

GLOBAL GUIDELINES FOR FEEDING THE WORLD'S HUNGRY

ON SEPTEMBER 23, 2004, after two years of negotiations, a working group formed by the Food and Agriculture Organization of the United Nations (FAO) Committee on World Food Security (CFS) adopted the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Guidelines). The Guidelines seek to empower states by providing guidance to ensure that every person has access to adequate nutrition, is able to feed herself with dignity, and to address the needs of undernourished populations.

The Guidelines place the responsibility of ensuring the right to food on states and employ a human rights-based approach to development by guaranteeing equal access to food through a free marketplace and by promoting transparency in government policies and decision-making. This human rights-based approach calls for direct food assistance primarily in emergency situations, such as natural and human-made disasters. The fundamental cornerstone of this approach is that food should never be used as a means to apply political or economic pressure.

The World Food Summit: five years later (WFS:fyl), held in Rome in June 2002, recognized the need to reduce world hunger and reaffirmed the right of all people to access safe and nutritious food. The WFS:fyl unanimously adopted a declaration reaffirming the international community's earlier commitment to halve the number of hungry people in the world (to approximately 400 million) by 2015. The WFS:fyl also called upon the FAO Council, a governing body of the FAO, to establish an Intergovernmental Working Group. This group would create a set of guidelines on the right to food in the context of world food security in order to decrease the world's malnourished by empowering governments at the national level. In response, the FAO Council established the Intergovernmental Working Group for the Elaboration of a Set of Voluntary

Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (IGWG) during its 123rd session in November 2002. The IGWG held its first session in March 2003, and continued to negotiate the Guidelines during four sessions held throughout 2003 and 2004. The Guidelines were adopted at the IGWG's Fourth Session on September 23, 2004. The Guidelines will next be submitted to the FAO Council at its meeting in November 2004.

The human rights-based approach promulgated by the Guidelines makes it the responsibility of the state to ensure that each person has access to adequate food. To provide practical guidance for states to accomplish this goal, the Guidelines outline strategies governments can employ from the municipal to national levels. They stress several key implementation principles: enabling individuals to take part in public affairs, and giving individuals the right to freedom of expression, including the ability to give and receive information—especially in relation to policies concerning the right to food, freedom of press, and freedom from discrimination in political processes and policies related to food and food security. These key strategies are especially important to promote transparency and accountability for government processes with regard to food.

The Guidelines highlight four “pillars” of food security—availability, stability of supply, access, and utilization. To strengthen these pillars, states should develop strong economic policies that include self-evaluation methods to measure ongoing progress. The Guidelines encourage states to adopt a combination of measures to reduce food instability, including increasing domestic production, storage, trade, and distribution of food.

States should develop strong economic strategies that are inclusive and non-discriminatory. They should also invest in productive activities, including functioning markets and legal and regulatory frameworks, that provide access to employment, education,

and research. Market systems should be promoted to reduce both urban and rural poverty and broaden individual access to opportunities created by such markets, particularly to disadvantaged populations.

Encouraging open-markets and decreasing poverty includes ensuring full and equal participation in the economy for women, especially equal access to education. Women should be accorded equal property rights, such as the right to possess property, including land, and inherit. Other poverty reduction strategies guarantee basic services to the poorest and under-served populations, including access to primary education, basic health care, clean drinking water, and sanitation.

The Guidelines encourage states to incorporate national food security policies into their domestic legal and policy frameworks (e.g. constitutions, bills of rights, or legislation). State political processes should be transparent, and state governments should undertake the responsibility of informing the general public of the food related rights to which they are entitled.

Although the Guidelines are not legally binding on states or international organizations, they rely on several significant international instruments already passed by the United Nations, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, and the UN Charter. Signatories to these documents recognize the right of every person to an adequate standard of living, including food, and the fundamental right to be free from hunger. These documents call upon states to take the necessary steps to realize these rights, and the Guidelines also use these documents to remind member states of their commitments to human rights.

The Guidelines are intended for all countries, regardless of their level of development. In this context, the Guidelines allow for leeway in implementation by emphasizing a rights-based approach to food policies. The Guidelines also set forth

about the challenges involved in establishing the special tribunal to bring to justice surviving Khmer Rouge leaders in Cambodia. Established as a UN-assisted extension of the Cambodian judicial system, the Extraordinary Chambers will focus on trying those most responsible for massive crimes committed against the Cambodian people during the Khmer Rouge's oppressive rule from 1975 to 1979.

Herman Schwartz, professor of law at WCL and Co-Director of the Center, recently published his book *Right Wing Justice: the Conservative Campaign to Take Over the Courts* (Nation Books) in May 2004. Professor Schwartz addressed lawyers and student groups on the courts and the presidential election throughout October and spoke to the Cosmos Club in September 2004 on the same subject. In July he authored two articles: "Looking

for His Next Job? Recess Appointments Create Judges Who Are Still Dependent on the Political Branches," published in the *Legal Times* and, "Out with Gerrymanderers," in *The Nation Online*. Professor Schwartz also published an article in *Newsday* in mid-August entitled "Judgeship Nominees – Twisting the Law on Interrogating Detainees." In April 2004, Professor Schwartz provided comments on transitional regimes for the new Serbian Ambassador at a State Department conference on Serbia. In May, he presented an analysis of the proposed Bhutan Constitution for the Bhutan Crown Prince and from September to November 2004 provided analysis and drafting assistance for additional amendments to the Georgian Constitution. Professor Schwartz was honored in May for his creation of a human rights training program for Israeli lawyers at the New Israel Fund dinner.

Richard Wilson, professor of law at WCL and Co-Director of the Center, taught the "Teaching Human Rights: Designs & Methods in Law School Clinics" seminar in June 2004 as part of the Summer Human Rights Academy. He also taught "Human Rights Advocacy and Dissemination" in July for the Oxford University-George Washington University Summer Human Rights Program. Professor Wilson published "Training for Justice: The Global Reach of Clinical Legal Education" in the most recent edition of the *Penn State International Law Review* (2004). **HRB**

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definitions and principles to be implemented into policy, drawn from various international instruments and customary and international law, rather than adopting an entirely new approach for countries at one level of development.

In the context of natural and human-made disasters, including war and armed conflict, international food aid should be made with a clear exit strategy, taking into account the long-term development objectives of the receiving country. All possible measures should be taken to avoid dependence on food aid, and donor states should avoid interfering with local food production, while taking into account specific dietary and cultural needs of recipient populations. Donor countries should remain in accordance with international law by respecting international human rights principles, and providing unimpeded access to needy populations.

The Guidelines reaffirm that the deprivation of food should not be used as a weapon. It is the duty of the occupying country, in occupational situations, to remain in accordance with international humanitarian law, including the Geneva Conventions, to provide food and medical supplies to the civilian population.

Developed countries should work with the international community to provide an enabling environment to assist developing countries in achieving the right to adequate food for each person. Developing and developed countries can work together through technical cooperation and information sharing. The Guidelines recognize that international trade plays a major role in the promotion of economic development and the alleviation of poverty. Measures to strengthen an enabling environment for the realization of food security in developing countries should be taken in accordance with the World Trade Organization Agreement on Agriculture.

Although the Guidelines are not binding on individual countries and do not affect current international instruments, the Guidelines identify where signatory countries have failed to date. By adopting a human rights-based approach, and explicating concepts and principles instead of ordering compliance, the Guidelines serve the practical purpose of holding individual countries, no matter their level of development, accountable to current international humanitarian law. The Guidelines are an important step to realizing food security and decreasing hunger. The Guidelines also provide a practical set of fundamental principles essential in creating an environment in which decreasing poverty and increasing food security is possible. **HRB**

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