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DAY OF GENERAL DISCUSSION

Chapter VI

DAY OF GENERAL DISCUSSION

Seventeenth session, 1 December 1997 [12]

The normative content of the right to food (article 11 of the International Covenant on Economic, Social and Cultural Rights)

A. Introduction

438. On 1 December 1997, the Committee held a day of general discussion on the normative content of the right to food (see E/C.12/1997/SR.46-47). This initiative was prompted in part by the outcome of the World Food Summit and in part by the Committee's wish to follow up its own earlier discussions on the issue. The day was also intended to lay the groundwork for the elaboration of a general comment dealing with relevant aspects of article 11 of the Covenant.

439. From 13 to 17 November 1996, the World Food Summit was held in Rome, in conformity with resolution 2/95 of 31 October 1995 of the Conference of the Food and Agriculture Organization of the United Nations. In objective 7.4 (e) of the Plan of Action adopted by the World Food Summit, the United Nations High Commissioner for Human Rights and the relevant treaty bodies were invited to "better define the rights related to food in article 11 of the Covenant and to propose ways to implement and realize these rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all".

440. The day of general discussion formed part of a two-day consultation on the right to food. The second part consisted of a seminar organized by the Office of the High Commissioner for Human Rights, which was devoted primarily to consideration of the institutional dimensions of the issues raised in the World Food Summit Plan of Action and in the Committee's day of general discussion. A report on the consultation prepared by the Office of the High Commissioner is contained in document E/CN.4/1998/21.

441. Participants in the day of general discussion included:

- Mr. Medrano, Chairman, Committee on World Food Security (CFS), FAO;
- Mr. Vercueil, Director, Agriculture and Economic Development Analysis Division, FAO;
- Mr. Eide, World Alliance for Nutrition and Human Rights (WANAHR)/ Norwegian Institute of Human Rights/ACC Subcommittee on Nutrition;
- Mr. Faundez-Ledesma, Jacques Maritain Institute;
- Mr. Kracht, WANAHR/Norwegian Institute of Human Rights;
- Mr. Oshaug, WANAHR;

- Mr. Windführ, FIAN - Foodfirst Information and Action Network;

- Mr. Marchione, United States Agency for International Development (USAID);

- Ms. Koch, NGO Working Group on Nutrition;

- Ms. Barth-Eide, WANAHR/Norwegian Institute of Human Rights;

- Mr. Kent, Coordinator, Task Force on Children's Nutrition Rights;

- Mr. Dobbert, World Federation of United Nations Associations.

B. Opening remarks

442. Ms. Robinson (United Nations High Commissioner for Human Rights) opened the day of general discussion by underlining that all recent United Nations global conferences and summits had touched on the importance of economic, social and cultural rights, citing in particular the World Conference on Human Rights (Vienna, 1993), the World Summit for Social Development (Copenhagen, 1995) and the World Food Summit (Rome, 1996). The High Commissioner noted that both the Copenhagen and the Rome Summits had stressed the importance of the Committee on Economic, Social and Cultural Rights in monitoring States parties' compliance with their obligations under the Covenant, including the right to adequate food under its article 11.

443. The High Commissioner emphasized that the World Conference on Human Rights had reaffirmed that all human rights were universal, indivisible and interrelated. However, she noted that, whereas clear standards had been set regarding the content of civil and political rights, the precise meaning of economic, social and cultural rights, including that of the right to adequate food, remained vague. In that respect, she welcomed the fact that one of the objectives of the World Food Summit Plan of Action was "To clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger, as stated in the International Covenant on Economic, Social and Cultural Rights and other relevant international and regional instruments, and to give particular attention to implementation and full and progressive realization of this right as a means of achieving food security for all" (objective 7.4). To that end, the World Food Summit had invited the Committee on Economic, Social and Cultural Rights to continue monitoring the implementation of the specific measures provided for in article 11 of the Covenant, and other relevant treaty bodies and appropriate specialized agencies of the United Nations to consider how they might contribute to the further implementation of that right.

444. Moreover, the World Food Summit had specifically invited the High Commissioner, in consultation with relevant treaty bodies, and in collaboration with relevant specialized agencies and programmes of the United Nations system and appropriate intergovernmental mechanisms, to define better the rights related to food in article 11 of the Covenant and to propose ways to implement and realize those rights as a means of achieving the commitments and objectives of the Summit, taking into account the possibility

of formulating voluntary guidelines for food security for all (objective 7.4 (e)). That invitation had later been endorsed by the Commission on Human Rights in its resolution 1997/8.

445. Therefore, while stressing that the right to food was recognized in international law, the High Commissioner noted that the present task was to define better the rights related to food in article 11 of the Covenant and to envisage their better implementation, building on the expertise and methodological findings of the Committee on Economic, Social and Cultural Rights. In that respect, the academic and non-governmental communities had made a significant contribution to the elaboration of criteria for implementing economic, social and cultural rights which might be applied to the right to food, such as the Limburg Principles, adopted in 1986, followed 10 years later by the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights. A code of conduct on the implementation of the right to food had also been prepared by the FIAN - Foodfirst Information and Action Network after consultations among non-governmental organizations.

446. The High Commissioner indicated that, in a study on "The Right to Adequate Food as a Human Right" prepared for the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Asbjørn Eide, acknowledging that an examination of the right to adequate food could not be undertaken without considering the broader international legal framework within which it had been proclaimed, had considered it necessary to look at the precise nature and standing of the rights contained in the Covenant. State obligations regarding human rights were thus divided into three levels: the obligations to respect, to protect and to fulfil human rights. A distinction should be drawn between obligations of conduct and obligations of result.

447. In conclusion, the High Commissioner underlined that the current consultation could draw from all these contributions and build on them while outlining future action, and that several questions had to be answered: Whose responsibility was the implementation of the right to food at the international, national and local levels? How was one to apply the legal framework in concrete cases? What role should civil society play?

448. Mr. Medrano (Chairman, Committee on World Food Security, FAO), underlying the central role of his Committee in the preparation of the texts and in the discussion leading up to the adoption of the Rome Declaration on World Food Security and the World Food Summit Plan of Action, said that the Committee on World Food Security was currently responsible for monitoring the implementation of the Plan of Action. In objective 7.4 of the Plan of Action, heads of State and Government had expressly recognized the Committee on Economic, Social and Cultural Rights as the appropriate United Nations forum to define the content and scope of the right to food under article 11 of the Covenant, and had invited the High Commissioner for Human Rights to define better the rights related to food in article 11 and to propose ways to implement and realize those rights.

449. The Committee on World Food Security awaited with interest the results of the current discussion on the normative content of the right to food, and he stressed that the interpretation of that right by the Committee on Economic, Social and Cultural Rights would make a considerable contribution to ensuring the defence of the right and helping to achieve the goals of the

Rome Declaration. It would also pave the way for official recognition by the General Assembly of the right to food as a fundamental human right in the year of the fiftieth anniversary of the Universal Declaration of Human Rights.

450. Mr. Vercueil (Director, Agriculture and Economic Development Analysis Division, FAO) welcomed the holding of a general discussion on the right to food as a human right and a seminar on the subject. He recalled the Memorandum of Understanding concluded between the Director-General of FAO and the United Nations High Commissioner for Human Rights and welcomed the fruitful collaboration between the two institutions in following up the World Food Summit.

451. In presenting the background paper submitted by FAO, he underlined the significance of the political, conceptual and practical guidance provided by the World Food Summit Declaration and Plan of Action for accelerated progress towards food security for all. FAO's activities were aimed at assisting member States in designing and implementing policies for sustainable food security. Agricultural development was critical, particularly in low-income food-deficit countries, to improving food supplies and generating income and employment in rural areas where the majority of the poor lived. The Special Programme for Food Security, targeted to those countries, aimed at achieving rapid increases in productivity, based on the dissemination of proven techniques through a participatory process, with particular attention to economic, social and environmental sustainability. Assistance in designing targeted food-assistance schemes, food-security information systems and early warning, preparedness for and response to food emergencies, and agricultural rehabilitation linking relief to development were other essential areas of support. The role of national legislation in furthering the right to food was also analysed in the paper with a view to possible assistance to Governments in that respect.

452. The Committee on World Food Security, open for full membership to all United Nations Member States, had been the body responsible for the negotiation and elaboration of the World Food Summit Declaration and Plan of Action. It had been entrusted by the Summit with monitoring the implementation of the Plan of Action and had set up a provisional framework for country reporting on all aspects of national implementation to its 1998 session. The Committee would also consider reports on follow-up by other United Nations agencies and inter-agency coordination, including reports on progress in implementing objective 7.4 of the Plan of Action regarding clarification of the content of the right to food. The inter-agency coordination mechanisms put in place under the aegis of the Administrative Committee on Coordination for follow-up to the World Food Summit entailed country-level coordination through thematic groups in the framework of the resident-coordinator system and an ACC network on rural development and food security operated jointly by FAO and IFAD, with active involvement by WFP.

453. The 29th FAO Conference held recently had welcomed the conclusion of the Memorandum of Understanding between FAO and the High Commissioner for Human Rights and had adopted a resolution recognizing the follow-up by the High Commissioner to objective 7.4, urging that priority be given to the better definition of and ways of implementing the right to food and inviting information to be forwarded to the Committee on World Food Security on progress on those matters.

454. The Chairperson said that he wished to launch the debate on the "missing" right that was the right to food by asking: why was the right to food invisible? Why did some Governments ignore or tend to deny it and why was the United Nations system not mobilizing its resources around the right to food? The suggestion made by the Chairman of the Committee on World Food Security that the right to food be recognized as a fundamental human right by the General Assembly was very pertinent.

455. Although the right to food was acknowledged in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Rome Declaration, the first issue to be addressed in the current discussion was whether food was actually recognized as a right by Governments, institutions and the many non-governmental organizations in the human rights and development fields. In that regard, a question that the Committee might wish to reflect on was whether there was in fact a need to speak of a right to food, or whether it would be sufficient to continue speaking of food security and the fight against hunger. The recognition of women's rights as fundamental human rights had transformed the women's movement and focused efforts to improve the situation of women. In the same way, recognition of a right to food to which every individual was entitled would help to change entrenched attitudes and mobilize action to improve food security.

456. The second issue to be considered was the normative content of the right to food. The Committee, without entering into specific details - since the precise measures required would differ from one country and one situation to another - should consider how to spell out the nature of the obligation in general terms, because the real challenge was more in the procedural than in the substantive domain.

457. The focus should be put on the following questions. What was meant by "the right to food"? How could the right be claimed? How could Governments and other bodies be made accountable for the realization of the right? What was the role of domestic legislation in the implementation of the right? Who were the principal actors and what should they be doing? In his view, the actors were the market, civil society - including non-governmental organizations - Governments, the courts, administrative agencies, national human rights commissions and international organizations. Some specific questions arose as to what sort of statutory recognition of the right the Committee should seek from Governments - constitutional or legislative; what role the courts might play in the protection of the right; whether the administrative agencies could devise creative procedures for its fulfilment; and whether the various national human rights commissions could be mobilized on behalf of the right to food. The Committee should also consider cooperating with the Committee on World Food Security to encourage Governments to monitor their own behaviour; and the question of the role that could be played by the Office of the High Commissioner for Human Rights, FAO, WFP and IFAD should be explored.

C. Is there a right to food?

458. Mr. Antanovich said that, in effect, the right to food was a non-binding legal obligation and that, whenever Governments attempted to design policies to implement that right, they failed. If the right to food was to be

effectively fulfilled, Governments would need to design and implement social and economic standards that would ensure the right, and it was the Committee's responsibility to make sure that they did. The Committee was responsible for translating the economic, social and cultural rights "standard", in order to avoid its being only a moral obligation.

459. Mr. Riedel pointed out that, while developed countries prided themselves on their constitutional provisions in the matter of civil and political rights, the right to food was not incorporated as such in law. He cited the example of Germany, where the constitutional guarantee of human dignity was used indirectly to uphold the right to food. Moreover, many European countries resorted to the provisions of article 2, paragraph 1, of the Covenant, on the progressive realization of the rights enshrined in the Covenant, to justify their failure to implement the terms of article 11. The Committee should therefore focus its attention more on mechanisms and procedures whereby Governments would be made accountable for fulfilling their obligations regarding the right to food than on the meaning of the right itself.

460. Addressing the latter point, the Chairperson said that Governments should perhaps be asked to recognize formally the existence of the right to food. He also stressed that, by allowing developed countries to focus on the right to an adequate standard of living while insisting that developing countries acknowledge the right to food, the Committee was perhaps contributing to the perpetuation of a dramatic double standard.

461. Mr. Eide (World Alliance for Nutrition and Human Rights/Norwegian Institute of Human Rights/ACC Subcommittee on Nutrition) said that, in his view, industrialized countries should explicitly recognize the rights to food and to housing as part of the adequate standard of living required under article 11, paragraph 1, of the Covenant. Those rights should therefore be incorporated in domestic legislation.

462. Rights did not become effective remedies unless civil societies championed them and took action to ensure the establishment of remedies. Industrialized and urbanized countries focused their attention on the right to an adequate standard of living, and the realization of that right depended on a number of mechanisms which also tacitly ensured the right to food. The question arose whether national laws should explicitly guarantee it.

463. Mr. Rattray said it was universally recognized that survival depended on food. The existence of the right to food must be recognized in order for it to gain meaning.

464. Mr. Pillay said that, if there was a right to food, its incorporation in national legislation was necessary to ensure that people could seek redress in the courts and compel States to fulfil their obligations; that applied to developed and developing countries alike. There was no point in educating people about their right to food if there was no national legislation to ensure its observance. But that gave rise to another question: why give preference to the right to food? In his view, the rights to work and to housing were equally important.

465. Mr. Sadi wondered whether it was proper or feasible to consider isolating the right to food from other rights, such as the rights to work, to health and to housing.

466. The Chairperson, in response to the last two points, said that he agreed with those who contended that the right to food had to be seen within a package, but he pointed out that the component parts of the package could not be overlooked.

467. Mr. Adekuoye said that, in transition societies in terms of economic development, in which the extended family was required to look after its members, the explicit recognition of the right to food would come as a surprise. Perhaps that was one reason why, although they had ratified the Covenant, some Governments unwittingly believed that the right to food did not impose any obligation on them, but rather on the extended family. Low-income societies had very little resources to devote to any right at all, and it therefore made no sense for the Committee to ask the same questions of delegations from affluent countries as it did of delegations from poorer countries. No one asked affluent countries whether they were setting aside 0.7 per cent of their gross domestic product for official development assistance, although that question was most relevant in today's world.

468. Mr. Faundez-Ledesma (Jacques Maritain Institute) said that, in his view, the right to food was already firmly established by international law. The main question was not to decide whether the right existed, but to agree on its implications, i.e. what claims and obligations stemmed from it? It was his opinion that, when economic and social rights were dealt with, there was a tendency to forget that States parties had undertaken to fulfil their obligations under the Covenant to the maximum extent of their available resources.

469. Mr. Kracht (World Alliance for Nutrition and Human Rights/Norwegian Institute of Human Rights) said that the approach based on essential needs was in fact disguised charity, because of the lack of any form of accountability. On the contrary, the approach based on the recognition of the right to food would create obligations and lead to accountability.

470. Mr. Ahmed said that, instead of asking the General Assembly to recognize the right to food as a fundamental human right, it could be proposed that the Assembly and the Committee on World Food Security invite States parties to the Covenant to submit annual reports concerning the situation with respect to food production and distribution in the country and the number of persons in need of national or international assistance, and giving an overview of measures taken to implement the population's right to food. If that experience proved fruitful, it might lead States parties to take measures and adopt legislation.

471. Mr. Sadi noted that, while certain international bodies were conducting campaigns for the right to food, global economic forces were pursuing the free-market values of profit and gain. In his view, the crux of the matter lay in that contradiction. He cited the example of Jordan, where a few years previously IMF and the World Bank had requested that food subsidies be halted, which had caused riots in the country.

D. What is the normative content of the right to food?

472. Mr. Eide said that the international human rights system was based on the assumption that it was States which had the primary obligations. That did not mean that the State had to be the provider of all rights. The need to proceed on the assumption that the individual was not only the object, but also the active subject of development, and that individuals should seek to improve their situation on their own was clear. However, when the possibility of improving one's situation was adversely affected by aggressive market forces, then the State had an obligation to protect individuals' rights. Only when people failed to attend to their own needs did the provider function come into play. In any event, it was important to define the content of the right to food, which was a right to nutritionally adequate, safe and culturally acceptable food, three aspects embraced in the FAO background paper.

473. Mr. Kracht had proposed a comprehensive definition of the content of the right to food in his background paper: "The realization of the right to adequate food requires: (a) the availability of food, free from adverse substances and culturally acceptable, in a quantity and quality which will satisfy the nutritional and dietary needs of individuals; (b) the accessibility of such food in ways that do not interfere with the enjoyment of other human rights and that are sustainable." It was incumbent on States to complement that definition according to national specificities. The focus should be placed on States' obligations, and it should be recalled in that respect that, under article 2, paragraph 1, of the Covenant, States parties undertook "to take steps, individually and through international assistance and cooperation ... with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures". A panoply of legislation was required to enable people to have a way to lodge a claim, and it would be useful to start thinking about a framework law at the domestic level, which could then serve as a point of reference. Moreover, in its reporting guidelines, the Committee should ask States parties to indicate whether laws had been adopted, and whether there were any factors and difficulties which prevented them from giving full effect to the provisions of those laws.

474. Mr. Rattray said that the right to food should not signify the minimum necessary for bare survival. The beneficiaries of the right to food should be made aware of their right, so as to be in a position to assert it, and Governments must come to see the provision of food not as a charitable act, but as an obligation. Since government actions often determined the availability of food to populations, food-security impact assessments, to be used at both the national and the international levels in the development of policies, were required.

475. Mr. Oshaug (World Alliance for Nutrition and Human Rights) said that developed countries were not in fact dismissing the right to food, since the right was seen as an integral part of the notion of security of livelihood. The matter at hand was how individuals could claim the right to food.

476. Mr. Windführ (FIAN - Foodfirst Information and Action Network) said that developing countries avoided discussing the right to food because they feared that its implementation would be costly. Developed countries were wary of

discussing the right to food because they feared that it would oblige them to make donations to foreign countries and that it would allow asylum seekers and unemployed persons to claim greater material support. Care should therefore be taken in defining the content of the right to food, so as not to burden countries with obligations that they would not be able to fulfil. The right to food should no longer be seen as a development measure, but as a right of individuals to be claimed from the State. The matter at hand had very little to do with merely giving away food. Article 11 of the Covenant covered the right to an adequate standard of living and also the fundamental right of everyone to be free from hunger. In his opinion, the latter could be called the core content, something which States must guarantee immediately, whereas the former focused on aspects which could be achieved only gradually, by using the maximum of available resources. That idea could be the first step towards identifying the normative content of the right to food.

477. Referring to Mr. Kracht's definition of the right to food (see para. 473 above), he said that it constituted a basis, but lacked the obligation element. It should therefore be linked to the obligations of States. Governments should be asked to identify the most vulnerable groups in society, to elaborate policies favourable to those groups, and to ensure that sufficient resources were made available to them.

478. Domestic legislation had an important role in the protection of the right to food, particularly with respect to the most vulnerable groups in society, who faced identical problems from one country to another. Firstly, emphasis should be placed on the responsibility incumbent on States, which must implement the right to food in their own territory and respect the right to food of the populations of other countries. It was of the utmost importance, in an era of globalization, for States to have control over the impact of their policies within and outside their territory, in order for the right to food to reach its full dimension. Secondly, attention should be drawn to the responsibility of the international community and system, which in certain cases imposed constraints on States. Thirdly, the important role that could be played by non-governmental organizations in monitoring the implementation of the right to food should not be forgotten, although he noted that most NGOs gave more attention to the realization of civil and political rights than to the right to food.

479. Ms. Bonoan-Dandan said that States parties were often reluctant to recognize the rights set out in article 11 of the Covenant, because they misread them to mean that Governments themselves must feed people and build houses. The discussion must focus on how to define legislation that would both reflect the right to food and ensure that States were accountable for its realization. Such a discussion must be couched in terms that Governments would be able to accept.

480. The Chairperson, pointing out that it was easy to present the right to food in unrealistic terms, as a right of any person to obtain food without any obligations attached, said that the discussion should perhaps focus on what the right to food was not.

481. Mr. Antanovich said that he saw the right to food as meaning, on an individual level, the right not to starve to death. At the national level, it meant that a nation must be self-sufficient, which was in itself an

obligation. At the international level, assistance took on importance in the event of natural and man-made disasters and in the context of international efforts to increase production.

482. Mr. Riedel said that the food security matrix presented in the FAO background paper clearly showed a focus on the obligations of the State. In his view, there was another side to the coin: a right to food essentially applied to each and every individual. The question then was what exactly that right entailed? As to the content of the individual right, the Committee should take article 11 of the Covenant as the point of departure and proceed on the basis of its General Comment No. 3 (1990) on the nature of States parties' obligations 10/ to see how much of the article could be converted into individual rights. In his opinion, article 11 contained quite a number of such rights.

483. Mr. Kracht's definition of the right to food (see para. 473 above) was a very good starting point. It could be completed by a list of the various indicators and other elements to be taken into account in evaluating the degree of implementation of the right to food in different countries.

484. Mr. Pillay said that, if the right to food was to be written into law, the discussion should focus on the minimum content of the right, so that States could be required to meet their obligations. The core content might be the right not to starve.

485. Mr. Faundez-Ledesma said that the issue regarding the content of economic and social rights, including the right to food, was whether those rights could be enforced, at both the national and the international levels. At the present time, it was not possible to lodge a claim for a violation of the right to food.

486. Mr. Kracht said that it was important to define the precise content of the right to food. Every individual had the right to feed himself or herself, and the State had the obligation to respect and protect that right. The first obligation of the State was to recognize and protect the right to food; only as a last resort, i.e. when individuals were prevented from exercising that right, must the State take on the role of provider. That was the notion of a safety net as defined by FAO. Next, the issue of procedures at the national and international levels should be explored. How was one to define them? A clear distinction should be established between the proper content of the right to food and its operationalization, the latter being country specific. The minimum content of the right to food did not address the obligation, but included: access to food; access to means of food production; adequate nutrition; and food quality, including clean and safe water. In his view, the right to food encompassed the right to nutrition.

487. Mr. Marchione (United States Agency for International Development) said that, in defining the content of the right to food, it would be useful for the Committee to adopt Mr. Eide's framework: protect, respect, fulfil and provide. The Committee should also endeavour to involve civil society and communities in the elaboration of measures aimed at giving full effect to the provisions of the Covenant relating to the right to food.

488. Ms. Koch (NGO Working Group on Nutrition) said that, in defining the content of the right to food, an analysis should be carried out with a view to monitoring the gender perspective. Women were responsible for more than 60 per cent of global food production, although they too frequently lacked access to land, credit, training and technology.

489. Mr. Vercueil said that the Committee on World Food Security had a mandate to set up mechanisms to define quantitative and food-security indicators, and to identify groups affected by food insecurity or those at risk. The World Food Summit Plan of Action contained numerous objectives along the same lines as the action by the Committee on Economic, Social and Cultural Rights. The multidimensional nature of the follow-up to the Summit supposed action at the national, intergovernmental and inter-institutional levels, as well as coordination and cooperation within the United Nations system.

490. Mr. Medrano said that the content of the right to food was expressed in the Rome Declaration on World Food Security as "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" (first paragraph). It would be useful for the Committee, when clarifying the legal content of the right to food, to widen the definition given in article 11, paragraph 2, of the Covenant - "the fundamental right of everyone to be free from hunger" - in order to incorporate such notions as that of food security.

E. What is the role of the Committee?

491. Mr. Antanovich said that, to date, the Committee had not given sufficient attention to the right to food. Its reporting guidelines should insist on the obligation incumbent on States to protect, respect, facilitate and ensure fully the exercise of the right to food. The Committee should also gather the information it received concerning measures taken by States parties to implement the right to food, some of which had been very effective. The results of such a study could be presented in a publication.

492. Ms. Barth-Eide (World Alliance for Nutrition and Human Rights/Norwegian Institute of Human Rights) suggested that the Office of the High Commissioner for Human Rights might provide advisory services to Governments in relation to the right to food, particularly in the elaboration of laws. With respect to the Committee's role, it could invite States parties, in its reporting guidelines, to provide detailed information on the right to food and on the organs responsible for gathering the information used by those charged with the preparation of reports to the Committee.

493. The Chairperson said that the Committee had always encountered difficulties in obtaining sufficient and relevant information from States parties on the right to food. It seemed that Governments were less reluctant to provide such information to FAO or the Committee on World Food Security, and the Committee on Economic, Social and Cultural Rights should use that information.

494. Mr. Oshaug said that the Committee's reporting guidelines should indicate to States parties that information was being sought to help them identify their problems in order to contribute to development; their

reluctance to provide information would then diminish, as would the fear of many countries of being the subject of criticism from the Committee for violation of human rights. In more practical terms, and with a view to not increasing the reporting burden on States parties, a common framework for the elaboration of reports on the issue of the right to food should be set up, which would lead to closer coordination between the various United Nations organs dealing with the subject. That would eventually pave the way for the implementation of a joint policy in the area of food and nutrition among the various United Nations organs.

495. With respect to the last suggestion, the Chairperson indicated that the United Nations system, as it existed now, was not in favour of coordination among its various organs at a general level. The Committee should, however, give careful attention to the activities of FAO, the Committee on World Food Security and other organs dealing with the right to food in the performance of its own mandate, i.e. in monitoring the implementation of economic, social and cultural rights in States parties.

496. Mr. Kent (Coordinator, Task Force on Children's Nutrition Rights) suggested that the Committee should draft a standard law concerning the right to food which States parties could use as a model in drafting their own legislation, and which could be included in the Committee's reporting guidelines. The standard law should define precisely the rights to which individuals would be entitled, States' obligations, the organs responsible for ensuring compliance with those rights, the mechanisms responsible for monitoring those organs' activities (such as an ombudsman, or United Nations treaty mechanisms) and the remedies available for violation of the right to food.

497. Mr. Medrano said that the Committee on World Food Security (CFS) was waiting for States to provide it with information on measures which they had taken for the implementation of the World Food Summit Plan of Action, information which would be added to that provided to other international mechanisms. In that connection, it was important that the Committee on Economic, Social and Cultural Rights establish and propose to CFS and to the whole United Nations system a joint and basic concept of the right to food, as well as criteria and indicators for its implementation. Such a step involved close coordination. Some of the information requested from States parties by the Committee on Economic, Social and Cultural Rights was linked to information which they were supposed to submit to CFS. Thus, in order to avoid duplication, the Committee might envisage the possibility of using States' reports to CFS on the implementation of the World Food Summit Plan of Action.

498. The Chairperson said that that proposal was very interesting, all the more so since the same initiative had been successfully undertaken in relation to ILO and its monitoring mechanism with respect to ILO Conventions. The Committee would thus provide information on legislative aspects, the types of remedy available, and so on, and use CFS reports for technical information and an overview of the situation. The Committee should carefully study the proposal.

499. Mr. Riedel asked whether the Committee should revise its reporting guidelines or, as was his view, adopt a general comment on the content of the

right to food and the notion of accountability. In the latter case, it would be important to address the issue of means of ensuring implementation and follow-up, and not only the issue of the normative content of the right to food.

500. Mr. Dobbert (World Federation of United Nations Associations) said that the Committee should seriously envisage the revision of its reporting guidelines, as well as the possibility of adopting a general comment on the right to food. Lists of issues drawn up by the Committee in preparation for the consideration of States parties' reports should be more detailed. Governments should be encouraged to promote the participation of non-governmental organizations, including those active in the area of the right to food, in the drafting of their reports to the Committee. Finally, follow-up of the Committee's recommendations should be strengthened, with the assistance of the Office of the High Commissioner for Human Rights.

501. Ms. Jiménez Butragueño proposed that a general comment on the right to food be adopted by the Committee, and that the revision of the reporting guidelines then be envisaged taking into account the general comment.

502. Mr. Windführ said that, in the absence of any document enunciating clearly how the right to food was violated and what the obligations of States were in that regard, non-governmental organizations would find it difficult to satisfy the Committee. In his view, the Committee's reporting guidelines, particularly the section dealing with article 11 of the Covenant, were useful, in that they were organized in a precise framework which allowed the Committee to be provided with the requested information.

503. The Chairperson, concluding the Day of General Discussion, expressed the hope that collaboration between the various actors involved would be strengthened and made more constructive in the future, and that they would support the Committee's proposal for an optional protocol to the Covenant providing for the receipt of communications concerning alleged violations of the Covenant. He also expressed the hope that the Committee would be able to discuss a draft general comment on the right to food at its next session.