

used to define the content of the provisions in the Covenant on Economic, Social and Cultural Rights because: (a) such a framework implied a normative, legal basis, even if that was not ideally drafted or spelled out with the desirable detail; (b) human rights are obligatory for states, not optional, in contrast to recommendations such as those of the World Summit on Social Development or the World Food Summit; (c) by using a human rights entry point, the entire human rights framework is brought into play, civil and political as well as economic, social and cultural rights; (d) international human rights should have a corresponding legal basis within states; (e) human rights require active and effective remedies, though not necessarily through the use of courts; and, (f) rights implied accountability, both domestically and internationally.

Other points made during the seminar included that: the normative content of the right to food was relatively clear and did not, in general, mean a right to be provided for by the state, although the state can create the conditions under which people are able to take care of their own needs, including that for food; in the absence of a participatory process, the right to food would not progress; in their reports to the Committee, states should be encouraged to present not only a description of the existing situation but the steps they are taking, including legislation, to remedy any gaps in the enjoyment by everyone of the right to food; realization of the right to food means creating and sustaining conditions under which the right to food in fact is enjoyed; implementation must be carried out both at the national and international levels; the concept of “progressive realization” of Covenant rights, set out in article 2, was important and the World Food Summit set the target of reducing by 50 per cent the number of undernourished by the year 2015; and, bearing in mind the minimum core obligation the Committee has defined for states, any state party in which there is a significant number of individuals who are deprived of essential foodstuffs, essential primary health care, basic shelter and housing, or the most basic forms of education is, *prima facie*, violating the Covenant. Reference was made to the International Code of Conduct on the Human Right to Adequate Food, cooperatively drawn up by a number of non-governmental organizations. The Code: (a) establishes a framework for the implementation of the right to food at the national and the international levels based on four levels of obligations: to respect, protect, facilitate and fulfil the right; and (b) presupposes that states have international obligations not to undermine the possibility of other states securing the enjoyment of the right to food for their own inhabitants.

The report notes that the Consultation should be seen as a first step in a longer-term process following up on the World Food Summit Plan of Action. The Consultation concluded that the human right to adequate food is firmly established in international law. Based on that understanding, a number of points were made, including that: the operational content of the right and means of application are generally little understood; the right remains scarcely implemented; a human-rights approach

to food and nutrition problems is fundamentally different from a basic-needs-oriented approach to development as it introduces a normative basis which is obligatory and requires a legislative response at the state level; a rights approach implies that “beneficiaries” of development are active subjects and “claim holders” and stipulates duties or obligations for those against whom such claims can be held, with the requirement of a corresponding claim or recourse mechanism; a rights approach introduces an accountability dimension not present in basic-needs strategies; a fundamental misunderstanding — which has hindered implementation of the right to food — has been the notion that the principal obligation is for the state to feed the citizens under its jurisdiction (fulfil the right to food), rather than respecting and protecting the rights related to food, as well as emphasizing the obligations of individuals and civil society in this regard; there is considerable agreement on the conceptual content of the right to adequate food, including relevant health and nutrition aspects; the principal challenge lies in achieving consensus on the corresponding obligations and their operationalization; the existing basic analytical framework to define policies and programmes for the realization of the right to food should be used with flexibility in both rural and urban environments; more attention should be given to the role of women in realizing the right to food; and with regard to implementation of the right to food, there is a clear division of labour between human rights institutions and development actors.

Based on the discussions, the Consultation recommended, *inter alia*, that:

- ♦ the Committee on Economic, Social and Cultural Rights draft and adopt a general comment as a contribution to the clarification of the content of the right to adequate food and, on that basis, the Committee consider revising existing reporting guidelines in order to improve the dialogue with states on implementation of the right at the national level;
- ♦ whenever appropriate, the mandates of Special Rapporteurs include the right to adequate food;
- ♦ “best practice” or country case studies on how the right to food is implemented — as well as case studies on the application of other economic, social and cultural rights — be developed as a means of supporting the promotion of a human rights approach to food and nutrition problems;
- ♦ the Commission on Human Rights explore ways in which it could advance, at the political level, the right to adequate food among its members, as well as in the UN system, notably within the framework of the 50th anniversary of the Universal Declaration of Human Rights;
- ♦ the High Commissioner consider practical ways of strengthening the Office’s capacity to deal with the substantive issues of the right to food, including the possibility of appointing an external adviser on the