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Economic, social and cultural rights
Right to food

CETIM's oral statement¹

Mr. Chairman,

The Europe-Third World Center (CETIM) is strongly preoccupied by the “Set of voluntary guidelines to support the progressive realization of the right to adequate food” draft. Developed by an intergovernmental working group in the framework of the FAO, it should be adopted next September. This draft ignores the compulsory nature of the right to food, though recognized as such in several international law instruments.

Indeed, the right to food gained acceptance through the International Covenant on Economic, Social and Cultural Rights, and it has a compulsory nature for States. The Committee on Economic, Social and Cultural Rights clarified the content of this right in its General Comment N° 12², while specifying States' obligations at the national and international level. The Special Rapporteur of the Commission on Human Rights made an important contribution, which consists in the examination of the justiciability of this right and of the implementation mechanisms at the regional, national and international level³. Furthermore, the legal Office of the FAO itself held an investigation, on the basis of 69 national reports handed back between 1993 and 2003, which result showed that it is possible or probably possible to refer to a court in 54 countries by invoking the right to food⁴.

In this context, the drafting of “ Voluntary guidelines” for the realization of the right to food constitutes at least a decline. Or perhaps do some States try to evade their responsibilities in this field?

Beyond this decline, the draft philosophy is highly worrying in the sense that, in its directive N° 8 for example, the draft forecasts the subordination of the right to food to the agreements negotiated at the WTO⁵.

Do one need to remind that the primacy of human rights over international trade has been declared several times by the Commission on Human Rights, the Sub-Commission and the Treaty bodies?

¹ The original text is in French. This is a free translation.

² E/C.12/1999/5 (12th May 1999)

³ E/CN.4/2002/58 (10th January 2002)

⁴ IGWG RTFG 2/INF 1 (Rome, 27th-29th October 2003)

⁵ “[States] should base their food safety standards on international standards where these exist, except as otherwise provided for in the WTO Sanitary and Phytosanitary Agreement...” Paragraph 8.3 of document IGWG RTFG 2/2, Rome, 27th-29th October 2003)

It is time to put an end to the inconsistencies of the international system. One cannot fight against hunger and poverty with UN agencies, while subjecting human rights to the imperatives of international commercial and financial institutions that worsen hunger and poverty. The principle of food sovereignty, that alone allows peoples to start a consistent policy considering all the social and ecological parameters of a country, has to be promoted.

It would be judicious that the FAO looks into practical issues regarding the realization of the right to food. It is in this sense that the CETIM exhorts the Commission on Human Rights to intervene towards the intergovernmental working group of the FAO and towards States to remind the compulsory nature of the right to food.

Thank you for your attention.