

Guidance Note: Integrating the
RIGHT TO ADEQUATE FOOD
into food and nutrition
security programmes



THE
RIGHT
TO
FOOD

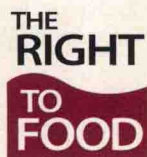


Guidance Note: Integrating the **RIGHT TO ADEQUATE FOOD** into food and nutrition security programmes



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PREFACE

There is wide consensus that every woman, man and child has the right to adequate food – this human right is enshrined in a number of international instruments and is repeatedly reaffirmed in the outcome documents of major international conferences and summits. There is also agreement that an approach grounded on the right to food and good governance is necessary for tackling the root causes of hunger and reducing the persistently high number of people suffering from hunger and malnutrition. Consequently, critical questions are: How can international commitments be translated into realities for people? and How can an approach based on the right to food make a difference?

This Guidance Note provides a brief practical outline of how to integrate the right to adequate food into food and nutrition security programmes, focusing on a number of key entry points identified by practitioners as the most relevant to their work. By looking at specific cases, the publication shares good practices and highlights some of the challenges encountered, thus offering important elements of responses to the questions raised in the previous paragraph.

The Guidance Note consolidates the right to food as both an objective and a tool for achieving food security for all. It shows that the right to food can provide an overarching framework that guides efforts to address hunger and malnutrition. At the same time, adopting an approach based on the right to adequate food in the design, implementation and monitoring of programmes increases the chances of enhancing the efficiency, effectiveness, impact and sustainability of efforts.

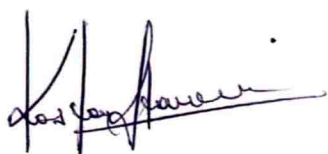
This publication is the result of two years of collaboration between FAO's Integrated Food Security Support Service (TCSF) and the Right to Food Team in the Agricultural Development Economics Division (ESA). It builds on the insights gained and recommendations formulated by practitioners and FAO staff during a joint workshop held in November 2011 in Rome. It is the result of a highly participatory process involving several rounds of consultations with workshop participants and FAO staff at Headquarters and in the field.

This tool builds a bridge between the normative dimensions of the right to food and practical work on programme design, implementation and monitoring at the country level. It is not a blueprint, neither does it provide recipes for quick wins. As countries advance in integrating this human right into their food and nutrition security programmes, new

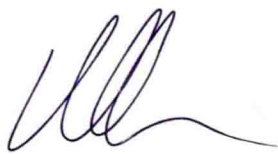
knowledge will be generated and lessons will be learned. This tool is thus a first step in a longer process, and will need to be adapted to the specific situation of each country and developed further as progress is made towards the integration of the right to food into food and nutrition security programming.

At the time of finalizing this publication, FAO's policy assistance work in the area of food and nutrition security is undergoing important changes with a view to achieving better integrated efforts, improved efficiency, increased country ownership and durable outcomes. We encourage the use of this Guidance Note and hope that it will constitute a valuable tool for governments, civil society and staff involved in food and nutrition security programmes in their enhanced efforts to promote food and nutrition security for all.

Rome, October 2012



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The Guidance Note: Integrating the right to adequate food into food and nutrition security programmes is the result of an inter-departmental participatory process and close collaboration between the Integrated Food Security Support Service (TCSF) of the Policy and Programme Support Division and the Right to Food Team of the Agricultural Development Economics Division (ESA), with numerous contributions from practitioners and experts from the field and headquarters. It was authored by Carmen Lahoz and Enrique De Loma-Ossorio from the Instituto de Estudios del Hambre (IEH) in Madrid. A Steering group coordinated by Barbara Ekwall provided guidance to the process; it comprised Juan Carlos Garcia Cebolla (ESA), Karel Callens (TCSF), Jose Valls Bedeau (TCSF), and Serena Pepino (ESA). Barbara Ekwall had the overall responsibility for the preparation of the present Guidance Note, while the technical coordination was carried out by Serena Pepino and Jose Valls Bedeau.

A workshop jointly organized by ESA and TCSF in November 2011 was central to the development of this publication. Practitioners from 19 different countries generously shared experiences and lessons learned with integrating right to food into food and nutrition security programmes, exchanged information about practical implementation, and identified key entry points for the right to food in the context of their work. This workshop provided a platform for lively discussions on most critical aspects of the practical implementation of the right to food and represented a unique learning experience for all involved. FAO wishes to acknowledge the following persons who, in their capacity as organizers, resource persons, participants, reviewers, and case study presenters – and often in several of the above functions – contributed to the success of this workshop and to its follow-up: Medinat Oluwatoyin Adetunji, Sherry Ajemian, Carolin Anthes, Eleni Asmare, Madhy Bamba, Joseph Saidu Bangura, Dubravka Bojic, Dominique Bordet, Raquel Cabello, Rasik Chavez, Francisco Chimuco, Luisa Cruz, Vanessa Curcio, Enrique De Loma-Ossorio, Micheline Detraux, Barbara Ekwall, Juan Carlos Garcia Cebolla, Stefano Gavotti, Blanca Gil Antuñano, Ceren Gurkan, Fathi Hadhri, Franssen Jean, Carmen Lahoz, Delmy Linares, Luis Lobo, Cecilia LunaLopez, Margarida Marques, Jose Alegria Afonso Matsinhe, Frank Mischler, Christian Moscoso, Alick Nkhoma, Nidup Peljor, Serena Pepino, Ricardo Rapallo, Mauricio Rosales, Luisa Samayoa, Sanginboy Sanginov, Dieudonné Simon Savou, Biju Kumar Shrestha, Amélie Solal-Céline, Vera Solís, Carolin Stevens, Jaap Van De Pol, Daniela Verona, Margret Vidar, Rista Yunana Yakubu, Yuan Yuegui, Deng Zhengrui.

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CONTENTS

PREFACE	v
ACKNOWLEDGEMENTS	vii
1. BACKGROUND AND PURPOSE OF THE GUIDANCE NOTE	1
2. UNDERSTANDING THE RIGHT TO FOOD	5
2.1 Legal framework	5
2.2 Conceptual framework	6
2.3 Operational framework	8
3. INTEGRATING THE RIGHT TO FOOD INTO FOOD AND NUTRITION SECURITY PROGRAMMES	13
3.1 Key entry points for programme practitioners	16
3.2 Understanding stakeholder's roles and responsibilities	17
3.3 Integrating legal aspects into food and nutrition security programmes	26
3.4 Incorporating the right to food into food and nutrition security monitoring	34
3.5 Integrating recourse and claim mechanisms at the programme level	41
4. FINAL REMARKS	47
ANNEXES: GOOD PRACTICES	49
1 Junior Farmer Field and Life Schools (JFFLS) in Mozambique	49
2 Zero Malnutrition programme in the Plurinational State of Bolivia	52
3 School Feeding Programme in Brazil	55
4 Nutrition Action Strategy in Ecuador	57
5 <i>Oportunidades</i> programme in Mexico	61
REFERENCES	65

1 BACKGROUND AND PURPOSE OF THE GUIDANCE NOTE

This section presents the Guidance Note as a practical tool for practitioners who want to integrate the right to food into food and nutrition security programmes.

It is generally agreed that every man, woman and child has the right to adequate food.¹ This agreement has been expressed in political statements at the global, regional and national levels. World food summits and declarations reflect the global commitment to the right to food, which has become part of international discourses on poverty, the economy and the environment, as highlighted in the Rio+20 outcome document.²

Many States have accepted the right to food as a legally binding obligation, including the 160 States Parties (as of September 2012) to the International Covenant on Economic, Social and Cultural Rights (ICESCR). An increasing number of countries have also enshrined the right to food in their national constitutions and legislation, thus taking a fundamental step towards the realization of this right. The right to food is being increasingly integrated into ordinary laws and policies relating to food and nutrition security (FNS).

Despite this international agreement, however, there is still a significant gap between formal recognition of the right to food in legislative and FNS frameworks and its practical implementation. Although relevant rights are clearly stated in legislation and policies, FNS programmes have difficulties in translating these commitments into development actions. Experiences in the design, implementation and monitoring of FNS programmes show that putting the right to food into practice is a complex issue and additional instruments are needed to facilitate this process.

1 This Guidance Note uses the shortened form “right to food” to mean the human right to adequate food as enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (OHCHR, 1966) and elaborated in General Comment No. 12 of the Committee on Economic, Social and Cultural Rights (CESCR, 1999). FAO’s Right to Food Glossary is available at http://www.fao.org/righttofood/kc/glossary_en.htm

2 <http://www.uncsd2012.org/thefuturewewant.html>

The objective of this Guidance Note is to provide brief practical orientations and share good practices on how to integrate the right to food into FNS programmes – both comprehensive “umbrella” FNS programmes and wide-ranging initiatives in the FNS sector. It is not designed to serve as a blueprint for integrating the right to food into FNS programmes, but instead provides practitioners with guidance and advice on selected issues, enabling them to participate effectively in the progressive realization of the right to food. The Guidance Note aims to facilitate the work of government officials responsible for designing, implementing and monitoring FNS programmes at the local and national levels; the FAO staff³ who provide technical assistance to these officials; and civil society organizations (CSOs) working in FNS.

The Guidance Note begins with a brief section explaining the different dimensions of the right to food, particularly its conceptual, legal and operational aspects. The following section presents tools, instruments and successful experiences of using these elements; identifies and illustrates the added value of integrating the right to food into FNS programmes; and highlights ways of achieving this integration. Good practices from FNS programmes in Latin America, Africa and Asia provide the basis for identifying four critical entry points, which are frequently ignored in the design and implementation of FNS programmes: understanding stakeholders’ roles and responsibilities; integrating legal aspects into FNS programmes; incorporating the right to food into FNS monitoring systems; and integrating recourse and claim mechanisms at the programme level. Finally, the Guidance Note summarizes main actions and recommendations for integrating the right to food into FNS programmes.

3 Programme managers working with the FAO Common Programming Framework (CPF), whose programme cycle is aligned with national planning and includes the human rights-based approach as one of its core principles.





2 UNDERSTANDING THE RIGHT TO FOOD

This section explains the different dimensions of the right to food, especially the conceptual, legal, political and operational frameworks.

2.1 LEGAL FRAMEWORK

According to the 1948 Universal Declaration of Human Rights (UDHR), the right to food is one of the human rights to which all human beings are inherently entitled. The first formal reference to this right was made in article 25 of the UDHR, which states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food".

In 1966, the ICESCR established the right to food as a legally binding right. Article 11 of the Covenant provides for this right in two paragraphs: the right to adequate food as part of the right to an adequate standard of living (Article 11.1); and the fundamental right to be free from hunger (Article 11.2) (Box 1).

For the 30 years that followed the adoption of the ICESCR, little progress was made towards the implementation of the right to food. In 1996, the World Food Summit asked the Committee on Economic, Social and Cultural Rights (CESCR) to clarify what the right to food meant and ways of implementing it. In 1999, CESCR issued General Comment No. 12 (GC12) (CESCR, 1999), which provides an authoritative interpretation of the right to adequate food. This was subsequently complemented by General Comment No. 15 on the right to water, which is inextricably related to the right to food (CESCR, 2002: 3).

GC12 helps governments to understand the different components of the right to food, and their own main obligations. According to CESCR, the right to food is realized "when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement" (CESCR, 1999: 6). It emphasizes the scope of this human right, which "shall not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients". CESCR considers that the core content of the right to food implies "the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; the accessibility of such food in ways that are sustainable and

BOX 1. The right to food as a legally binding right: Article 11 of the ICESCR

- ◆ **Article 11.1** The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
- ◆ **Article 11.2** The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - ◆ To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
 - ◆ Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.



that do not interfere with the enjoyment of other human rights" (CESCR, 1999: 8). It also explains States' obligations and recommends the adoption of national strategies "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" (CESCR, 1999: 21).

2.2 CONCEPTUAL FRAMEWORK

The right to food, as any other human right, imposes certain *obligations* on States (Box 2). States Parties to the ICESCR are required to take steps towards the progressive realization of the right to food. The obligation to "realize progressively" recognizes that States may not be able to ensure full realization immediately, because of the right's multifaceted nature or because of resource constraints. A State Party is therefore obliged to take concrete actions, to the maximum of its available resources, to move as expeditiously and effectively as possible towards the realization of the right to food (CESCR, 1990: 9).

States that are bound by an instrument protecting the right to food or that have incorporated this right into their domestic legal frameworks have an obligation to respect, protect and fulfil the right to food:

- ◆ The obligation to **respect** existing access to food and resources requires that States do not take any measures that result in preventing such access. Examples include FNS programmes that require respect of existing food culture and diversity.
- ◆ The obligation to **protect** requires States to take measures to ensure that companies, organizations and individuals do not deprive other individuals or groups of access to adequate food and resources. Examples include FNS programmes that promote legal support for landownership.
- ◆ The obligation to **fulfil** incorporates the duties of facilitating and providing the right to food and can only be realized progressively through allocation of the maximum resources available:
 - ✦ The obligation to **fulfil (facilitate)** means that States must proactively engage in activities intended to strengthen people's access to and use of resources and the means of ensuring their livelihoods, including their food security. It requires the State to take measures to identify marginalized and disadvantaged groups and to design policies and programmes that improve access to resources or income for these groups. Examples include extension services for small scale farmers, social protection systems and school feeding programmes.
 - ✦ The obligation to **fulfil (provide)** means that whenever an individual or group is unable, for reasons beyond her/his/its control, to enjoy the right to food through the means at his/her/its disposal, States have the obligation to fulfil this right directly, by providing resources that ensure individuals' access to food or by providing them with food (or money to buy food). This obligation also applies when individuals are victims of natural or human-incurred disasters and conflicts. It is a measure of last resort, when all other interventions to respect, protect and facilitate have failed. Examples include the distribution of food aid when needed.

The obligation to ensure **non-discrimination** is inherent to all human rights. It has to be applied immediately and should not depend on the availability of resources. States must never discriminate *de jure* or *de facto* against parts of their populations in ways that affect people's enjoyment of rights. FNS programmes may envisage affirmative or positive discrimination for the benefit of groups – mainly marginalized groups and women – that have historically experienced discrimination.

As human rights are interdependent, indivisible and interrelated, realization of the right to food may strengthen the enjoyment of other human rights, such as the rights to health, education or life.

BOX 2. Understanding States' obligations

When they first hear about the right to adequate food, many people assume that it means that governments have an obligation to hand out free food to everyone who wants it. In other words, they understand the right to adequate food as the right to be fed. This is a misunderstanding. The right to adequate food is primarily the right to feed oneself in dignity.

States' obligations do not mean that States should give free food to everyone, but that a State must:

- ◆ ensure – at least – that no one will suffer from hunger or severe malnutrition;
- ◆ provide enough food that is safe and nutritious to those who are not able to feed themselves, by either buying food surpluses from other parts of the country or seeking international aid;
- ◆ take immediate steps to end discrimination in access to food or resources for food production, such as land;
- ◆ take progressive steps, to the maximum of its resources, towards ensuring that everyone can feed her-/himself and his/her family in dignity (Amnesty International, 2010: 15).

States' obligations mean that the elimination or alleviation of hunger cannot be considered a matter of charity but a question of legal entitlement, where actions move from discretionary acts among governments, donors, non-governmental organizations (NGOs) and recipients to relations between duty bearers and right holders (De Schutter, 2012).

*For more information see the FAO e-learning course A primer to the right to adequate food
http://www.fao.org/righttofood/kc/dl_en.htm*

2.3 OPERATIONAL FRAMEWORK

The objective of developing an instrument to provide States with practical guidance on the progressive realization of the right to food emerged during the 2002 World Food Summit. As a result, the FAO Council established an Intergovernmental Working Group for the Elaboration of a Set of Voluntary Guidelines to Support the Progressive Realization of the Right to Food in the Context of National Food Security (IGWG) to design, discuss and negotiate such an instrument. The ***Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*** (Right to Food Guidelines) were adopted by consensus at the FAO Council meeting in 2004 (FAO, 2005).