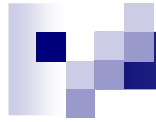


Towards a World Free of Poverty - The Human Right to adequate Food

Michael Windfuhr / German Institute for
Human Rights

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Overview:

1. Food Insecurity and Hunger – Trends and current situation
2. Rural Development – a forgotten policy area
3. Focus: The right to adequate food
4. Investments in rural areas need to focus on people living there
5. The role of private Actors – the UN-Guiding Principles on Business and Human Rights
6. Resumee: A human rights based approach is needed



Introduction:

Difficulty to explain persistence of hunger

- World Food Summits 1996, 2002, 2009: the number of hungry is since decades above 800 Millionen
- Relative Ignorance via-á-vis the problem
- While FAO declares recently that the world is on a good way and there is a slight decrease in the percentage figures all in all there is no answer corresponding to the size of the problem (ca. 16 % of World population is affected). World-wide 34 % of all children are chronically malnourished („stunted“)
- Public reports are crises oriented, even that we know that acute crises affect only ca. 10 % of the Hungry
- Hunger reasons not only production oriented → Accountability and the Human Right to adequate food.



1. FOOD INSECURITY AND HUNGER - TRENDS AND CURRENT SITUATION



1. Food insecurity: current situation (1)

- Goal World Food Summit 1974: End Hunger in a decade
- Goal World Food Summit 1996: Reduction of the number of the Hungry by 50 percent (2015) → >400 Millionen
- Goal MDG 1 (2000): Reduction of the percentage of the hungry in world population by 50 percent: → > 200 Millionen
- After world food crisis increase to more than > 1 billion People

1. Food insecurity (2)

- 2012 Sofi (State of Food Insecurity) new method of calculation: 872 Millionen
 - Discussion about measurement: FAO: Kcal for non active live (silent activities) (ca. 2.300 kcal)
 - Francis Moore Lappe, Thomas Pogge et al: when active live would be used (ca. 2.800 kcal) the figure would be much higher between 900 und 1300 Millionen (Ethics and Int. Affairs Juni 2013)
- 2013 Sofi: October 2013: 842 Millionen
 - Reduction in Latin America and East and Southeast Asia.



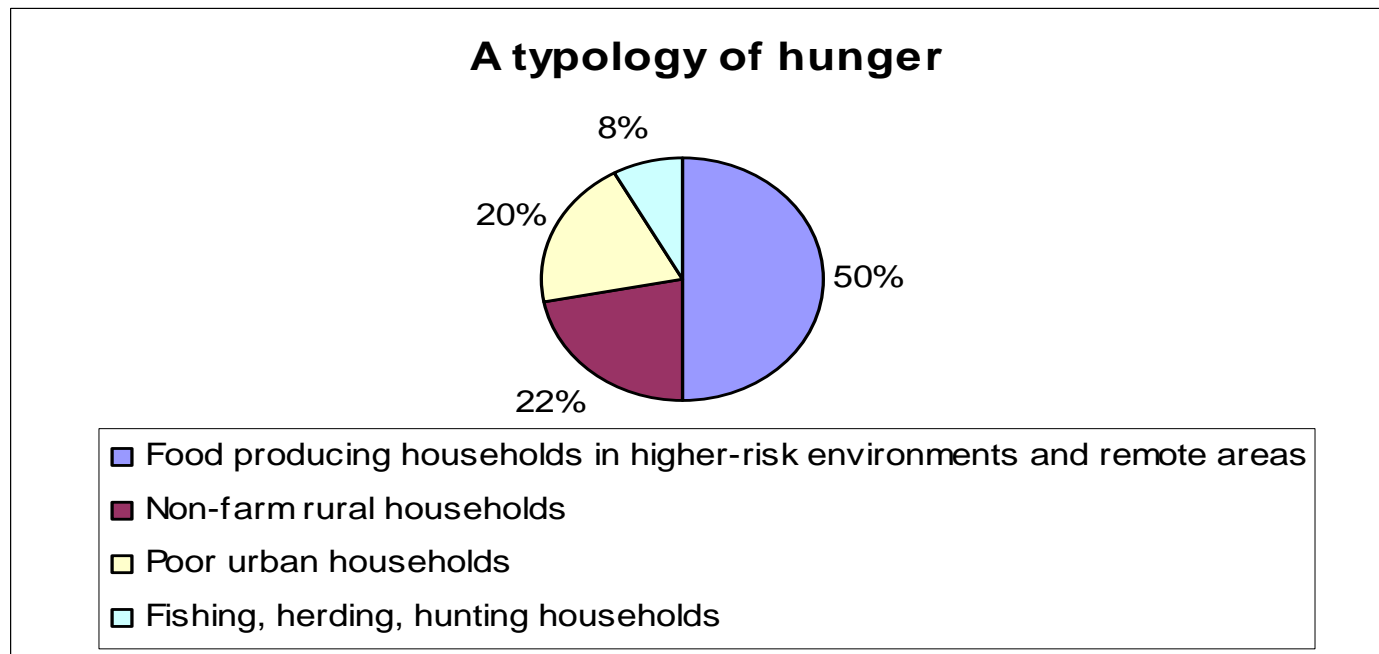
1. Food Insecurity (3)

World Food Crisis

- Prices on record level in 2008 increase of hungry from 850 Mio to more than 1 billion.
- After 4-5 decades of surplus situation – disadvantage for non-subsidized producers
- New attention to the issue: (G 20 seit 2008 L'Aquila-Initiative), Development cooperation has a larger increase in money for the sector

1. Food insecurity (4)

- Regional Distribution (2013: Asien Pazific: 527 / Afrika: 223, LA + Caribbean 47, Near East 24, IL 19)
- Hunger Task Force der VN (2005) / IFAD 2011 (State of rural poverty)



1. Food Insecurity / 5

Reasons for the presistence of hunger from a right to food perspective

- Focus on paritcular vulnerable groups
- Hunger is rural
 - 2050 > 50 % of the hungry will live in rural areas (IFAD)
- Hunger ist femal
- Typologie of hunger (Hunger Task Force)
 - „hunger is less a production problem, it is an access problem and a governance problem“
 - From own production
 - Wage labour
 - Trade
 - Transfer-income (safety nets/ remittances)

1. Food insecurity / 6

- Right to Food is asking for (Accountability)
- Hunger is not primary connected with the availability of food and the amount produced
 - India: > 200 Mio. hungry while surpluses
 - Other poorer countries have hardly any problem with hunger (Costa Rica)
- Marginalisation as a central categorie
 - geographic
 - social,
 - political,
 - gender
- Neglect of rural areas



2. RURAL DEVELOPMENT – A FORGOTTEN POLICY AREA



2. Rural Development

■ Forgotten policy area

□ In national Aid-Budgets

- AU - Maputo 2003 – 10 % of national budgets for rural and agricultural development.
- 7 – 9 countries have reached that goal (2012)

□ In international Aid

- Percentage of bilateral Aid ca 20 % 1980 down to 3.5 % 2005/2006, since then 7 % in 2014 and increasing
- Similar figures for multilateral aid (World Bank, EU etc.)

2. Rural Development / 2

- Consequences:
 - Missing infrastructure
 - Streets, access to markets, market information, irrigation, banking services, insurance services etc.
 - Missing or ineffective institutions
 - Extension services, weather information, Veterinary-services, spatial planning, integrated water resource management etc.
- High risks for producers



2. Rural Development / 3

- Reasons for neglect (i.a.):
 - Internal policy: rural areas are not relevant, image of remoteness
 - Politically without weight
 - Low agriculture prices for decades (while open markets) (EU-export subsidies + WTO, BITs etc.)
 - „Trade based food security“
 - Structural adjustment policies



3. FOCUS: THE RIGHT TO ADEQUATE FOOD

3. Importance of a rights based approach

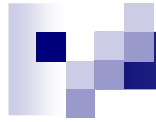
Elements of a rights based approach

- Focus on accountability)
- State obligations are highlighted: (governance)
- State obligations
 - Respect
 - Protect
 - Fulfill (facilitate, provide)
- Standards of application:
 - maximum of available resources,
 - take steps,
 - start immediately,
 - focus on vulnerables,
 - no-discrimination, transparency → Procedural rights



3. Rights based approach / 2

- National Strategies (VG)
 - Assessment
 - Check legislation (de jure)
 - Check policies (de facto)
 - Monitoring
 - Recourse and complaint mechanisms
- Extraterritorial dimension:
 - Effects of own action abroad
 - Role in intergovernmental organisations
 - Control of private Actors



3. Rights based approach / 3

- Clear roles (with ownership)
 - rights holders → obligations
 - duty bearers → empowerment
- Responsibilities of other actors
- Focus on people in particular vulnerable situations
- Use „maximum of available resources“
- No retrogression
- Procedural Aspects of Human Rights
 - Partizipation, Transparenz
 - Nicht-Diskriminierung
- Obligation to Monitoring
- Access to complaint mechanisms and justice



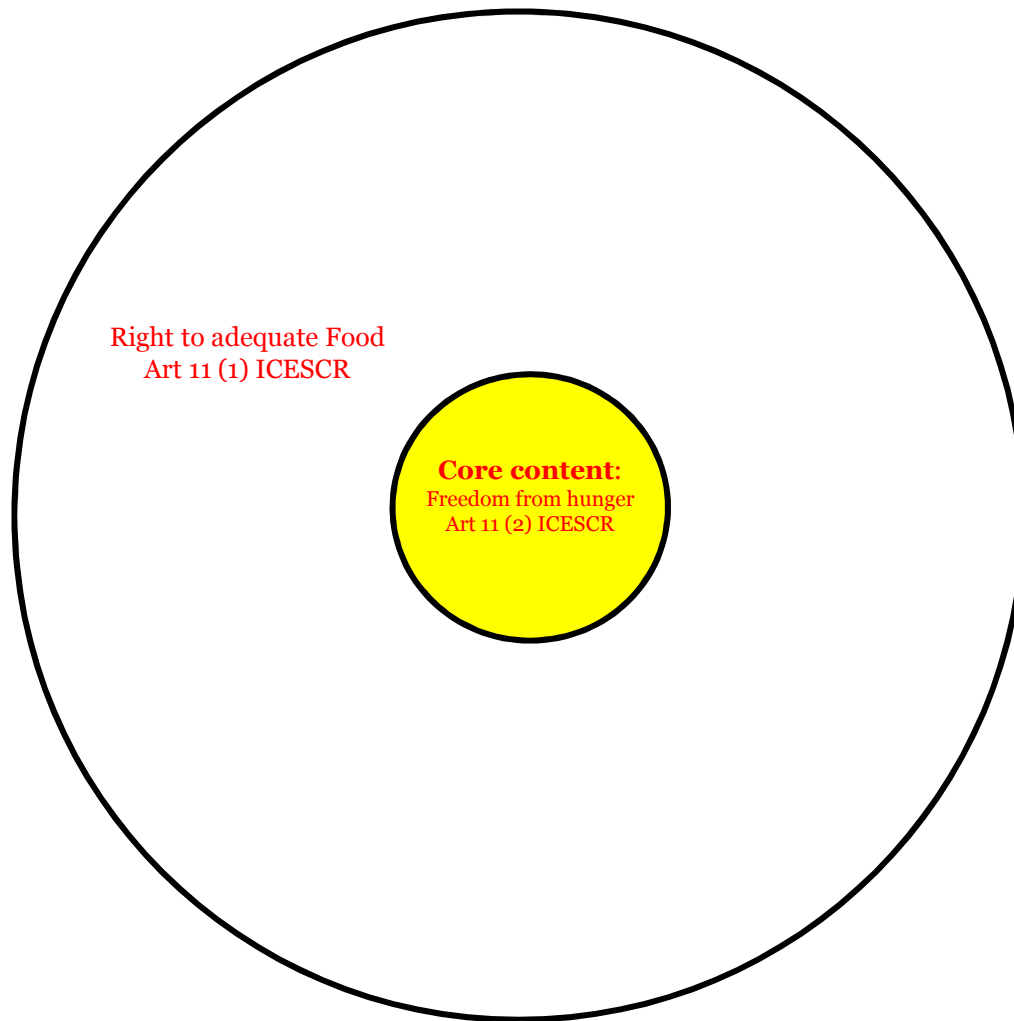
3. The right to adequate food

Major achievements and central elements e.g.
of the right to adequate food (GC 12 / VG)

- Legal content of the right to adequate food is precisely defined
 - Availability
 - Acceptability
 - Accessibility
 - Physical
 - Economic
 - Non-discrimination
 - Access to Information
 - Quality
 - Safe
 - Nutritious

4. Stand der Debatte / 2

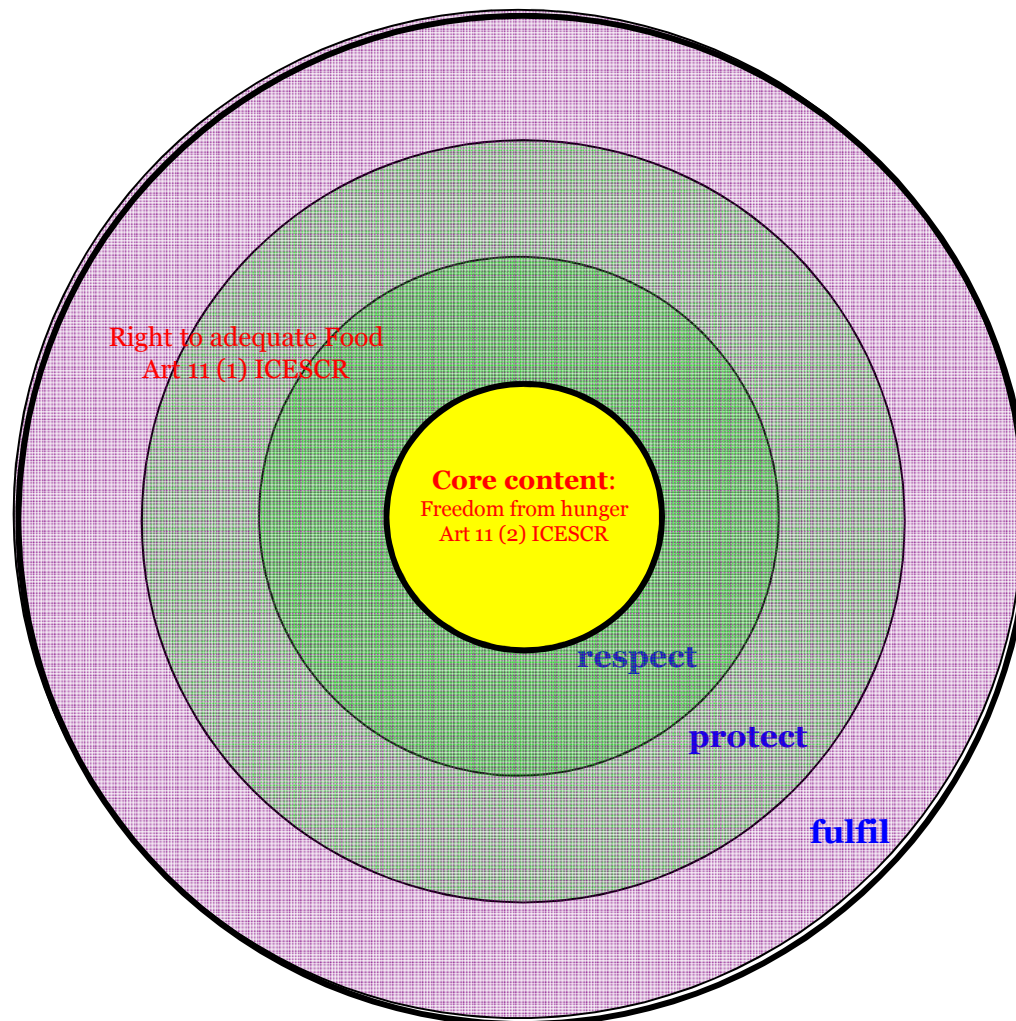
General Comment	respect	Protect	Fulfil	
No. 12 food (1999)	Respect	Protect	Facilitate	Provide
No. 13 education (1999)	Respect	Protect	Facilitate	Provide
No. 14 health (2000)	Respect	Protect	Facilitate	Promote
No. 15 water (2002)	Respect	Protect	Facilitate	Promote
No. 16 Principle of gender equality (draft)	Respect	Protect	Facilitate	Promote
No. 17 work (draft)				
No. 18 intell. property (draft)	Respect	Protect	Facilitate	Promote



*The core content (≠core obligation) of the right to food, as stated in Art. 11 (2) ICESCR, is the fundamental human right to **be free from hunger.***

*According to General Comment 12, the right to be free from hunger is an **immediate obligation** to the member states under the ICESCR.*

*Around this core lies the **Right to Adequate Food**, as stated in Art. 11 (1) ICESCR, which goes further than just **being free from hunger.***



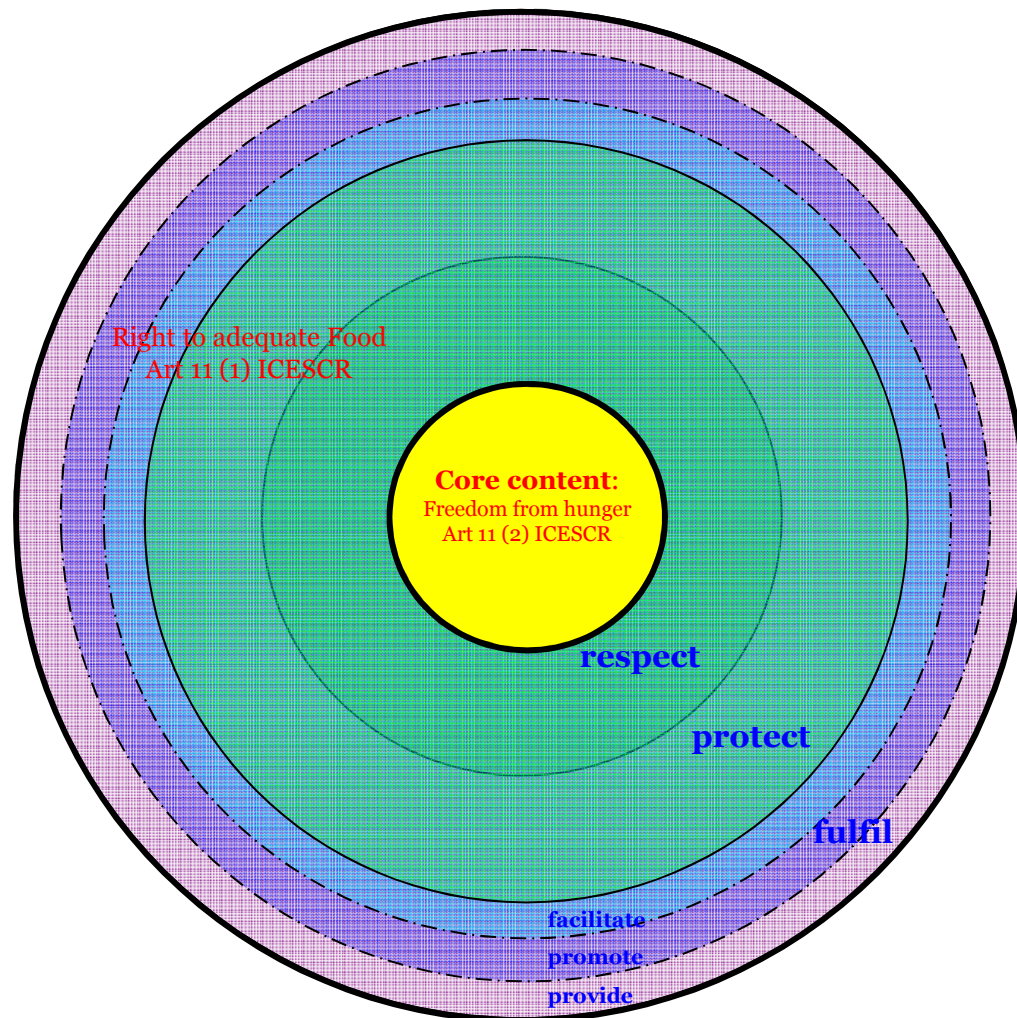
The states have to archive a **progressive realisation** as known from all esc rights.

This progressive realisation contains the different types or levels of state obligations: **respect, protect and fulfil.**

respect = the state itself mustn't hinder one's access to food

protect = the state must prevent thirds from hindering one's access to food

fulfil = the state has to realise the right to food for everyone

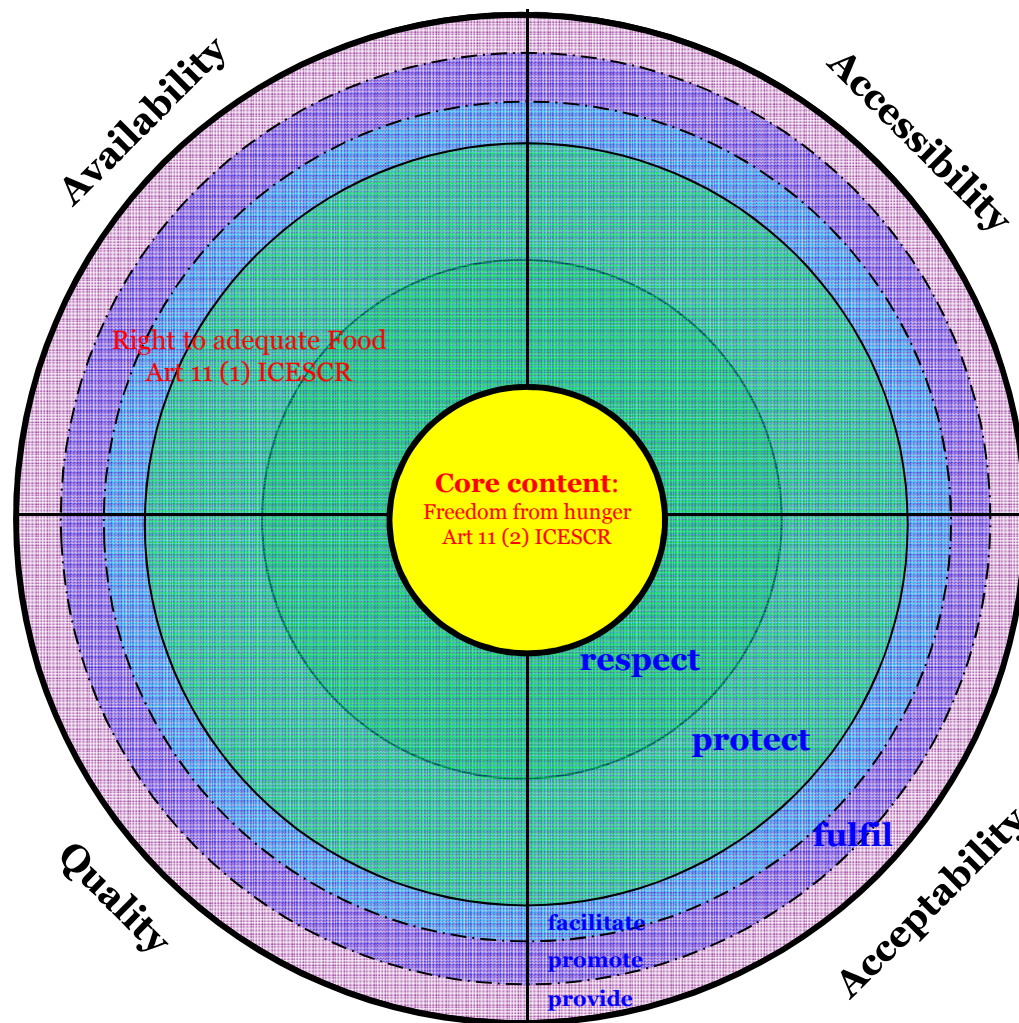


The obligation to **fulfil** can be disaggregated into three different obligations:

The obligation to **facilitate** requires the state to take positive measures to assist individuals and communities to enjoy the right.

The obligation to **promote** obliges the state to take steps to ensure that there is appropriate education and information concerning the right. (not mentioned in GC 12)

The obligation to **provide** requires the state to cure for the enjoyment of the right by food supply or the financial possibility to purchase food.



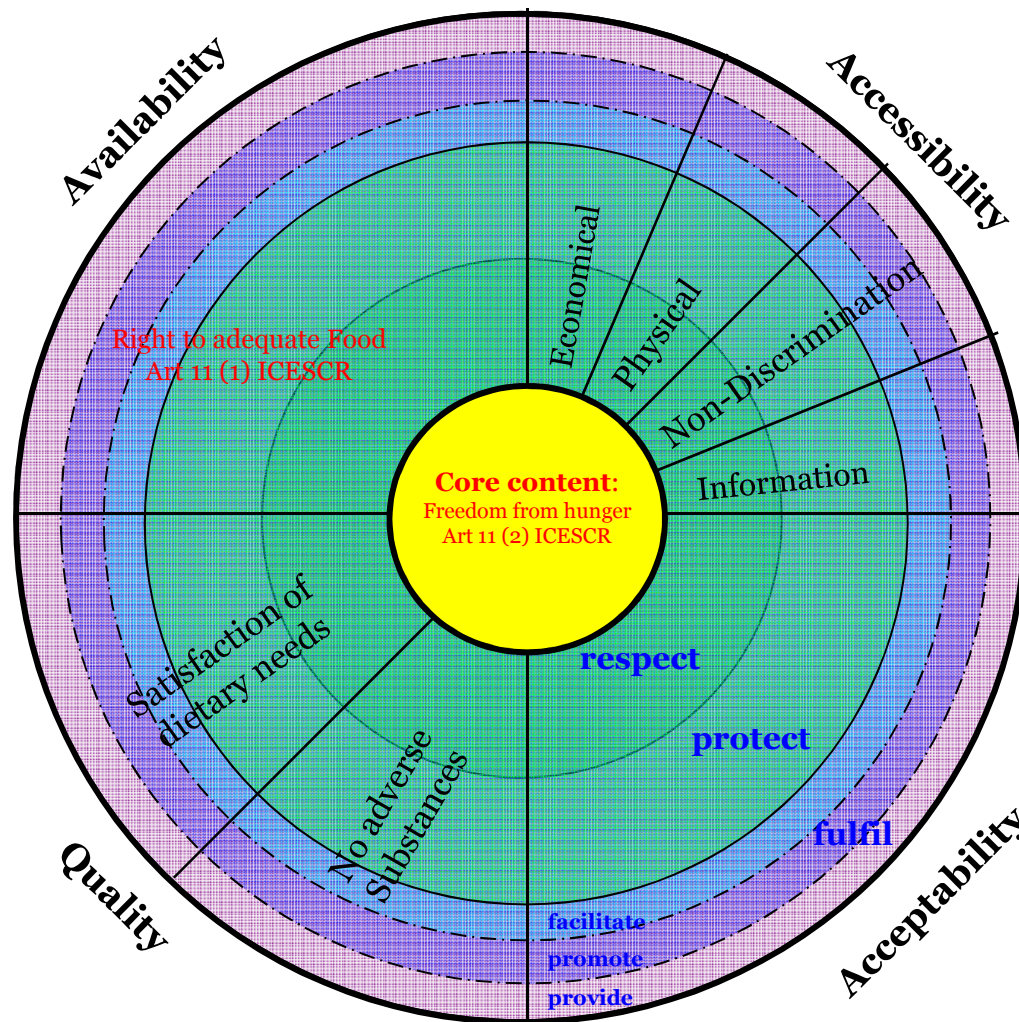
The right to food can also be parted in **4 categories**:

Availability

Quality means that the food has a certain standard which is appropriated to satisfy the nutritional requirements of each individual human.

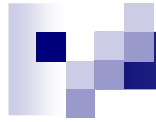
Acceptability is meant as an Acceptance of the present food including social, cultural and religious aspects.

Accessibility means that each human has the physical and financial ability to food.



Quality is according to the General Comment divided into two categories: the food has to satisfy the dietary needs and be free from adverse substances.

The **Accessibility** is parted in four categories: food has to be *economical* and *physical* accessible, the Access must be provided in a *non-discriminative* way and promoted via *information*.



4. INVESTMENTS IN RURAL AREAS NEED TO FOCUS ON PEOPLE LIVING

4. Investments into people

- Not only agriculture - processessing
- Increasing incomes supports rural development
- Wage labour / income transfers
 - Z.B. Rural employment guarantee act
 - Z.B. Bolsa familiar
- Avoid violations of human rights
- While it is key to stabilize rural producers (525 Mio families)
- There will be structural change - Important is the speed and the support



4. Investments into people / 2

- Identification of vulnerable and marginalized
- Support to cope with specific risks
- Support to overcome marginalization / discrimination
- Income stabilization
- Agriculture is key for many of the hungry
- Nutrition policies to combat malnutrition
- Access to justice and complaint mechanisms

4. Investments into people / 3

■ Governance and Institutions

- Support structure (60 % public investments)
- Safety nets

→ **Voluntary Guidelines Right to adequate Food (2004)**

■ Governance of tenure of land

- Cadaster - registration
- Land transfer markets Landmärkte (Transfers, Agrarreform etc.)
- Administration of land (Valuation, Taxation etc.)

→ **Voluntary Guidelines: Governance of Tenure of Land (2012)**

→ Agriculture is creating the largest benefits for hungry people and poor people



5. ROLE OF PRIVATE ACTORS – UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

5. Ruggie – Guiding principles (Juni 2011)

- Adopted unanimously in the HR-Council
 - United Nations Guiding Principles (UN-GP)**
- After four decade of debate about TNCs and Human Rights
- Three pillars
 - Protect (Staatenpflicht)
 - Respect (Verantwortlichkeit von Unternehmen)
 - Remedy (Beschwerdemechanismen + Abhilfe)



6. HUMAN RIGHTS APPROACH IS NEEDED

6. Challenges:

- Extraterritorial dimension of ESC-rights:
 - Do no harm (respect / protect)
 - Support in fulfillment
 - Control of third parties / private actors
 - Check your role in intergovernmental settings
- Private actors – Business and Human Rights
- Human Rights in situations of weak governance or failing states
 - Answers are needed – how to apply the concept to states with weak governance (continuum)
 - How to apply it to failing states? – transitional justice

6. **Resume: Value added of a rights based approach**

- Clear description of roles (with ownership)
 - rights holders → obligations
 - duty bearers → empowerment
- Accountability of actors
- Focus on particular poor
- Using the „maximum of available resources“
- Procedural Aspects of Human Rights
 - Participation, Transparency
 - Non Discrimination
- Obligation to Monitoring
- Access to recourse procedures
- Important for the SDG Process



Thanks for your attention

Contact:

Michael Windfuhr

(German Institut for Human
Rights)

- Mail:
[windfuhr@institut-fuer-
menschenrechte.de](mailto:windfuhr@institut-fuer-menschenrechte.de)
- Fone: +49-30-259359-
23

