



## **Mandate of the Special Rapporteur on the right to food**

### **CONTRIBUTION TO THE 39<sup>TH</sup> SESSION OF THE COMMITTEE ON WORLD FOOD SECURITY**

**Olivier De Schutter, Special Rapporteur on the right to food**

**28 September 2012**

The Special Rapporteur on the right to food welcomes the significant inter-sessional work carried out since the 37<sup>th</sup> session of the CFS in October 2011. On many items to be discussed at the forthcoming session, the CFS is presented with clear proposals for decision.

The Special Rapporteur has contributed to this inter-sessional work in his capacity as member of the CFS Advisory Group, including through a series of contributions highlighting how the right to food normative and analytical framework should be further integrated into the work of the CFS on social protection, responsible agricultural investments, terminology and the Global Strategic Framework.<sup>1</sup>

Increasing international prices for food products remind us of the fragility of global food security, and the need for improved governance of the many factors affecting hunger and food insecurity. CFS39 provides an opportunity to endorse the consensus reached through CFS inter-sessional work on a number of issues, and to seek out new directions on two major topics: social protection and climate change.

It is the strong hope of the Special Rapporteur that the CFS will take actionable decisions on each agenda item. The CFS must continue to make progress and progressively take on more ambitious roles, as established in the 2009 CFS Reform document. The CFS in 2012 is like a bike on a hill: if it doesn't make strong efforts to advance, it will fall. The CFS may be stronger than in 2008, but there is still a long way ahead to reach the top of the hill: Zero Hunger and the full realization of the right to food for all.

**The Special Rapporteur offers the following comments for consideration by the CFS during its 39<sup>th</sup> session.**

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<sup>1</sup> Contributions are available on <http://www.ohchr.org/EN/Issues/Food/Pages/Otherdocuments.aspx> and <http://www.srfood.org/index.php/en/areas-of-work/policy-making/global-governance>

### III. POLICY CONVERGENCE: POLICY ROUNDTABLES

#### **a) Round Table on Social Protection for Food Security (Agenda Item: III,b)**

The Special Rapporteur on the right to food congratulates the CFS on its decision to focus attention on social protection. The draft decisions on social protection for food security (contained in doc. CFS 2012/39/2), informed by a report of the High Level Panel of Experts (HLPE), include a series of important and useful recommendations, and the Special Rapporteur, would like to highlight the following points of particular importance to the realization of the right to food.<sup>2</sup>

**1. Fulfilment of the right to social security is an essential part of any strategy for the realization of the right to adequate food.** Draft decision (4) reminds States that “social protection programmes for food security and nutrition should be guided by human rights norms and standards” and spells out the basic human rights principles of “non-discrimination and equality (including gender), meaningful participation, transparency and accountability.” The Special Rapporteur would suggest that *decision (4) could usefully be moved up to become new decision (1)*, so that statements of general principles (current decisions (1) and (4)) would come before the more specific recommendations. Moreover, he notes that he draft *text could usefully refer to “the progressive realization of the right to food and the right to social security”* to underline that both the rights to food and to social security are human rights enshrined in international law, and to *avoid reference to “the progressive realization of ... gender equality”* as the principles of non-discrimination and gender equality are not subject to progressive realization in international human rights law.

**2. Social protection should be grounded in an adequate legal and institutional framework.** Draft decision (4) usefully underlines “The grounding of social protection in national institutional frameworks and legislation, establishing, as appropriate, targets, benchmarks, indicators and institutional responsibilities.” From a human rights perspective, social protection programmes should be placed in a framework of legally binding and enforceable rights and obligations in order to protect the rights of people to live in dignity. Legal and institutional frameworks clarify the various roles and responsibilities of all stakeholders (government, development agencies, civil society and beneficiaries), which are necessary for accountability.

**3. Social protection for food security should be part of comprehensive, coherent and coordinated policies.** The Special Rapporteur welcomes the fact that draft decision (4) refers to “the adoption of integrated and mutually supportive social protection and food security and nutrition strategies and policies” and draft decision (1) refers to “inter-ministerial and cross-sectoral coordination”. This underlines that social protection should be considered as one element within a broader strategy aimed at overcoming poverty and food insecurity. In this regard, the Special Rapporteur recalls, and would suggest that *reference could usefully be made to, the recommendation of the FAO Right to Food Guidelines (Guideline 3.1)*, that States adopt “a national human-rights based strategy for the progressive realization of the right to adequate food.”<sup>3</sup>

**4. Free, active and meaningful participation, transparency and accountability.** Draft decisions (1) and (4) make welcome references to “meaningful participation and transparency and accountability.” Free, active and meaningful participation is not only a right, but also it is necessary to create ownership, sustainability and, ultimately, effective outcomes. Social protection programmes are better

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<sup>2</sup> The Special Rapporteur provided general proposals for the CFS decision box in an earlier submissions dated 3 July 2012 and 10 September 2012, see: <http://www.ohchr.org/EN/Issues/Food/Pages/Otherdocuments.aspx>

<sup>3</sup> 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 food by adequate monitoring systems; (ii) improve coordination between the different relevant ministries and between the national and sub-national levels of government; (iii) strengthen accountability through the setting of targets, with measurable indicators, defining the timeframe within which particular objectives should be achieved; and (iv) ensure free, active and meaningful participation, particularly of the most food-insecure.

designed, implemented and monitored when grounded on the participation of the beneficiaries they seek to support. Moreover, individuals need to be able to recognize and understand eligibility criteria, the benefits to be received and the existence of complaints/redress mechanisms for social protection programmes to be successful. In this regard, the Special Rapporteur considers that the CFS decisions could usefully *include reference to “the provision of adequate information about social protection programmes, including eligibility criteria, and access to complaints mechanisms to address grievances and ensure accountability.”*

**5. Defining a food security floor.** The Special Rapporteur notes with interest the concept of a “food security floor” suggested in the HLPE report and referred to in draft decision (5). While he appreciates the commendable intentions behind this concept, he *cautions about the possible risk of equating any minimum set of interventions with the full realization of the right to adequate food.* In exploring the scope and contents of the food security floor concept, it would be important to ensure that the concept is understood and interpreted in a manner which is consistent with international human rights law.

The right to be free from hunger, as enshrined in the International Covenant on Economic, Social and Cultural Rights and other core international human rights treaties, obliges States to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger. However, the broader “right to adequate food” and the objective of achieving its full realization go beyond the obligation to mitigate and alleviate hunger and require that we address the structural causes of hunger and malnutrition ; that we establish accountability mechanisms allowing the poor to challenge both action and inaction by governments ; that the principle of non-discrimination be taken into account ; and that the beneficiaries of policies aimed at combating hunger and malnutrition participate in the identification of needs, and in the design and evaluation of the policies that concern them.

If the CFS Bureau will be requested to further explore the concept of the food security floor, as draft decision (5) suggests, the Special Rapporteur would propose that the Office of the High Commissioner for Human Rights be included amongst the relevant organizations to be consulted.

#### **b) Round Table on Food Security and Climate Change (Agenda Item: III,b)**

The Special Rapporteur welcomes the policy discussion on food security and climate change, informed by a HLPE report. The CFS will have before it a set of draft decisions (contained in doc. CFS 2012/39/3), urging Member States and International Organizations to take action in 20 specific areas with a view to improving policy coherence and convergence. The Special Rapporteur would like to highlight the following points of particular importance to the realization of the right to food.

**Food security and climate change related actions** must:

**1. Fully respect human rights.** Draft decision (a) underlines this point. However, its wording could be made clearer and more coherent with decisions and resolutions within the UNFCCC and UN Human Rights Council,<sup>4</sup> by referring to *the need to ensure that climate change related activities fully respect human rights*, including the right to food and the rights of indigenous peoples. Moreover, it would be useful to indicate basic steps which should be taken to ensure coherence between climate change-action, food and nutrition security and human rights objectives, in particular *the importance of*

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<sup>4</sup> See Cancun Agreements (Decision 1/CP.16), stating that States “should, in all climate change related actions, fully respect human rights” and Human Rights Council resolution of September 2011 (A/HRC/RES/18/22) reiterating that “climate change poses an immediate and far-reaching threat to people and communities around the world and has adverse implications for the full enjoyment of human rights” and affirming that “human rights obligations, standards and principles have the potential to inform and strengthen international and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes.”

*conducting “right to food impact assessments”* of climate change related policies, programmes and projects, in line with the FAO Right to Food Guidelines.<sup>5</sup>

**2. Be guided by basic human rights principles of participation, accountability, equality and non-discrimination, including gender equality, and give priority attention to vulnerable groups.** In this regard, draft decision (a) usefully refers to the need to “increase resilience of vulnerable groups”, mentioning in this context the need to “making weather forecasting available to small-scale food producers and pastoralists” and to regularly assess risks and vulnerability, “including gender and nutrition-sensitive perspectives.” These references are extremely important. It would be useful to *more clearly state the overall concern that food security and climate change action integrate the principles of non-discrimination and gender equality and give priority attention to vulnerable and marginalized groups* (as international human rights norms and standards demand).

Equally, draft decision (e) usefully underlines the need to ensure that all stakeholders are able to meaningfully participate in decision-making processes to design, implement, monitor and evaluate policies and programmes. These points are of crucial importance. As the human rights/right to food framework underlines, participation and accountability are essential to ensuring effective targeting and implementation of policies and programmes.

Irrespective of how explicit these points will be made in the CFS decisions, the main challenge remains that of ensuring the actual integration of basic human rights principles into specific measures, policies and programmes, including actions proposed in National Adaptation Programmes of Actions. In this regard, the CFS is ideally placed to serve as a forum for collective learning and sharing of good practices.

**3. Combine environmental sustainability and the right to food.** Draft decision (a) usefully mentions “agro-ecological practices” in the context of measures to increase resilience of vulnerable groups and food systems to climate change, while draft decision (c) lists measures to “develop low-emission agricultural strategies that favour food security”. As the HLPE report on food security and climate change underlines, and as the Special Rapporteur has discussed in several reports,<sup>6</sup> the agricultural sector must be fundamentally redirected towards modes of production that are more environmentally sustainable without compromising human rights. Business as usual is no longer an option. The right to food framework underlines this point as it incorporates the notion of sustainability and the need to ensure that adequate food is accessible for both present and future generations.

While draft decision (c) provides examples of types of measures to reduce GHG emissions from agriculture, it would be useful to *highlight the importance of finding low-emission solutions which serve to improve the livelihood and wellbeing of rural communities and vulnerable groups*.

It would also be relevant to *include reference to the assessment of the HLPE report* that “Government policies and mandates to increase the share of biofuels in energy consumption increase the challenges to our collective ability to achieve sustainable food security” and the specific recommendation to “*Assess the contribution of various types of biofuels to mitigation and food security.*”<sup>7</sup>

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<sup>5</sup> Guideline 17.2, FAO Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food insecurity (Right to Food Guidelines).

<sup>6</sup> See in particular, Special Rapporteur on the right to food, report to the Human Rights Council (A/HRC/16/49) on agroecology and the right to food.

<sup>7</sup> See High Level Panel of Experts on Food Security and Nutrition, Report on *Food security and climate change*, June 2012, p. 19 (Recommendation 3(g)) and p. 28.

## V. POLICY CONVERGENCE AND COORDINATION

### a) Food Security and Nutrition Terminology

The Special Rapporteur on the right to food welcomes the document “Coming to terms with terminology” (CFS 2012/39/4) presenting proposals to CFS on consistent use of terminology. Consistent with the opening paragraph of the 1996 Rome Declaration, the document highlights (Key Message (i), page 3) that the right to adequate food should guide efforts towards the eradication of food security, hunger and malnutrition.<sup>8</sup> Likewise, tracing the development of the concept of food security and nutrition, the document highlights the adoption in 1966 of the International Covenant on Economic, Social and Cultural rights, enshrining the right to adequate food and the right to be free from hunger. As is pointed out (para. 9, page 4) “This laid the foundations for the broad concept of food security”, which was later spelled out at the 1996 World Food Summit and reflected in the definition proposed in the present CFS terminology document.

The Special Rapporteur considers that it would be useful to also *reflect the close relationship between the concept of food and nutrition security and that of the right to adequate food in the conclusions and recommendations section* and to *include a reference to “the right to food” in Annex I* explaining the key terms used in the document, also bearing in mind the vision of the CFS, set out in the CFS reform document (CFS:2009/2), to “strive for a world free from hunger where countries implement the voluntary guidelines for the progressive realization of the right to adequate food in the context of national food security.”

In particular, in explaining the current broad understanding of food security (para. 17, page 5), the close relationship with the right to food could usefully be mentioned, e.g. by noting, “This definition also mirrors what is today understood to be the key components of the right to adequate food: availability, accessibility, adequacy and sustainability.” In addition, in the recommendations made to the CFS (para. 33(i), para. 8), a reference could usefully be added: “Recognizes the long history of the evolution of the meaning and use of the terms food security and nutrition security, and their close relationship with the right to adequate food.”

Finally, the Special Rapporteur would suggest including in Annex I a short explanation of the term “Right to food”: “The human right to adequate food is enshrined in the Universal Declaration of Human Rights (article 25), the International Covenant on Economic, Social and Cultural Rights (ICESCR) (article 11), the Convention on the Rights of the Child (articles 24 and 26) amongst other international human rights treaties. As defined by the Committee on Economic, Social and Cultural Rights (CESCR), “[t]he right to adequate 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.” The “adequacy” dimension of the right to food encompasses the nutritional aspects of food and nutrition security and implies having access to food “in a quantity and quality sufficient to satisfy the dietary needs of individuals” so that “the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation.” Moreover, “[t]he notion of sustainability is intrinsically linked to the notion of adequate food or food security, implying food being accessible for both present and future generations” (CESCR, General Comment No. 12, 1999, paras. 6, 7 and 9).”

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<sup>8</sup> Declaration of the 1996 World Food Summit, opening paragraph: “We, the Heads of State and Government, I or our representatives, gathered at the World Food Summit at the invitation of the Food and Agriculture Organization of the United Nations, reaffirm the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.”

## **b) Adoption of the Global Strategic Framework for Food Security and Nutrition (GSF)**

The Special Rapporteur welcomes the First Version of the Global Strategic Framework for Food Security and Nutrition (GSF). He commends all the delegations who were involved in shaping this document and Brazil for its commitment to create consensus and reach a conclusion.

With the Global Strategic Framework, the CFS endorses a more comprehensive vision of food and nutrition security than prevailing frameworks. This vision encompasses important issues that received too little attention in previous food security frameworks, including social protection, living wages, agricultural workers, or the need for accountability and monitoring mechanisms. This new vision is not perfect. States could not find a consensus on some proposals to reflect even better the causes of hunger and food insecurity and to clarify the directions we must take to tackle these causes. Building policy convergence on sensitive issues will take time, even though many poor people desperately wait for more rapid actions. The GSF acknowledges this, and it will be reviewed to include future consensus and decisions made at each CFS session.

The Special Rapporteur acknowledges the sensitive nature of some items listed under **Section VI “issues that may deserve further attention”**. However, he welcomes the fact that some CFS Member States and stakeholders want to list such contentious topics as “issues that may deserve further attention”, including food sovereignty. The Special Rapporteur considers that the CFS would have much to lose if it shuts its door to the debates surrounding these topics.

The Special Rapporteur expresses the firm *hope that the CFS will now endorse the First Version of the GSF*, and that it will be continuously built upon. There have been two years of consultation on this document, and five days of negotiations in the ad-hoc OEWG. *The next step for the CFS is to create a mechanism to follow-up on its own decisions and recommendations, as to be more efficient and more impactful on food and nutrition insecurity.*

## **d) Responsible agricultural investments: the way forward**

The Special Rapporteur *welcomed the endorsement of the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT) by the Special Session of the Committee on World Food Security (CFS) on 11 May 2012, in which he participated. He notes with great interest that an inclusive consultation process will soon be initiated within the CFS for the development of principles for responsible agricultural investments which enhance food security and nutrition.

He *congratulates the work of the Open Ended Working Group on principles for responsible agricultural investments*, chaired by Mrs Christina Blank, Deputy Permanent Representative of Switzerland to FAO, IFAD and WFP, for having reached agreement on draft Terms of Reference (ToR) for an inclusive consultation process within CFS to develop and ensure broad ownership of principles for responsible agricultural investment (RAI). The Rapporteur commends all those who have joined efforts to allow the OEWG discussions to be held in a constructive spirit.

The Special Rapporteur welcomes the emphasis placed by the OEWG on the *important role of the planned consultations on the RAI, and encourages all stakeholders to participate actively in the process*. He also welcomes the proposal that the principles emanating from this consultative process be submitted for endorsement by the CFS at its 41st session in October 2014. This time frame should allow for a truly participatory consultation and negotiation process.

The Special Rapporteur is looking forward to seeing progress made at the CFS on this front as responsible agricultural investments that directly contribute to the realization of the right to food of local populations are of the utmost importance. The Special Rapporteur has consistently insisted on the need for agricultural systems to support, as a priority, the production of food to respond to local needs. Although the draft Terms of Reference could have been more explicit on the importance of supporting investments by and for

smallholder farmers, the Special Rapporteur is confident that consultations with social actors globally will lead to the realization that investments in countries facing significant poverty levels need to be directed at promoting farming systems that contribute to employment creation and rural development, with powerful poverty-reducing effects; and that such investments should encourage modes of agricultural production that respect the environment, and do not accelerate climate change, soil depletion, and the exhaustion of freshwater reserves.

Finally, the Special Rapporteur notes that the OEWG has not reached agreement on whether, and how, the RAI principles should take into account the WTO rules and agreements. As a result, a bracketed paragraph currently appears in the draft Terms of Reference that reads: “the principles should: [not address trade issues that fall under the remit of the WTO.]” *The Special Rapporteur calls on Member States to acknowledge that the CFS can only function effectively if it is not precluded from addressing trade issues that have an impact on food security and the right to food.* Policy convergence, one major objective explaining the establishment of the CFS in the first place, can only be achieved if we move beyond the current fragmentation of global governance in the area of food security, which in the past has constituted one major obstacle to effective action.

## VI. GLOBAL AND REGIONAL COORDINATION AND LINKAGES WITH CFS

The Special Rapporteur, jointly with FAO and the UN Office of the High Commissioner for Human Rights (OHCHR), has actively contributed to the growing movement to strengthen national protection of the right to adequate food through specific human rights-based legislation, policies and strategies. Jointly with FAO and OHCHR, the Special Rapporteur convened a **regional expert consultation on the implementation of the right to food in Eastern and Southern Africa** in Nairobi on 4 and 5 April 2012. This consultation followed upon a first consultation, held in Bogotá, Colombia, on 9 and 10 June 2011, focusing on experiences from **Latin America and the Caribbean**. These consultations, involving civil servants, members of Parliament, and staff from national human rights institutions, civil society and international organisations, served to identify progress made, challenges faced and further steps that must be taken to strengthen national policies and strategies to realize the right to food and achieve food and nutrition security.

The Special Rapporteur provides an *overview of important developments in Latin America and the Caribbean and in Eastern and Southern Africa in two briefing notes*, which he will present at a **CFS side event on Friday 19 October 2012, from 8:00 to 9:30 (Lebanon room)**.<sup>9</sup>

The regional expert consultation in Bogotá in 2011 was held in coordination with the II Regional Forum of the **Parliamentarian Front against Hunger in Latin America and the Caribbean (FPH)**, held in Bogotá on 7 and 8 June 2011. Through these regional forums, the latest of which was held in Guatemala on 30 and 31 August 2012, parliamentarians from the region have committed to a series of specific commitments to strengthen national food and nutrition laws, policies and strategies based on the right to adequate food legal and normative framework.<sup>10</sup> The PFH was established in 2009 and is supported by FAO through the **Hunger-Free Latin America and the Caribbean Initiative**, the main pillar of which has been to “conceive of the food insecurity problem and hunger beyond a nutritional or socio-economic problem, centered on human dignity within the framework of human rights.”<sup>11</sup> The combined efforts of the PFH and the HFLAC Initiative have placed the right to food on top of political agendas in the region, as reflected in the adoption of a range of rights-based food and nutrition security laws, policies and strategies in the region. When he will address the 27th Assembly of the Inter-Parliamentary Union in Quebec on 25 October 2012, the Special Rapporteur will insist on the

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<sup>9</sup> Available at: <http://www.ohchr.org/EN/Issues/Food/Pages/Otherdocuments.aspx> and <http://www.srfood.org/index.php/en/documents-issued/briefing-notes>

<sup>10</sup> For more information and links to the FPH reports and declarations, see: <http://www.rlc.fao.org/frente/>

<sup>11</sup> See: <http://www.rlc.fao.org/en/initiative/the-initiative/right-to-food/>

important role parliamentarians in all regions can play in encouraging the establishment of legal and institutional frameworks in support of the progressive realization of the right to food. The role of the FPH for Latin America and the Caribbean region should serve as a benchmark and a source of inspiration in this regard.

Other important initiatives to highlight, are the adoption of the **Food Security and Nutrition Strategy by the Community of Portuguese Speaking Countries (CPLP)** and the establishment of **CONSAN**, the Regional Food Security and Nutrition Council, which the Special Rapporteur, at the invitation of the Government of Mozambique, had the opportunity to welcome at CONSAN's constitutive meeting on 20 July 2012.<sup>12</sup> The Food Security and Nutrition Strategy states as its main objective the eradication of hunger and poverty within the framework of the progressive realization of the right to adequate food.

## VII. MONITORING, MAPPING AND FOLLOW UP

### a) Following progress towards CFS decisions and recommendations

The Special Rapporteur welcomes the efforts of the CFS Secretariat to ensure follow-up on the decisions made in CFS Plenary, especially since the 37<sup>th</sup> session of the CFS. Document CFS 2012/39/8, listing progress made on each CFS decision, testifies to a new stage in the work of the CFS in ensuring follow-up and accountability. The Special Rapporteur commends the CFS Secretariat for the progress made on most streams of work of the CFS.

#### *Follow-up of CFS37 decisions on food price volatility*

The Special rapporteur notes that the **question of food price volatility remains a challenge** for the CFS. The CFS decisions and recommendations on food reserves deserve particular attention. The **outcomes of the inter-sessional follow-up on the price volatility outcome of CFS 37 were disappointing**, while clear conclusions had been reached on the need to assess the strengths and weaknesses of reserves as a tool to limit the occurrence of volatility, and their usefulness to address the problem once it arises, and on the need to develop a framework for a draft voluntary code of conduct for emergency humanitarian food reserves management.<sup>13</sup>

**Excessive price volatility is still unresolved** and is expected to remain on domestic and international markets. There is a demand from CFS members, particularly the members of the African Union, that the international community (and the G20 in particular) address volatility. These countries want to reduce their vulnerability when international markets are volatile. These governments see stocks as a useful tool to smooth prices.

**Reserves are not a panacea, but provided the governance conditions are right, they can help.** The management of food reserves can be expensive and complex, and they only work as part of a wider system of risk management and price stabilization. But, if they are governed transparently and particularly if established at regional level, in a system in which countries of a same region provide mutual insurance against shocks, food reserves can be effective. Conversely, the lack of stocks has a higher price, both in dollar terms and in the cost on human welfare. The international community has

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<sup>12</sup> See: <http://www.cplp.org/Default.aspx?ID=2391>

<sup>13</sup> The CFS took three decisions in October 2011 (CFS 37 Final Report, Para 50 (j), (m), (n)): 1° Request relevant international organizations to further assess the constraints and effectiveness of local, national and regional food reserves; 2° Endorse efforts requested by the G20 for WFP and other international organizations and partners (such as the Economic Community of West African States - ECOWAS) and West African countries, to support the development of a pilot project in West Africa, for a targeted regional emergency humanitarian food reserve; 3° Request international organizations to develop a framework for a draft voluntary code of conduct for emergency humanitarian food reserves management, for further consideration by CFS.



begun to encourage some limited experiments, related to emergency stocks. The most advanced experiment to date is being conducted in the West African region, across 11 countries, on a range of strategic crops. It is important to broaden the strategy to think about the role stocks can play in strengthening producers' market power, stabilizing national food supplies and providing some insulation against price shocks in international markets. Much of the existing debate relies on analysis of 1980s programs that do not take account of the very big changes in both domestic and international markets since then. There are new technologies for communication, transportation and storage that should be explored in relation to stocks.

The Special Rapporteur takes note that the **World Bank, in collaboration with FAO, WFP and other partners are addressing these issues simultaneously**, namely assessing buffer stocks and food reserves, and preparing a code of conduct for emergency humanitarian food reserves, and that they plan to keep the CFS Bureau and Advisory Group informed of the outcome of these efforts.

The Special Rapporteur considers that the ***CFS should formally put food price volatility issues, including reserves, on the agenda of its 40<sup>th</sup> session***, in October 2013. CFS 40 should follow-up on the recommendations of CFS37 and (a) review the assessment of the constraints and effectiveness of local, national and regional food reserves made by international organizations, and (b) debate a draft code of conduct for emergency humanitarian food reserves. In order to enable the CFS to fulfil these tasks, ***an ad-hoc OEWG should be created to ensure that the CFS works on this topic in accordance with the transparent and participatory approach that is now part of its culture***. This OEWG would have an important role in building the basis for a consensus on the topic ahead of CFS40. The CFS must remain consistent in its work on food price volatility, which was treated in Plenary in 2011 on the basis of a report from the High-Level Panel of Experts. Postponing this question or not addressing it at the highest level would not only undermine the efforts of certain States, it would undermine the credibility of the CFS.

#### ***Mandate of the OEWG on monitoring***

The Special Rapporteur endorses the proposals made in the document "Information note on monitoring CFS decisions and recommendations" (CFS 2012/39/9), that **future CFS recommendations be "actionable and targeted at specific stakeholders"**, and that the Open Ended Working Group on Monitoring continue its work in 2013 and report back to CFS at its 40th Session. However, apart from reporting back to the CFS Plenary, ***the OEWG should be mandated to make concrete proposals as to how the CFS can respond to the CFS reform document's call for an "innovative" mechanism monitoring achievements***. The CFS should equip itself with a mechanism that is administratively light, but politically strong.

To prepare the ground for a decision by the CFS Plenary in 2013, ***the OEWG should review the relevance of various proposals of mechanisms previously made*** in inter-sessional working sessions, including mechanisms that involve peer reviews or periodic independent evaluations.<sup>14</sup> The Special Rapporteur welcomes the proposal that a workshop be organized with that purpose, and looks forward to contributing to that important process.

The Special rapporteur makes a **complementary proposal** to increase consistence across various streams of work of the CFS. There is currently no link between the recommendations of the CFS on how it follows up on its own decisions and recommendations (the proposals of the OEWG on Monitoring); the principles for monitoring and accountability systems stated in the Global Strategic Framework (GSF Para. 93); the principles for reporting on the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of

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<sup>14</sup> For more information on the proposals of the Special Rapporteur, see De Schutter, O., Submission to the consultation on the First Draft of the Global Strategic Framework for Food Security and Nutrition of the Committee on World Food Security, Special Rapporteur on the right to food, 8 May 2012, pp. 2-4. Available on <http://www.srfood.org/index.php/en/areas-of-work/policy-making/global-governance>

National Food Security (“VGGT”, Para. 26.4); and international reporting on the implementation of the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (“VGRtF”, Section III, Para. 16)<sup>15</sup>. In order to avoid duplicating work and increase consistency across the CFS follow-up activities, the Special Rapporteur suggests that *the mandate given by the CFS39 Plenary to the OEWG on Monitoring includes a principle of coherence between the monitoring of decisions and recommendations of the CFS Plenary (as currently suggested in document CFS 2012/39/9) and the monitoring of standards set by the CFS, in particular the VGGT; and that the OEWG uses the five principles for monitoring and accountability systems of the GFS as its starting point when making proposals to CFS40.*

The monitoring process should be seen as an iterative process, allowing the CFS to gradually improve its orientations in the light of successes and failures at implementation level, and as an opportunity to identify how the constraints faced by States in implementation could be alleviated, in particular by action at international level.

### **PREPARING FUTURE SESSIONS OF THE CFS: PROPOSAL FOR A MANDATE TO THE HLPE - PREPARING THE 41<sup>ST</sup> SESSION (2014)**

Finally, the Special Rapporteur makes the proposal for the CFS to *devote a policy roundtable to the national implementation of the right to food, on the basis of a mapping of implementation by the High Level Panel of Experts*, at its 41<sup>st</sup> session. The year 2014 will mark the tenth anniversary of the adoption of the FAO Right to Food Guidelines by the FAO Council. These Guidelines are a product of the CFS, which led the two-year consultative process to draft them. The CFS could usefully use this opportunity to review progress made over the past decade, identifying obstacles that remain and sharing good practices. The last forum which reviewed progress was the Right to Food Forum held at FAO headquarters in Rome in October 2008.<sup>16</sup>

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*Olivier De Schutter was appointed the UN Special Rapporteur on the right to food in March 2008 by the United Nations Human Rights Council. He is independent from any government or organization, and he reports to the Human Rights Council and to the General Assembly. All reports are available on <http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx>. See [www.srfood.org](http://www.srfood.org) for a thematic classification of all reports and statements of the Special Rapporteur. The Special Rapporteur can be contacted at [srfood@ohchr.org](mailto:srfood@ohchr.org)*

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<sup>15</sup> Note that Guideline 17 of the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (VGRtF), which were approved unanimously by the FAO Council in 2004, addresses monitoring, indicators and benchmarks.

<sup>16</sup> See, among others: FAO, Right to Food: Making it Happen. Progress and Lessons Learned through Implementation, Rome, 2011; Lidija Knuth and Margret Vidar, Constitutional and Legal Protection of the Right to Food around the World, Rome, FAO Right to food studies, 2010.