

Questionnaire from the UN Special Rapporteur on the Right to Food

Legal framework (cf. Right to Food Guidelines, Guideline 7)

1. Please indicate whether provisions in the national constitution and/or other domestic law, such as food and nutrition security framework laws, provide specific protection for the right to food and its progressive realization.

Norway is a party of the International Covenant on Economic, Social and Cultural Rights. The covenant is implemented in the law of human rights of 1994, through which it is given the status of national law. Furthermore, the Covenant takes precedence in case of conflict with national law.

The ‘Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security’ are to a large extent de facto adopted through the Food Act and national agricultural and competition policies.

The Food Act of 2003, relating to food production and food safety, is based on the broad definition of food security, adopted at The 1996 World Food Summit (WFS): “Food security exists when all people at all times have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life”.

As regards land resources, the land Act aims to provide suitable conditions to ensure that the land areas in the country including forests and mountains and everything pertaining thereto (land resources) may be used in the manner that is most beneficial to society and to those working in the agricultural sector.

The various national legislation on social security and welfare schemes ensure the economic access to food.

There are also other legal provisions that concern the different aspects within the definition of “food security”.

2. If so, please indicate whether such legal provisions have been invoked before administrative, quasi-judicial and judicial mechanisms, and with which results.

We have no information that the right to food, as a provision of human right, has been invoked in the administrative or judicial mechanisms in Norway.

3. Please clarify whether consideration is currently being given to the inclusion of such provisions in domestic law.

Food chain conditions and structures have been subject to significant attention in both Norwegian agricultural and competition policies. The government has strengthened its work to prevent concentration of power in food markets, and has appointed a legislative committee (expert committee) to examine how the principle of fair trading practices and the interests of

consumers best can be safeguarded in the legislation. The objective of the legislative committee's examinations and proposals shall be that: a) The interests of consumers are safeguarded in terms of price, selection, quality and accessibility in the grocery market b) The actors in the market must deal with each other in accordance with the principle of fair trading practices. The deadline of the committee is 1st May 2013.

National strategies (cf. Right to Food Guidelines, Guideline 3)

4. Please indicate whether a national human-rights based strategy (or policy/programme) for the progressive realization of the right to adequate food has been adopted.

Food security is a primary goal for the Norwegian agriculture and food policy. The White Paper (2011-2012) on Norwegian agriculture and food policies was approved by the Norwegian Parliament (Stortinget) in April 2012, and represents the basis for agriculture policies. The main areas to obtain food security is increased sustainable food production, access to safe food and an adequate diet, securing consumers' interests, being a constructive international actor and further developing Norway as a food nation.

The White paper's notion of food security is based on the definition adopted at the World Food Summit in 1996.

The White Paper states that the three most important prerequisites for national food security in Norway are (1) continued food production, (2) safeguarding of the national food production potential and (3) a well-functioning international trading system.

The government will, within the bounds of current trade policies, facilitate the increased production of agricultural commodities in accordance with the country's natural conditions and the demands of the market, thus enabling the self-sufficiency rate to remain at about the current level. Norway's population is growing, and Statistics Norway predicts a 20 percent increase by 2030.

The white paper on Norwegian agriculture and food policies also concerns parts of the nutrition policies. A white paper on public health will be submitted to the parliament in April. This white paper includes policies on nutrition and the availability of healthy food.

5. If such national strategy (policy/programme) is in place, please provide information on:

(a) The process through which objectives, targets, benchmarks and time frames are set, including the role of civil society actors;

The two white papers mentioned above have been developed on the basis of inclusive processes which include public hearings and calls for written submissions by all stakeholders, including civil society.

(b) Mechanisms to ensure adequate funding for the implementation of the strategy (cf. Right to Food Guidelines, Guideline 12);

Value added tax on food is reduced in Norway, and the average share of the household income used on food is only 11 %.

Border measures and budgetary payments are the main policy instruments supporting agriculture in Norway. Market price support, in the form of wholesale target prices, is provided for most commodities. These target prices and the budgetary framework for payments to farmers are negotiated annually between the government and producer representatives.

A variety of direct payments to farmers, including area, headage, and deficiency payments continue to be implemented. Many of these payments are differentiated by region and farm size in order to provide adequate income support across all type of farms and regions.

(c) Mechanisms to ensure adequate targeting to improve the situation of the groups most affected by food insecurity, such as women, children, and small-holder farmers (cf. Right to Food Guidelines, Guideline 13).

Agriculture/landownership

Norwegian agriculture enjoys a stable ownership structure, and agricultural land is principally privately owned. There is only minimal insecurity and conflict surrounding ownership and utilisation of land, enabling the effective use of agricultural areas. The total number of agricultural production units has been subject to a reduction over time due to efficiency improvement, but the total agricultural area has been stable or marginally increasing, as the land from retired farms is leased or sold.

Norway has for several decades had in place an agricultural policy with the objective of ensuring active agricultural production throughout the entire country and maintaining agricultural land in productive use for food production. The agricultural policy shall at the same time allow for differentiation, enabling economically sustainable small-scale farming. This is regulated by an extensive set of regulations.

In a global comparative perspective, Norwegian agriculture is of a small scale structure, with demanding climatic, topographic and operational conditions. Through its agricultural policy, the Government has utilised various forms of production support in order to achieve the agricultural policy objectives. Support has to a considerable degree been differentiated depending on structure and geographical location of producers. This has enabled the continuation of agriculture in regions and farms with operational and climatic disadvantages. Such a differentiated agricultural policy with the objective of securing continuing operation of the economically least sustainable farms has been in place for several decades. This policy has been maintained during the turbulent situation in global food markets in the last few years.

Woman representation in the Norwegian agriculture sector has increased since 1970 and has remained stable in recent years. The share of woman farmers increased from 7,3 percent in 1979 to 14,3 percent in 2009 and has been stable the last five years. Approximately 25 percent of all farms are owned by women. Overall, only a third of the total 190 000 farms in Norway are being run as active farms.

Representatives from the agricultural sector and the Ministry of Agriculture and Food have jointly completed a strategy to increase the woman participation in the agriculture sector. The aim is to reach a woman participation of 40 percent in agriculture and related businesses.

Food production

The food supply in Norway is good and stable, and reaches the entire population. The rate of self-sufficiency in the agricultural sector has been around 50 – 55 % in the past few years. Norway has a functioning distribution of processing and market systems that can move food from the site of production to where it is needed in accordance with demand.

The contribution from the oceans to global food security is essential. Norway produce more than 3 million tons of seafood annually. The sustainable harvesting and production of seafood is a prerequisite to fully utilize the potential of the oceans and coastal areas. The improved utilization of seafood resources also crucially relates to reducing waste, better utilization of by-products and minimizing unsustainable practices, such as unwanted by-catches and discards. The fight against IUU-fishing is yet another aspect of this, as is also reflected in the new port-state control agreement negotiated under the auspices of the FAO.

Aquaculture production, both on land and in water, has potential to contribute to food security and is to an increasing extent a source for protein and food. It is widely recognized that improved management of the sector with focus on sustainability is of outmost importance.

Food safety

Norway has a very good status regarding foodborne contaminants and pathogens. The goal of maintaining food safety is best achieved by a comprehensive approach to natural conditions, agricultural inputs, plant and animal health and sanitary procedures throughout all parts of the food value chain. It is important to ensure good routines and hygiene along the entire production chain, as well as to emphasise sound prevention and contingency measures to maintain the present status.

The production of safe food is necessary to ensure a robust agro-food sector in Norway. The reliable production of safe food creates trust and ensures market access and acceptance for maintaining a viable agriculture. With increasing competition from food imports on the Norwegian market, the production of high-quality, safe food, good plant and animal health and high animal welfare standards represent an important competitive advantage for domestic food production.

Dietary surveys have been carried out among children in various age groups and adults/elderly persons. These surveys are used both for calculation of nutriment content and for assessment of the exposure of contaminants, additives etc in the diet. The assessments show that as an overall picture the food available at the Norwegian market is safe. Through international cooperation, such as with the European Economic Area (EEA) Norway, although not a member of the European Union, works closely with the EU in public health and food safety matters.

Competition in the food market

In order to get an overview of the price formation in food markets and contribute to efficient competition, regular monitoring of prices is carried out. Through competition law the

Norwegian Competition Authority is given competence to monitor the market, inter alia in order to hinder the abuse of market power. Competition related matters are frequently subject to court cases.

Furthermore, as mentioned under Legal framework, point 2, the government has strengthened its work to prevent concentration of power in food markets.

Nutrition

Norwegian habits relating to diet have improved in the last twenty years, and the surveys show that a great many people have a high-quality diet. However, there is potential for improvement. The present consumption of fruit and vegetables is at a low level and there is a disproportionate fat consumption.

As a part of the Action Plan on Nutrition (2001-2011) Recipe for a healthier diet, measures are taken to improve people's diet. This is done by considering economic incentives, i.e. through taxation on unhealthy foodstuff. In 2007 a tax on non-alcoholic beverage was restructured to include only sweetened drinks, and not to include bottled water. This tax has later been increased to the same level as beer with a low content of alcohol.

In 2007 the Action Plan on Nutrition (2001-2011), was launched as a cooperation between 12 ministries. The main goals of the action plan are: to adjust the diet in line with the recommendations of the health authorities and to reduce social inequalities in eating habits. Every year, the Government allocates approx. 36 million NOK to implement the plan.

Important strategies in the action plan are to strengthen the consumers' knowledge on nutrition and to strengthen the qualifications of key personnel.

The measures carried out include the preparation of information material targeting the consumer, information for the media, training programmes for the key health personnel, education and food production sectors. The target groups for information vary depending on the topic, but general information is aimed at the population at large. School pupils are considered to be a particularly important target group.

One main activity has been to introduce symbol labelling on the market as a tool to choose healthy foods, such as the green keyhole.

(d) Mechanisms to ensure monitoring of the implementation of the strategy concerned, and whether such monitoring mechanisms are independent from the Executive (cf. Right to Food Guidelines, Guideline 17).

We refer to the the answers under question 6 below.

Institutional mechanisms (cf. Right to Food Guidelines, Guideline 5)

6. Please indicate whether inclusive, intersectoral coordination mechanisms have been set up to:

(a) Coordinate the efforts of relevant Government ministries and agencies and ensure the concerted implementation, monitoring and evaluation of policies, plans and programmes;

As a part of the Action Plan on Nutrition (2001-2011) Recipe for a healthier diet, a interministerial coordination group with representatives from 11 ministries. There are also other permanent and ad-hoc ministerial coordination groups that deals with issues related to food security and the right to food. The cabinet ensure top-level coordination of the different sectors and ministries in all policy areas.

(b) Improve accountability, including through the allocation of specific responsibilities to different actors and the setting of precise timeframes for the realization of the dimensions of the right to food which require progressive implementation (cf. Right to Food Guidelines, Guideline 17);

As a part of Norway's national strategy on the right to adequate food, in the area of food safety and consumer protection, the Food Act came into force on 1st January 2004. At the same time the Norwegian Food Safety Authority was established.

The Food Safety Authority and the Food Act represents a comprehensive food control system that shall ensure consumer protection and food safety in the entire food chain. Furthermore, this system is to encourage environmentally friendly production, ethical farming of animals and fish, and to promote human, plant, fish and animal health. The Authority is subordinate to three ministries; the Ministry of Fisheries and Coastal affairs, the Ministry of Health and Care Services and the Ministry of Agriculture and Food.

Norwegian Agricultural Authority (NAA) contributes to securing the resource base for agriculture, wealth creation and ensuring that Trade and Industry remains competitive. NAA administers Income and Welfare Schemes which provide an income for Primary Producers as well as production-regulating initiatives to aid small-scale structures in milk and livestock production. The Authority is subordinate to the Ministry of Agriculture and Food.

The Norwegian Directorate of Health is an executive and monitoring agency of nutrition policies. The authority is subordinate to the Norwegian Ministry of Health and Care Services.

The Norwegian Labour and Welfare Service administer most of the welfare benefits and social security schemes which ensure the economic acces to food. The authority is subordinate to the Norwegian Ministry of Labour.

(c) Enable full and transparent participation of the private sector and of civil society, in particular representatives of the groups most affected by food insecurity (cf. Right to Food Guidelines, Guideline 6).

The Norwegian state has a high level of transparency. The Freedom of information Act and the Public administration Act ensure public acces, envolvment and participation of the private sector and civil society.

7. Do national human rights institutions or ombudspersons, which are independent and autonomous from the Government, have a mandate to monitor the implementation of the right to adequate food (cf. Right to Food Guidelines, Guideline 18).

The Parliamentary Ombudsman (Sivilombudsmannen) supervises all public administration agencies. Supervision is carried out on the basis of complaints from citizens concerning any maladministration or injustice on the part of a public agency. We know that The Parliamentary Ombudsman processes many complaints concerning social security benefits.

Lessons learned

8. What are the main challenges encountered and lessons learned from national efforts to strengthen the legal, policy and institutional framework for the realization of the right to adequate food?

It is a general understanding that the right to food is relatively well secured in Norway.