well as the ILO, the World Bank and the IMF are involved in providing guidance to countries on the various issues listed above; the World Trade Organization offers technical advice in multilateral trade negotiations. It has not been unusual in the past for these organizations to offer conflicting advice to the States. Each of them has tended to concentrate its efforts on furthering its own area of specialization without developing the partnership required to address the issues in a comprehensive way. In addition, certain prescriptions imposed on States in structural adjustment policies have deprived them of the policy space they require in order to deal adequately with food crises and price volatility. It is urgent that coordination among these agencies be improved, and that their efforts are channeled towards the overarching goal of combating hunger and severe malnutrition. And it is equally important that the legitimacy and ownership of their recommendations be enhanced by the establishment of a strong partnerhip with governments and with civil society organizations. Indeed, while the coordination between agencies has been insufficient, governments too have all too often acted with their own interest in mind, and without paying the required attention to the impact of their actions on other countries' ability to realize the right to food. We need to have international agencies, governments, and civil society organizations act together, in order to improve consistency in our efforts to combat hunger and in order to put a higher price tag on non-cooperative behaviour.

Third, while our understanding of a number of the structural causes of hunger has significantly improved, there is still no consensus on a relatively wide range of issues. We know, for instance, that our neglect of agriculture in public policies and in development cooperation during the period 1980-2007 has been a mistake. We know that our modes of agricultural development have too often favored large-scale plantations, while insufficiently benefiting smallholders. We know that social safety nets must be improved and greatly expanded. We now understand much better how to manage food aid, in order to maximize its contribution to food security while avoiding its potentially negative impacts. We also have come to recognize the contribution improved accountability could make to food and nutrition security, through the recognition of the right to food and the adoption of national strategies for the realization of the right to food. In all these areas, we are learning from our past mistakes. Misguided policies have, for the most part, been remedied or are being abandoned. But, in contrast, other potential causes of hunger and malnutrition remain contested or are not being addressed at all. For instance, the relationship of the production of agrofuel to food security remains controversial: while it is clear that, in principle, agrofuel production could contribute to raise incomes in rural areas, which are most affected by poverty and where most hunger is located, it is equally evident that, in practice, this production generally benefited large-scale producers, and has increased the tension between supply and demand on certain markets of agricultural commodities. The impact on the right to food of different modes of agricultural development also remains the subject of intense debate. How international trade and global stock levels should be managed, and whether or not food security should be achieved by facilitating trade in agricultural commodities, is equally contentious. At the international level, no systematic effort has yet been made to consider what needs to be done now to ensure the sustainability of food supplies in the long-term and to prevent the degradation of natural resources on which future food production will have to depend. On these and other issues, we must improve our ability to learn, and to learn at a greater pace.

Fourth, beyond solemn declarations in various fora, the political will has been insufficient to remove the structural causes underlying hunger. Commitments are made, but these commitments remain vague: they remain at the level of declarations of intent, without any government or institution being held to account for any specific action. Summits take place, but no follow-up is organized at international level, other than to report on the number of hungry. The resulting lack of accountability

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¹ The bi-annual reporting to the CFS on the implementation of the World Food Summit (WFS) Plan of Action under Commitment Seven (Objective 7.3), in particular, has lacked the required effectiveness. This is primarily attributable 1° to the fact that governments were not asked to specify targets to be achieved within defined timeframes, and 2° to the inability of the CFS to effectively follow upon the reports submitted.

is made worse by an often imperfect coordination within governments between different departments – for instance, between the departments of trade, development cooperation, agriculture, and foreign affairs –: in the absence of strong leadership from the highest level of government, each department acts according to its own priorities, without necessarily ranking the full realization of the right to food in other countries among its top objectives. **Accountability must be improved, by the setting of clear time-bound objectives for governments, and regular monitoring of the progress made**.

Fifth, the strategies developed at national level in order to realize the right to food remain largely insufficient. Only a handful of governments have set up accountability mechanisms in order to protect the right to food. Even where agriculture has not been neglected entirely, smallholders have all too often been marginalized from public policies, partly as a result of their political disempowerment, partly because of the mistaken assumption of policy-makers that small-scale agriculture is less productive than large-scale plantations. Rather than to strengthen their agricultural sector and the local food chains, many governments have preferred to achieve food security by importing low-priced foods from international markets, paid for by revenues gained by exporting raw commodities abroad. In addition, agricultural workers are insufficiently protected, particularly as regards their right to a living wage, their right to collective bargaining, and their right to health and safety at work. Finally, only a minority of governments have established well-functioning social protection schemes, shielding the most vulnerable from increases in food prices. More incentives must be created in order to ensure that participatory strategies are established at national level which ensure swift progress towards the realization of the right to food, by focusing the efforts on the most vulnerable (smallscale farmers, landless laborers, and the urban poor).

2. The Renewed Committee on World Food Security (CFS)

If it is to put global governance in the service of combating hunger and malnutrition, the renewed Committee on World Food Security (CFS) should be fundamentally rethought in order to contribute to overcoming these obstacles. This could be achieved by combining three functions within the CFS – coordinating, learning, and monitoring:

1. A platform for coordination between international agencies, governments, and civil society organizations. The CFS should have a tripartite structure. It should constitute a platform in which, first of all, all relevant UN agencies with activities relevant to food and nutrition security, as well as the ILO, the World Bank and the IMF, and the WTO – all of which have an important contribution to make to the realization of the right to food – would be obliged to channel their actions, and improve the consistency of their policy recommendations, towards the realization of the overarching objective of combating hunger and other forms of severe malnutrition. Secondly, States should be represented at a high level (including an annual meeting at ministerial level), preferably by a delegate mandated by an inter-departmental taskforce on the eradication of hunger and severe malnutrition established at national level, in order to ensure consistency across ministerial departments (particularly health, agriculture, employment and social affairs, and development cooperation). Thirdly, the legitimacy of the CFS as well as its ability to act effectively would further be improved by ensuring an adequate

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² It has been remarked, rightly, that not all UN agencies have the fight against hunger and malnutrition within their mandate, and that this is an objective which, for instance, the World Bank Group, the International Monetary Fund, and the World Trade Organization, do not in principle seek to pursue. However, the point of including all these international agencies or organizations within the CFS would be to ensure that, in the fulfilment of their mandate, they do not prescribe policies, or provide incentives, which run counter to the overarching objective of realizing the right to food. The reason for involving these actors within the CFS is to ensure that the efforts of the international community as a whole are consistent with this objective. This is no way should be interpreted as an invitation to these agencies or organizations to deviate from the mandate they have received from governments; but it should be seen as an encouragement to these agencies to take into account the impact on food security and on the right to food of the way they choose to exercise their mandate. It is precisely this consistency across international agencies that have been missing over the past years, with such damaging effects.

³ The Groupe interministériel pour la sécurité alimentaire (GISA) in France or, in Brazil, the National Council for Food

The Groupe interministériel pour la sécurité alimentaire (GISA) in France or, in Brazil, the National Council for Food Security and Nutrition (CONSEA), are examples of such instances ensuring an inter-departmental coordination of actions at national level.

representation of civil society. As stated in the "Principles of Engagement" with civil society constituencies in global policy forums listed in para. 22 of CFS: 2008/6, 'particular attention needs to be given to promoting the participation of *peoples' organizations* representing the sectors of the population who are most directly and dramatically affected by FAO policies and programmes in developing regions, like small farmers, fisherfolk, indigenous peoples, pastoralists, rural women, urban poor, and others. They are the constituencies which have the greatest difficulty in making their voices heard in global policy forum'. In addition, agricultural workers, through their representative unions, and human rights non-governmental organizations with an experience in economic and social rights, should be included. In order to ensure for a full representation of these different constituencies, the CFS should develop into a tripartite structure (governments / international agencies / civil society and farmers' organisations).

In the reactions the Special Rapporteur has received concerning this part of the proposal, different views were expressed as to the status of these different constituencies within the CFS. Most of the interlocutors of the Special Rapporteur take the view that, consistent with the "Principles of Engagement" cited above, only governments would have voting rights, to the extent that decisions are adopted by voting. However, the guidelines and recommendations should be adopted by the CFS, ideally, by consensus among the members, and voting should remain the exception. In this approach, the relevant UN agencies or international organizations and civil society organizations would be members of the CFS, taking part in deliberations, but without voting rights. Which organizations should merely have a status as observers remains contested. Some take the view that international organizations which are not within the UN system should be included only as observers. Some consider that only the agencies whose mandate is specifically related to combating hunger and malnutrition (FAO, WFP, IFAD and CGIAR) should take part in deliberations within the CFS. The private sector (business enterprises) could be included as observers. These various views should all be considered and balanced against each other. It should be taken into account, however, that there are various ways the actors involved in the CFS could contribute to its work, which the opposition between full members and 'observers' does not necessarily capture. For instance, all participants of the CFS, whichever their role in the decision-making process per se (e.g., in the adoption of guidelines or of recommendations addressed to States), could be allowed to request that certain issues be put on the agenda of the discussions, and to be provided with an adequate justification if their proposals are rejected.

2. Setting goals and offering guidelines to stimulate action. The main task of the CFS should be to monitor progress towards the achievement of time-bound goals for the eradication of hunger and other severe forms of malnutrition. In order to achieve this, the CFS could adopt on a regular basis (for instance every 4 years) a set of guidelines based on a shared diagnosis of its members about what needs to be done by both the international community and by national governments in order to make faster progress towards this objective. The timeframes should incorporate short, medium and longer term responses, since the focus on strong indicators with specific timeframes might otherwise privilege the short term impacts on specific symptoms above more structural responses or increased resilience to volatility and shocks. The guidelines could also identify areas in which international cooperation is required in order to support national efforts to eradicate hunger and malnutrition. The Comprehensive Framework for Action adopted by the High-Level Task Force on the Global Food Crisis is a first interesting attempt in this direction, and the compacts to be concluded between governments and the international agencies concerned are a promising way to improve accountability of national governments. The CFS could build on this precedent, and improve it further, in particular by ensuring that each State and international agency involved set clear timeframes and benchmarks to be achieved, with associated indicators, in order to further strengthen accountability and to encourage the mobilization of action and resources.

The content of the guidelines. In the light of the past failures to act decisively against hunger and malnutrition, it seems particularly important that the guidelines adopted by the CFS address

the full range of obstacles to the realization of the human right to adequate food, including those dimensions related to agricultural production, taking into account its impact on climate change and the need to move urgently to more sustainable ways of producing food; employment and social safety nets, as well as the rights of agricultural workers; education; land policies; the governance of the food chain; local, regional and international trade; food aid; and development cooperation. Across all these areas, specific attention should be given to the nutritional dimension, and to the needs of children as well as of lactating and pregnant women in particular. A link between the CFS and the UN Standing Committee on Nutrition (SCN) could be established in order to ensure that the CFS benefits from the best scientific expertise available on this dimension. Similarly, the dimension of gender and the specific attention to be paid to vulnerable groups should be addressed as a transversal issue. To the fullest extent possible, the FAO 2004 Voluntary Guidelines for the progressive realization of the right to adequate food in the context of national food security should be taken as a departure point for the elaboration of the CFS guidelines (see also below, 6.). The CFS guidelines should serve to identify practical objectives, to be achieved within specified timeframes; and it should adopt indicators linked to each of the targets.

The revision of the guidelines. The guidelines adopted by the CFS would be revised regularly on the basis of the successes and failures of policies pursued at international and national level, which should be evaluated according to a number of outcome indicators. Thus, the CFS would fulfil an essential collective learning function, a function which appears particularly important in the light of emerging threats (such as climate change, or increased volatility on the markets of agricultural commodities).

- 3. Monitoring of the implementation of the guidelines. It is crucial that the guidelines adopted by the CFS are followed by concrete action, taking into account the specific national context and with due regard to the mandate of each international agency involved. This could be achieved by a four-step process covering a cycle of four years:
- a) **adoption of guidelines by the CFS**, based on a shared diagnosis about which actions need to be taken in order to eradicate hunger and severe malnutrition;
- b) adoption by governments and international agencies involved of a set of **targets to be achieved**. These targets should be both ambitious yet realistic within the specified timeframe; each government and agency should communicate to the CFS the targets set at national level or for the agency concerned;
- c) **reporting** by governments and international agencies to the CFS and examination by the CFS of the progress made towards the targets announced, leading to recommendations addressed to the States and agencies concerned, including recommendations to improve levels of international assistance and cooperation;
- d) **revision of the guidelines adopted by the CFS**, on the basis of an examination of the obstacles faced by States and international agencies in the achievements of the targets (see above, 2.).

In this process, each State would commit to taking a certain number of measures within a specified timeframe, in implementation of the guidelines adopted by the CFS.⁴ The reports submitted by governments should contain information not only about the efforts made towards the achievement of the targets, but also about the obstacles faced by each State; and they could identify the need for improved international assistance and cooperation. The targets to be achieved would be set at national level, through transparent and participatory processes, in the light of the priorities identified for each State and, in particular, on the basis of the mapping of food insecurity and vulnerability. Ideally, the targets should form part of a national strategy for the realization of the right to adequate food, as recommended under the International Covenant

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⁴ It may be advisable to require from each State that it identifies targets under at least a minimum number of the guidelines adopted by the CFS. For instance, if 24 guidelines are adopted, each State could be imposed to choose targets under at least 8 guidelines.

on Economic, Social and Cultural Rights,⁵ and under Guideline 3 of the 2004 FAO Voluntary Guidelines on the right to food. For developed countries in particular, the targets could include levels of contribution to international assistance and cooperation with developing countries, in accordance with the priorities set by the guidelines adopted by the CFS. The CFS would be notified of the targets set by each State and by each international agency. It would receive reports from governments and agencies about the achievement of the targets set and, on the basis of these reports, it would adopt country-specific and agency-specific recommendations.

The reporting by States and international agencies should not develop into a burdensome bureaucratic exercise, and great care should be taken to strictly limit the volume of information processed for it to be manageable. However, reports submitted by States and international agencies would be reviewed by the CFS on the basis of the existing guidelines: the CFS should be allowed to comment on these reports in order to assist States in their efforts and to identify the need for international cooperation; and in order to ensure that the international agencies act consistently towards the goal of eradicating hunger and malnutrition. The CFS should recommend to States that they make progress in certain selected areas, for which the States concerned should develop indicators and set benchmarks; and it should ensure that international agencies work towards more coherence. In addition, while the CFS would not be established as a funding mechanism, it would be expected to identify areas requiring additional commitments by States who are in a position to assist or by international agencies. Although this reporting process should primarily serve as a source of accountability – since governments and agencies will have to justify and explain their choices in key areas such as agricultural investment, social protection schemes, or trade policies -, it also should provide the CFS with basic information related to the key areas identified in the guidelines, thus allowing it to refine its understanding of issues on which its recommendations are still vague or on which no recommendation could be agreed to.

Hence, the reporting would develop into an iterative process: while the States and international agencies would report on their implementation of the guidelines (themselves the expression of the consensus, at one point in time, of the international community), the information they provide the High Level Panel of Experts on Food Security and Nutrition (see below) and the CFS at the same time would lead these instances to reexamine the guidelines, in the light of the obstacles faced in their implementation. In other terms, the monitoring here would be of a diagnostic kind: it should be seen primarily as a searching device, in order to identify obstacles to the full realization of the right to food, and the means to overcome such obstacles, in the light of the experience of other States and of the international community as a whole.

4. The regional dimension. In reactions the Special Rapporteur received to his initial proposals on the reform of the CFS, a few interlocutors insisted on the need to integrate the regional efforts made towards the eradication of hunger or malnutrition. The important contributions of NEPAD and of regional development banks, for instance, were put forward as illustrations. No concrete proposal was made, however, as to how this could be achieved, without overburdening the CFS and developing the CFS into a body with an overly complex governance structure which might constitute an obstacle to its effectiveness. The most adequate solution could be to consider that this dimension will be reflected in the national reports submitted by States, which would contain all the relevant information concerning the contribution of regional processes to

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⁵ The UN Committee on Economic, Social and Cultural Rights, has insisted on the need for States to work towards 'the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks' (General Comment No. 12: The right to adequate food (1999), UN doc. E/C.12/1999/5, para. 21). Such a national strategy should comprise the establishment of appropriate institutional mechanisms, particularly in order to: (i) identify, at the earliest stage possible, emerging threats to the right to adequate food, by adequate monitoring systems; (ii) improve coordination between the different relevant ministries and between the national and sub-national levels of government; (iii) improve accountability, with a clear allocation of responsibilities, and the setting of precise timeframes for the realization of the dimensions of the right to food which require progressive implementation; and (iv) ensure the adequate participation, particularly, of the most food-insecure segments of the population.

the achievement of the targets they set for themselves.

- 5. The High Level Panel of Experts on Food Security and Nutrition. The High Level Panel of Experts on Food Security and Nutrition should have as its primary task to assist the CFS in fulfilling its role. It would provide the scientific expertise needed to analyze the reports submitted by States and international agencies, and to develop the guidelines on a regular basis. It could therefore a) examine the reports submitted and make comments on these reports to assist the CFS members, on the basis of all the information available, including submissions by non-governmental organizations; b) respond to requests of the CFS on specific issues, in order to help in the drafting of the guidelines on the basis of the best available scientific expertise; c) adopt opinions addressed to the CFS where new issues arise which, in the view of the High Level Panel of Experts on Food Security and Nutrition, deserve the attention of the CFS. Since the guidelines to be adopted by the CFS would touch not only upon agricultural production, but also upon issues such as development, gender equality, nutrition, education, trade and investment, and social protection, the composition of the Panel should reflect this interdisciplinarity. It should therefore comprise agronomists, agricultural and development economists, nutritionists, and specialists in human rights. As regards agricultural production and the relationship between agricultural production and environmental and social sustainability, a priority for the High Level Panel of Experts should be to help States and international agencies translate into concrete guidelines the evaluation presented by the International Assessment of Agricultural Science and Technology for Development (IAASTD).
- 6. The role of the right to adequate food. The right to adequate food should have an important role to play in this renewed CFS. First, in the adoption of the guidelines by the CFS, the ultimate objective should be (rather than solely the increase of agricultural production) the full realization of the right to food, considered in its different dimensions. Second, since there is now a large consensus about the need to rely on the right to food as a basis for accountability, it seems clear that, as part of this reporting process, the States would have to report on the implementation of the FAO Voluntary Guidelines for the progressive realization of the right to food in the context of national food security, adopted in 2004. This in turn should guide the composition both of the CFS and of the High Level Panel of Experts on Food Security and Nutrition: the Office of the High Commissioner for Human Rights could usefully contribute to the CFS, and should be part of it especially if other UN agencies are members; human rights specialists should be included in the High Level Panel of Experts; and a link with the existing human rights monitoring bodies (UN Committee on Economic, Social and Cultural Rights and Special Rapporteur on the right to food) could be achieved by a form of representation of these bodies in the Panel.

These proposals are made in a constructive spirit, with a view to launching the debate within the Contact group – and not to pre-empt it. But they are also guided by the conviction that we cannot afford to miss this opportunity to rebuild the global governance of the food system. If nothing decisive is done, the number of hungry will continue to grow. We can change this provided we make the right choices. If we fail, we will therefore share a responsibility in the continuation of a situation which is unacceptable.