

**THE FAO AS A HUMAN RIGHTS ORGANIZATION:  
ADVANCING THE RIGHT TO FOOD TO PROMOTE PUBLIC HEALTH**

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## **The FAO as a Human Rights Organization: Advancing the Right to Food to Promote Public Health**

**Carolyn Anthes and Olivier De Schutter**

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### **Abstract**

*The core objective of the Food and Agriculture Organization of the United Nations (FAO) since its founding in 1945 has been to eradicate hunger. International policy debates and the work of the Organization focused until the 1980s on increasing agricultural production; however, a shift has occurred in recent years in the understanding of FAO's mandate. The modest but growing reference to the right to food is an essential part of this new thinking, which crystallized at the 1996 World Food Summit and in the adoption of the 2004 Right to Food Guidelines. Although the visibility of the right to food has gradually increased in the Organization's work, this chapter—while assessing the past and current state of mainstreaming the right to food within FAO—argues that right to food mainstreaming within FAO is far from unidirectional and has more recently seen a period of retrenchment.*

# **The FAO as a Human Rights Organization: Advancing the Right to Food to Promote Public Health**

Carolin Anthes and Olivier De Schutter\*

Since its founding in 1945 as an intergovernmental organization, the Food and Agriculture Organization of the United Nations (FAO) has remained the United Nations (UN) system's foremost specialized agency working toward eradicating hunger in the world. Its three main goals are currently defined as: "[T]he eradication of hunger, food insecurity and malnutrition; the elimination of poverty and the driving forward of economic and social progress for all; and, the sustainable management and utilization of natural resources, including land, water, air, climate and genetic resources for the benefit of present and future generations" (FAO 2017a). Its uptake of human rights, and of the right to food in particular, has been gradual; but it is now a key part of FAO's work.

Despite an obvious shift toward a rights-based framing on normative and discursive levels as well as palpable practical advances over the years, a gap (still) exists between the organization's rhetoric and institutional practices, and this gap has been widening over recent years. This chapter argues that human rights mainstreaming within FAO's work is far from unidirectional: whereas the right to food agenda played an increasingly important role from the late 1990s to the late 2000s, we have since witnessed a period of retrenchment. The following sections (1) present background on FAO's development, (2) introduce the evolution of the right to food concept within the Organization, (3) assess current efforts to mainstream the right to food in FAO's operations, (4) analyze selected factors that support or obstruct human rights mainstreaming, and (5) conclude with recommendations for future efforts to mainstream the right to food within FAO.

## **I. Birth, Functions, and Work of the FAO**

FAO is the oldest of the specialized UN agencies, and it has grown to become the largest (Moore 2005; Liese 2012). Dating back to, *inter alia*, the initiative of US President Franklin D. Roosevelt and to the 1943 United Nations Conference on Food and Agriculture, the agency was founded by 44 member states to (according to the Preamble of the FAO's Constitution) promote common welfare by raising levels of nutrition and standards of living, securing improvements in the efficiency of production and distribution of all food and agricultural products, bettering the condition of rural populations, and thus contributing toward an expanding world economy and ensuring humanity's freedom from hunger (FAO 2015a, 3).<sup>1</sup> Article 1 of FAO's Constitution spells out three main functions of the organization: (1) the collection, analysis, interpretation, and dissemination of information relating to nutrition, food, and agriculture (including fisheries and forestry); (2) the promotion of various national and international efforts

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\* The chapter builds on the Report of the Special Rapporteur on the right to food: "Mission to the Food and Agriculture Organization of the United Nations," 14 January 2013 (A/HRC/22/50/Add.3, cited as De Schutter 2013) and takes into account more recent developments and further considerations. During his mandate as Special Rapporteur on the right to food (2008–2014), Olivier De Schutter conducted a mission to FAO in 2012, which resulted in his report to the Human Rights Council. During that time, co-author Carolin Anthes worked as consultant in FAO's Right to Food Team on mainstreaming the right to food within FAO. Currently, she is concluding her PhD dissertation manuscript on institutional roadblocks to human rights mainstreaming in FAO. The authors would like to express their gratitude to all interlocutors within and outside FAO for sharing their accounts, to the editors and external reviewers for their valuable comments and suggestions, and to Olga Perov for her excellent copy-editing support.

<sup>1</sup> Today, FAO has practically universal membership with 194 member nations, two associate members and one member organization, the European Union (FAO Legal Office 2017).

and activities relating to knowledge production on food, nutrition, and agriculture, to the conservation of natural resources, to the improvement of agricultural methods as well as to the processing, marketing, and distribution of food and agricultural products; and (3) the provision of technical assistance at the request of member states in the areas pertaining to FAO's mandate (FAO 2015a). Its mandate has been described as being “technical” in the provision of advice or assistance (Oberleitner 2007, 127; Moore 2005, 140), but also “comprehensive” (Shaw 2009, 68) and “extensive” (Shaw 2009, 95).

In the FAO's early years, international policy debates and the work of the Organization focused on increasing agricultural production and assuring the availability of basic foodstuffs at the international and national levels to work toward “freedom from want of food” (Phillips 1981, 12). The deployment of FAO's field work started early: by 1951, FAO had already launched 100 projects in 35 developing countries, “consciously aware...of the prime importance of working with governments, especially in developing countries, to increase global food production” (Shaw 2009, 96). But such field presence was never the exclusive, nor even the primary function of the Organization: instead, FAO has also been described as a “knowledge organization,” holding a “fundamental and unique” role regarding “knowledge management for food and agriculture” with a “mandate as a global broker of essential information and data” (Shaw 2009, 110–12).

With policy advice a key part of the Organization's mission, FAO also supports its member states in designing their food security laws, policies, and programs; conducts programs and projects at country-level which enable states to benefit from its experience; and generates knowledge that impacts vast areas of thematic debates on global food security. FAO convenes major international conferences, such as the seminal World Food Summits of 1996, 2002, and 2009, to discuss and tackle the state of food insecurity in the world. It is engaged in standard setting, such as through the Codex Alimentarius, established together with the World Health Organization in 1963, which develops harmonized international food standards to protect consumer health and promote fair practices in food trade. FAO thus plays a crucial role in the global health architecture through these various activities and programs, and over the past two decades, a fundamental shift has occurred in the way the core mandate of FAO is understood through a gradually increasing focus on the human right to adequate food.

## **II. From Food Security to the Right to Adequate Food**

FAO was instrumental in codifying a human right to adequate food and developing its language in Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) (FAO 1997; Moore 2005). However, the 30 years that followed have been described as a period of “withdrawal from human rights,” mostly because of FAO's perception of itself as a technical agency at the disposal of states, providing a neutral forum for all nations, rich and poor, to improve the situation of food security (Oberleitner 2007, 128). Following this temporary withdrawal from human rights, however, the 1996 World Food Summit provided a path for FAO to re-engage with the human right to food.

The concept of food security was developed in the context of the world food crisis of 1973–1974, and it thereafter came to occupy the center of public discourse for the next several decades (Mechlem 2004). At the 1974 World Food Conference, food security was defined as the “availability at all times of adequate world food supplies and basic foodstuffs...to sustain a steady expansion of food consumption...and to offset fluctuations in production and prices” (FAO 1974). Although the right to food was already enshrined by that time in the ICESCR, the

*individual* right to food was not mentioned in the World Food Summit Declaration (Mechlem 2004). The concept of food security became “more encompassing and multi-layered” in the 1980s (Mechlem 2004, 637), connected with an increasing focus on the individual, thus paving the way for the human right to food to re-emerge in later years (Eide 2005; Mechlem 2004; Alston and Tomaševski 1984; Eide et al. 1984).

It was not until the 1996 World Food Summit, when Heads of State and Government reaffirmed “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” (FAO 1996), that FAO committed itself to support the United Nations human rights system in further clarifying the content of the right to food. Since then, the visibility of the right to food has gradually increased in the Organization’s work. In 1999, the Committee on Economic, Social and Cultural Rights (CESCR) adopted its General Comment 12 on the right to adequate food, providing an authoritative interpretation of state obligations, concretizing the scope of the right to food, and introducing a respect, protect, fulfill framework for all economic, social, and cultural rights (CESCR 1999). The 2002 World Food Summit—under pressure from civil society organizations, which had presented governments with a draft code of conduct on the realization of the right to food—provided a mandate to develop a new set of guidelines on the right to food. After two intense years of negotiations between governments, the 2004 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security were unanimously adopted by the FAO Council (Rae et al. 2007; Oshaug 2005). As the only intergovernmental text clarifying the measures governments should take to implement the human right to adequate food, FAO played a crucial role in supporting these negotiations, with the resulting Guidelines marking a critical juncture for the mainstreaming of human rights and the right to food within the Organization. Upon their adoption, “many member states” called on FAO to support the implementation and mainstreaming of the Right to Food Guidelines (FAO 2005a, para. 26). This led FAO in 2006 to establish a Right to Food Unit within the Agricultural Development Economics Division (ESA), tasked with integrating the right to food approach and mainstreaming the guidelines into FAO’s work.

In 2009, in the aftermath of the devastating world food price crisis, the Committee on World Food Security (CFS), initially established by FAO in 1976, underwent a major reform, which established it as the foremost inclusive international and intergovernmental platform for all stakeholders to work together to ensure food security and nutrition for all. Following the 2009 reform, the new mandate of the CFS explicitly included the right to food, and the way the CFS operates has been designed in accordance with human rights principles (e.g. meaningful participation of those most affected by hunger and malnutrition through a Civil Society Mechanism, CSM). Hosted by FAO in its headquarters in Rome and staffed by all three Rome-based agencies, the rights-based approach of the CFS has been widely acclaimed.<sup>2</sup>

In the following years, CFS developed a series of human rights-based instruments, including the 2012 Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries, and Forestry in the Context of National Food Security (VGGT) and the 2014 CFS Principles for Responsible Investment in Agriculture and Food Systems (RAI principles). In 2015, CFS endorsed the Framework for Action for Food Security and Nutrition in Protracted Crises. The decisions and recommendations adopted within the CFS are now collected in the

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<sup>2</sup> The FAO, the World Food Programme (WFP) and the International Fund for Agricultural Development (IFAD) comprise the three “Rome-based food agencies” of the United Nations system.

Global Strategic Framework for Food Security and Nutrition (GSF), a document which is regularly updated in order to provide decision- and policy-makers with a useable template for making progress toward food security and nutrition outcomes. Outside the CFS, FAO has additionally facilitated the adoption of guidelines inspired by the right to food, including the 2014 FAO Committee on Fisheries' adoption of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines).

The right to food in FAO has seen progress since the 1990s, culminating in the proliferation of rights-based instruments endorsed across the sectors in recent years. A UNESCO Chair in Human Rights and Peace sees FAO "on the road to mainstream human rights throughout the organization's activities" (Coomans 2012, 286). With leading scholars concluding that "FAO has a remarkable history in terms of human rights" (Oberleitner 2007, 127), other scholars have found that since 1996 "the Right to Adequate Food has become a rallying cry for the Organization in its attempts to raise public awareness and commitment to the goal of food security and eliminating hunger in the world" (Moore 2005, 153). According to practitioner and scholar assessments, the FAO (and the CFS in particular) seems to be firmly anchored in and committed to human rights and the right to food, yet such assessments are perhaps insufficiently nuanced where the right to food continues to face contestation and occasional backsliding.

### **III. Assessing Mainstreaming of the Right to Food in FAO**

Mainstreaming the right to adequate food within FAO requires that the right to food approach permeate all core activities of FAO, including in the design of food and agricultural policies, nutrition, land, and trade. However, despite the progressive evolution of rights-based standards, introduced by the adoption of the seminal Right to Food Guidelines in 2004, FAO has fallen short of fully mainstreaming human rights in its programs or providing for their implementation with the strong institutional support they would require.

The subsequent sections assess the standing of selected mainstreaming efforts within the Organization's operations with an emphasis on headquarters operations: the rise and decline of FAO's Right to Food Unit/Team; FAO's Strategic Framework; cross-departmental integration of the right to food; sectoral, program, and project integration (also at field level); relationships between FAO and external stakeholders; and the Organization's global governance and UN system dimension.

#### **A. FAO's Right to Food Unit/Team: Rise and Decline**

The 2006 establishment of the Right to Food Unit allowed for a "specialist unit" (Uggla 2007, 10) to coordinate FAO's mainstreaming strategy. Through its work, the Right to Food Unit aimed to transform the "specialist unit model" into a "mainstreaming model" by trying to commit the entire organization to human rights, as spelled out on its website (FAO 2017b).

This multidisciplinary Right to Food Unit (later renamed Team) has been very successful in disseminating the right to food, through which it has provided guidance and offered training and advocacy, including by the publication of toolkits and online courses; it has provided legal, policy, and capacity-building assistance to governments; it has partnered

with civil society; and it has been involved in assessment and monitoring of the right to food.<sup>3</sup> In these human rights efforts, it has worked closely with other FAO divisions and provided right to food commentary to countless publications according to former Team members.

Since its creation, the Unit has consistently advocated for a right to food approach, arguing that the right to food offers a tool for combating hunger and malnutrition by recognizing accessible, available, and adequate food as a legal entitlement, not as a form of charity or policy choice (FAO 2011). This approach has required that FAO recognize the hungry and malnourished as rights-holders—identified and empowered to claim their right to food—and that the capacity of duty-bearers (primarily states) to fulfill their obligations is strengthened (FAO 2006b). In the past years, a major focus of the Team has been carrying out projects at regional and country level, for instance: mainstreaming the right to food into sub-national plans and strategies; integrating the right to adequate food and good governance in national policies, legislation, and institutions; and incorporating right to food into global and regional food security strategies.

However, despite a positive 2015 evaluation of the Team's projects (FAO Office of Evaluation 2015), the reliance on time-bound, extra-budgetary funding for this work has proven unsustainable in the absence of regular budgetary support. Where once the Unit had 18 people at headquarters and about 24 in different country offices, the downgraded Team has been described by a FAO staffer as “half dead,” with only a part-time Team Leader, one Project Officer, one consultant, and two part-time assistants carrying out one project (in early 2017). In spite of the continuously high demand for the Team's expertise, the mainstreaming of the right to food within FAO currently fails to receive adequate support and remains poorly institutionalized. Dedicated right to food staff have moved to the better funded Legal Office's Development Law Service, from which they have attempted to mainstream the right to food perspective, for instance, organizing a Workshop on human rights-based approaches (HRBA) and Small-Scale Fisheries in October 2016. Compounding this lack of capacity, staff, and stable resources of the “specialist unit,” no right to food focal points have been established in FAO's technical units at headquarters or in regional and national offices.

## **B. FAO's Reviewed Strategic Framework and Strategic Objectives**

In 2012, the incoming Director-General launched a Strategic Thinking Process to review FAO's Strategic Framework 2010–2019 and Medium Term Plan 2014–2017. This resulted in realigning FAO's work along five “Strategic Objectives” (SO) and two cross-cutting themes: “gender” and “governance” (FAO 2013c). Although the right to food has not been explicitly attributed cross-cutting status, it has been argued nevertheless that together with human rights principles (such as participation, equality, transparency, accountability), the right to food further underpins the Strategic Objectives and the two new cross-cutting themes (Yeshanew 2014). Moreover, within FAO's Reviewed Strategic Framework, one Strategic Objective (SO 1: *Contribute to the eradication of hunger, food insecurity and malnutrition*) refers as one output to the improvement of “capacities of governments and stakeholders to develop and implement legal frameworks and accountability mechanisms to realize the right to adequate food” (1.1.2). According to the Programme Implementation Report 2014–15, FAO remained active in 16 countries to facilitate the “development and implementation of legal frameworks supportive of the right to food” (FAO 2016b).

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<sup>3</sup> For a comprehensive overview, see FAO 2017c.

Yet, the right to food is not mainstreamed in FAO's Strategic Framework. As compared with gender mainstreaming—which is an accepted strategy in FAO and to be implemented under the Reviewed Strategic Framework, featuring a Policy on Gender Equity and a network of gender focal points at headquarters and decentralized offices—the right to food is mostly confined to Strategic Objective 1. One rationale for establishing the new Strategic Objectives had been to break down the all-pervasive organizational “silos”<sup>4</sup> that inhibit a collaborative, cross-divisional work style; however, some staff in FAO in fact evaluate the Strategic Objectives as new, competing silos in their own right. The current means of implementation of the right to food in the work of the Organization runs counter to the very idea of mainstreaming, where the right to food is primarily promoted through discrete projects carried out predominantly by a single Team of the Organization.

Although the Reviewed Strategic Framework is undergoing the next quadrennial review in 2017 (FAO 2016c; 2017d), the new draft, firmly anchored in the 2030 Agenda, exhibits little change on the right to food. This constitutes another missed opportunity to elevate the right to food to a cross-cutting theme. As rights-based governance is often perceived as too politically sensitive and confrontational in the FAO context, this choice is in line with a new (development) governance paradigm that aims at a “more modest and pragmatic agenda” away from good governance and toward “improved and more effective governance” (FAO 2016c, para. 167).

### **C. Cross-Departmental Integration of the Right to Food**

Despite the absence of a systematic mainstreaming of the right to food within the Organization's main strategies and operations, several FAO departments and divisions have integrated right to food principles—including participation, cross-sectoral coordination, empowerment, or a focus on marginalized groups—in some of their projects. For example, the Forestry Department has supported national governments in the formulation of national forestry strategies that create cross-sectoral coordination and are built through a substantive participatory process with civil society and other stakeholders. Forestry also engaged with the Right to Food Team to elaborate a toolbox on the integration of the right to food in the non-wood forest product sector. The Fisheries Department has been championing the integration of a HRBA in its work on small-scale fisheries. Although scattered, these rights-based Department efforts may constitute building blocks from which a right to food strategy can be developed.

The newer Partnerships, Advocacy, and Capacity Development Division (OPC) is at the heart of FAO's recent efforts to strategically partner with different stakeholders, epitomized in the Director General's widely acclaimed, participatory “open door policy” to civil society. Throughout its history, FAO has provided important strategic support for the development of the autonomous producers' movement. As seen in the FAO Policy on Indigenous and Tribal Peoples (2010), the result of a consultative process led by an interdepartmental working group on indigenous issues, this effort constitutes an important contribution to the implementation of the right to food by FAO, given that the Policy is grounded in the UN Declaration on the Rights of Indigenous Peoples and focuses on a group in which the prevalence of food insecurity is particularly high. Respecting indigenous Free, Prior, and Informed Consent (FPIC) is now

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<sup>4</sup> The 2007 Report of the Independent External Evaluation of the Food and Agriculture Organization of the United Nations (IEE) points at FAO's “silo culture” (FAO 2007, 121) and claims: “FAO's greatest challenge is in bringing integrated answers to interdisciplinary problems of food and agriculture. ... but as FAO is not a well joined-up organization, its shrinking budgets have tended to reinforce the silos rather than break them down. More radical measures are clearly required” (FAO 2007, 38). The silo term refers to a fragmented organization with entrenched obstacles to horizontal and vertical communication and collaboration.

mandatory for all FAO projects and programs and a practical manual has been released (FAO 2016a). FPIC is also included in the 2015 Environmental and Social Management Guidelines, which also focus on gender equality, decent work and the avoidance of forced evictions.

While such integration remains often non-systematic, *ad hoc* rather than built into the organizational culture of FAO, these examples show how the integration of right to food principles in the activities of other departments is feasible and how such integration can contribute to the fulfillment of the key objectives of FAO.

#### **D. Sectoral Policies: Potential Mismatches**

A mainstreamed right to food approach could serve as a compass for the design of sustainable sectoral policies. A number of examples of rights-based approaches to sectoral challenges can be identified in the FAO context. While the CFS-endorsed guidelines and frameworks regarding land governance or agricultural investments are the most remarkable, there are also instances of potential mismatches within FAO.

With regard to agriculture and food policies, FAO supports various agricultural paradigms that many stakeholders consider to be incompatible with each other. FAO participated in the 2008 International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD), which called for a fundamental shift in the way agriculture is supported, but only a couple of months later signed a Letter of Agreement with the Alliance for a Green Revolution in Africa (AGRA), without reference to IAASTD or the Right to Food Guidelines (De Schutter 2013). Similarly, FAO convened a 2010 Conference on Agricultural Biotechnologies, while at the same time supporting alternative agricultural development models through its Globally Important Agricultural Heritage System (GIAHS) (De Schutter 2013). FAO encourages national plans to provide subsidized chemical fertilizers, but it also convened an International Symposium on Agroecology for Food Security and Nutrition in 2014, followed by four regional meetings in 2015/2016.

In the area of trade, FAO has made valuable rights-based contributions to the field of trade negotiations and food security during the last decade. The Import Surges Project remains a landmark achievement in assessing the possible negative impacts of unregulated trade on food security at national level, highlighting the importance for developing countries in protecting local industries and small food producers from dumping (De Schutter 2013). FAO's report Agriculture, Trade Negotiations and Gender is another example of integrating a right to food approach to trade, assessing the possible positive and negative impacts of trade liberalization on certain groups particularly vulnerable to discrimination (FAO 2006a). Nonetheless, the conclusions of these efforts and reports are insufficiently reflected in the discourse promoted by FAO at the global level.

What is sometimes perceived as a mixed message from FAO as an organization, in part, simply reflects the sheer complexity of its mandate and governance structure. As an intergovernmental organization, FAO aims to support governments, and state priorities in turn affect FAO's activities. Closely connected is the influence of donors' priorities – roughly two thirds of FAO's funding is of extra-budgetary origin, often 'earmarked' for specific project use only (FAO 2007, 181), as staff members emphasized. FAO must also shape consensus among its members when setting norms and defining priorities: 194 members have different views on sectoral policies. Finally, the secretariat has to interact with many governing bodies, which often creates tensions vis-à-vis management decisions. These factors lead FAO to conduct

programs and provide policy advice in various, sometimes conflicting directions, and the Organization has not yet found consensus to effectively mainstream human rights to provide greater coherence across FAO policies, grounding all its work systematically in a framework based on the right to food.

## **E. Right to Food in Programs and Projects at Country and Regional Levels**

FAO can play a key role in encouraging the national adoption of legal, institutional, and policy frameworks informed by the right to food – indeed, it has been doing so for more than a decade (Vidar et al. 2014; Blondeau 2014). Yet, although FAO leads among UN agencies in supporting the implementation of the right to food at country level, progress remains uneven across countries and regions without organization-wide guidance to ensure that human rights are systematically mainstreamed.

In country programming, FAO’s 2011 Country Programming Guidelines called for an adherence to the five UN Country Programming Principles, including the HRBA (FAO Programme Committee 2011), but according to relevant FAO staff, these Guidelines no longer apply since the current Director-General has taken office. The 2015 Guide to the Formulation of the Country Programming Framework (CPF) is silent as to the operationalization of the right to food, making only broad reference to aligning the Country Programme Frameworks (documents which define priority areas and outcomes for government–FAO collaboration over 4–5 year periods) with the UN Development Assistance Framework (UNDAF) and United Nations Development Group (UNDG) system-wide guidance (FAO 2015c).

In the area of project management, the 2012 Guide to the Project Cycle similarly requires FAO staff to mainstream the five UN Common Country Programming Principles into all phases of the project cycle, among them HRBA (FAO 2012). However, a 2015 FAO Guide and Manual to the project cycle by FAO’s Technical Cooperation Programme (TCP) does not feature the HRBA or right to food prominently, appearing only in a checklist as one out of eight factors under “sustainability of results” (FAO 2015b).<sup>5</sup>

A newer focus of FAO’s right to food activities pertains to the creation of parliamentary fronts against hunger in Asia and Africa, employing South-South Cooperation at regional and country level. This advocacy initiative is spearheaded by FAO’s OPC Division (FAO 2015d, 74). The Parliamentary Front against Hunger in Latin America serves as a very successful blueprint, wherein FAO’s Regional Office supported the initiative, which has been instrumental to the progress made over recent decades in integrating the right to food in legal, policy, and institutional frameworks in a number of countries (De Schutter 2013; Parliamentary Front Against Hunger 2017). According to an OPC Officer, the division also works to promote family farming policies based on the results of the successful International Year of Family Farming (2014), which has the right to food explicitly underpinning its focus on one of the most vulnerable constituencies (FAO 2017e).

## **F. Relationships between FAO and External Stakeholders**

Despite its intergovernmental nature, FAO has moved to foster partnerships with a range of actors, including civil society, the private sector, cooperatives, academia, and non-traditional

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<sup>5</sup> It appears from our interviews conducted within the Organization that the Right to Food Team was asked to participate in elaborating a new Project Cycle Guide but had to decline the cooperation due to lack of capacity.

partners such as city networks. In particular, there is evidence that realization of the right to food will not be possible without the effective participation of organizations representing food-insecure groups (De Schutter 2010). Following the 1996 World Food Summit, a number of innovative approaches to cooperation with civil society organizations have emerged, among them a Letter of Agreement between FAO and the International Planning Committee on Food Sovereignty (IPC)<sup>6</sup> in 2003 and participatory negotiations within the reformed CFS since 2009. In 2013, FAO adopted a comprehensive strategy for partnerships with civil society organizations, which has paved the way for stronger partnerships with civil society (FAO 2013a). The right to adequate food is identified as one of the two mutual principles for collaboration (FAO 2013a, 14).

FAO also interacts with the private sector in various areas, including in policy dialogue, norm- and standard-setting, development and technical programs, and knowledge management as “FAO considers the private sector to be a key ally in the fight against hunger”, according to the current Director-General (FAO 2017f). However, FAO’s strategy for partnerships with the private sector (FAO 2013b) is not articulated under the right to food normative framework, and additional guidance documents remain vague on human rights. The only human rights element that is incorporated into its work with the private sector is FAO’s commitment to screen proposed partners in accordance with UN Global Compact Principles, human and labor rights, environmental and governance practices (FAO 2013b, 21). This differential framing of partnerships with civil society versus those with the private sector explains existing concerns about the influence of major corporations on the work of FAO and the possible conflicts of interest (between public and private interest) in seeking to implement the right to food.

## **G. FAO’s Global Governance and UN System Dimension**

Finally, FAO also plays a role in shaping global governance on food and nutrition security issues by tackling the enormous problem of fragmentation across institutions. Since the world food price crises in 2007/2008, a consensus has emerged that food security cannot be dealt with separately from other areas of international cooperation (Page 2013; McKeon 2015). The reformed CFS has emerged as an innovative site to work toward policy convergence as a means to overcome fragmentation. Although the initial years following the reform involved frequent debates incorporating the right to food—indeed, the right to food figured prominently in the outcome documents adopted such as the VGGT—the CFS has witnessed a significant retreat in human rights discourse in recent years. Some member states have engaged in forum shifting on right to food matters, arguing that human rights should not be dealt with in Rome and referring human rights matters altogether to the Human Rights Council in Geneva.<sup>7</sup> Moreover, FAO has not sought to replicate the CFS model of inclusiveness and active participation of civil society across its own sectoral committees. On the inter-agency level, the competitive silos among Rome-based agencies are still relatively intact, and any collaboration between FAO and the Geneva-based human rights mechanisms has been limited and *ad hoc* rather than systematic. A positive recent example marks FAO’s high-level support to the process of elaborating a UN Declaration on the Rights of Peasants and Other People Working in Rural Areas in the Human Rights Council.

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<sup>6</sup> The IPC is an autonomous, self-managed global network of more than 45 peoples’ movements and NGOs involved with at least 800 organizations throughout the world and it is a platform for facilitating dialogue with the FAO, see [www.foodsovereignty.org](http://www.foodsovereignty.org).

<sup>7</sup> At the 43d CFS plenary in October 2016, the delegate of the Russian Federation stressed “that the issue of human rights in general should be dealt with by the specialized bodies of the UN system”, see CFS Plenary morning session, 18 October 2016 (FAO Webcast 2016).

FAO's Right to Food Team participated (and formally still does) in the UNDG Human Rights Mainstreaming Mechanism (since 2013 the UNDG Human Rights Working Group) (Yeshanew 2014, 384). In this collaborative role, FAO has contributed to the drafting of a 2011 UNDG Guidance Note to UN Country Teams, which sets out guidance on a HRBA to food security and nutrition. Due to a lack of sufficient human resources, however, the Team's current participation in inter-agency mechanisms is minimal, according to interviews conducted at FAO.

In conclusion, the record of FAO in mainstreaming the right to food in its operations is mixed. Since the 1990s, some important building blocks have been put in place, dedicated staff are present (although less and less so), human rights principles increasingly permeate FAO activities, and mainstreaming efforts have proven to be successful on a confined scale. While overall progress is palpable, the recent decline of the right to food within the Organization is undeniable. Non-governmental organizations have perceived the danger: although many of them, regrouped within the IPC, refer more frequently to food sovereignty than to the right to food, they do understand the benefits of human rights, which impose requirements of accountability, participation, and non-discrimination that are binding on governments and that, by defining victims of hunger and malnutrition as rights-holders, have the potential of transforming the relationship to governments, as learned during the authors' interviews. The Civil Society Mechanism—established within the CFS to allow civil society to speak with a single, coordinated voice—has taken action and started to advocate for setting up a “Friends of the Right to Food” alliance, including supportive member states.

#### **IV. Mainstreaming the Right to Food in FAO: Between Support and Obstruction**

Given the range of factors that may be conducive or obstructive to human rights mainstreaming in international organizations, the evolution of the right to food's trajectory within FAO reveals that far from showing a steady, unidirectional progress, this troubled path reflects the dynamics of the contentious human rights agenda itself. The period from 1996 until roughly 2010 was particularly propitious for human rights mainstreaming, as there was strong support for the right to food among member states and the FAO leadership; however, the more recent period is one of retrenchment.

##### **A. Member State Donors, Civil Society Support, and Favorable UN Context**

Upon adopting the 2004 Right to Food Guidelines, the FAO Council requested the Secretariat to take adequate follow-up action and to seek additional extra-budgetary resources to do so. A FAO Multidonor Partnership Programme was created to provide funding for the initial five years of the Right to Food Unit's work, as former members recalled, with this strong state support benefiting from the sense of ownership that resulted from two years of intense and successful negotiations on the Right to Food Guidelines. A solid and successful Right to Food Unit was born from this process. Implementation of the right to food was clearly regarded as a priority for FAO by member states that were willing to invest in this line of work (on necessary political will of governments see Coomans 2012). This state support complemented UN system-wide efforts to mainstream human rights following Kofi Annan's call in the late 1990s (UN GA 1997; Oberleitner 2007, 104; Kedzia 2009, 232) and the adoption of a Common Understanding on Human Rights-based Approaches in Development Cooperation and Programming by multiple UN agencies in 2003 (HRBA Portal 2017). Thus, the climate in international politics—especially after the end of the Cold War—was favorable to the rights-based development

agenda and economic, social, and cultural rights were not any longer regarded as a primarily ‘socialist’ project, nor as one of interest particularly to developing countries (Uvin 2004, 38). In fact, the agenda set by the work of Amartya Sen and others, defining development as the expansion of human freedoms and emphasizing the role of human rights in strengthening accountability of governments toward their populations, was one that united both rich (‘donor’) countries and poor (‘beneficiary’) countries – albeit for different reasons (Sen 1981; 1999). To rich countries, human rights-based approaches to development meant that beneficiary governments could not be trusted blindly, and that they should be closely monitored by civil society and social movements; to poorer countries, such approaches, while threatening to introduce conditionalities in development aid, nevertheless transformed aid into a duty of rich countries rather than just a matter of charity. Civil society organizations, such as FIAN International, also played an indispensable role in pushing for a right to food approach in the FAO Secretariat – supporting the Right to Food Guidelines through their advocacy and lobbying (Windfuhr 2005).

## **B. FAO Leadership Support**

At the intra-organizational level, the ownership and support of the then FAO Director-General, Jacques Diouf, created crucial support for the rights-based approach. Sources in FAO stress that although Diouf had not been known as a human rights champion, he “owned” the right to food within FAO. He showed ownership by supporting the Right to Food Unit, as seen for instance in personally launching the Methodological Toolbox, one of the Unit’s major products (FAO 2009). Such action from the FAO leadership sent a signal throughout the organization that right to food was a priority area, fully supported by the hierarchy, which in turn created momentum for others within the Organization to become interested and open to right to food mainstreaming. Diouf was also supportive of the VGGT process and created an atmosphere of trust and freedom of action for the involved senior managers, who were actively paving the road to the VGGT negotiations. Where mainstreaming and realizing human rights will necessarily meet resistance, and the right to food is no exception, support hinges upon dedicated and bold individuals, who can stand up for human rights and justify their operationalization, as various human rights scholars have pointed out (Oestreich 2007, 6–10; Darrow and Arbour 2009; Clarke 2012; Coomans 2012; Vandenhole 2014).

## **C. Retrenchment**

Even as rhetoric on the right to food was maintained, the astounding decline of the right to food within FAO in recent years, epitomized by the withering of the once vibrant Right to Food Team, reflects the extent to which these supportive factors can turn obstructive to human rights mainstreaming.

The member state and donor support for the Right to Food Team has weakened over time, due to a range of factors. The reliance on extra-budgetary funding and time-bound projects has not been translated into a stronger regular budget commitment by FAO. Quite the contrary, the Right to Food Team operated exclusively on volatile project-specific money after 2013, making multi-year planning of activities near impossible. The lack of commitment by FAO senior management also was seen as a signal to member states, diminishing their willingness to invest further in this part of the work of FAO.<sup>8</sup> Other priorities external to FAO’s agenda, such

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<sup>8</sup> For example, Germany, once the largest donor of the Unit, whose bilateral trust fund had been exclusively dedicated to the Right to Food Unit, refocused its FAO investments toward the ‘new’ VGGT process.

as the European ‘refugee crisis’ in recent years, also interfered with the funding of FAO’s work on the right to food, since European states became less willing to provide support. FAO struggles with a constant funding scarcity vis-à-vis its comprehensive and expanding mandate (FAO 2007; Shaw 2009; Liese 2012), which led to the adoption of austerity measures across most of the programs of the Organization.

This waning member state support was at times specific to FAO’s human rights work. The diplomats who negotiated the Right to Food Guidelines, and who developed during 2002–2004 a vested interest in their implementation succeeding, have by now been replaced, with their successors feeling far less ownership over the Guidelines and more inclined to embrace what a FAO staffer called new “cyclical fashions” in FAO and the international development scene at large. Amplifying this retrenchment is the continuing opposition by powerful states to economic, social, and cultural rights—epitomized by the longstanding denial by the United States, FAO’s largest financial contributor, that rights such as the right to food are truly ‘human rights’ (FAO 2005b, statement by the US)—and the overall human rights recession in global affairs, which has recently been coined as a “post-human rights world” (Strangio 2017). Reflective of this waning support, the latest version of the UNDAF guidelines, adopted in January 2017, have no HRBA content anymore, and according to an insider, this means literally the end of HRBA in the UN for the time being. The absence of HRBA ‘believers’ at the highest levels in virtually all UN organizations – including FAO – seems to have definitely taken its toll.

#### **D. Organizational (Silo) Culture**

At the intra-organizational level, multiple institutional factors also contribute to blocking the rights-based agenda from advancing in FAO. FAO’s self-perception and identity as a predominantly “technical agency,” where human rights add an unnecessary additional political layer, still permeates the organization. The reproach that “you can’t eat human rights after all”, while caricatural, is at the same time symptomatic. This staff neglect of human rights often translates into risk-averse “submission” to the will of member states, which have shied away from setting the right to food as a cross-cutting FAO priority. FAO’s organizational culture had already been rebuked in 2007, wherein it was found to be conservative and slow to adapt, with a heavy bureaucracy creating an unhealthy and risk-averse organizational culture and silo-mentality (FAO 2007).

Despite efforts to ‘break down the silos’ within the Organization during the past decade, the fragmentation of the work of FAO into different policy areas remains strong, inhibiting efforts to promote human rights mainstreaming. The Right to Food Team, for example, was located in a division of economists (ESA), a division with a rather distinct mind-set (or “mental silo”) geared toward efficiency rather than empowerment and accountability, and which may have perceived the right to food with indifference at best – at worst, as a threat to their normal way of doing things. Interestingly, the silos in FAO have been described by an insider as not just unintended consequences of how the institution had evolved. To the contrary, they were consciously reinforced by some states so that “they can do their business,” with the targeted earmarking of extra-budgetary funds supporting this trend. Even at the individual level, there are factors that limit the uptake of human rights. For example, up to two-thirds of FAO employees are kept on volatile short-term or consultant contracts to save money. This insecurity in turn increases competition, leading to turf battles between and within teams, and a risk-averse mind-set that does not encourage openness toward new or “contentious” issues such as human rights, especially if those issues are not actively supported by senior management.

Moreover, a culture of evaluation based on the measure of quantitative results (e.g., how many farmers reached, which percentage of yield productivity increases, which acreage of land planted) does not reward field officers or program managers whose priority it is to organize farmers, to build networks of civil society organizations, or to establish mechanisms which, in the name of the right to food, are meant to hold governments accountable. The strengthening of farmers' or civil society organizations and the establishment of such mechanisms may prove key in the long term, and they may be seen as a condition for even short-term efforts to be sustainable (preventing corruption and the misuse of funds), but in the short term, their "results" can hardly be seen, let alone measured quantitatively.

Finally, the organizational leadership in a hierarchical organization such as FAO is of tremendous importance to human rights mainstreaming; yet, the right to food mainstreaming agenda has not been one of the priorities of the current Director-General. Where he has situated existing right to food posts in the newly-created OPC division, these positions have not been filled since 2013, and it seems that the allocated regular budget funds for these right to food posts have been invested in other OPC priorities. An interviewed FAO staff member raised the point that it is never easy to inherit a predecessor's "baby," especially if it is a particularly troublesome one; however, it must be emphasized again that pushing the mainstreaming agenda forward is after all a political task that necessitates dedicated leadership. In the absence of strong support from the top, it is simply too risky and too costly for individuals in the system to advocate for such sweeping change.

## **V. Conclusion: Recommitting Leadership and Rethinking FAO**

The right to food has been less visible in the recent work of FAO, and as a result, the effort to mainstream human rights across the Organization's activities has reached a standstill. Future advocacy efforts can focus, as a matter of priority, on the lack of political will among member states and the lack of explicit human rights support from leadership. The task at hand is to convincingly point at the added value of a rights-based agenda, to demonstrate the *instrumental* value of the right to food approach and how it is able to strengthen the outcomes and impact of results-based management (the prevalent programming paradigm in FAO and other UN agencies). This will require more effort and boldness by those member states that have been right to food champions in the past and opposition to the current dismantling of the system-wide HRBA focus in country programming/UNDAF. To this end, the initiative of the Civil Society Mechanism of the CFS to revitalize and recommit those governments through a "Friends of the Right to Food" alliance could signal the start of such a counter-movement.

With the future of the Right to Food Team in doubt, FAO needs to invest in a full-fledged, systematic right to food mainstreaming strategy, which also promises greater coherence and focus for a complex organization – a powerful tool to overcome fragmentation, disconnect, and destructive "siloization." This would include, for example, integrating the right to food as a cross-cutting theme in the next Strategic Framework, right to food criteria in country programming and project cycle management, and building on successful work that has been carried out and documented by the Right to Food Team in collaboration with other divisions since 2006. Real change can happen in how FAO and other UN agencies are set up and run. The institution is entirely capable of being more than a bureaucratic support office for implementing fragmented food security operations. Yet the FAO remains hesitant to throw its full weight behind specific models of support to agricultural development, and to move beyond certain fledgling rights-based regional initiatives by systematically promoting food as a human

right. Self-evaluation has, in fact, led the FAO to conclude that it must refocus on activities with the highest impacts on food-insecure people; the right to food embodies this approach and can hardwire it into all policy-making.

Treating food as a human right within FAO means adopting a normative and analytical framework that can diagnose and repair broken food systems at every level. This means instituting participatory, inclusive, multi-year political processes (right to food framework laws and national food strategies, for instance) in which the voices of poor and marginalized people are heard, policies are targeted at deficits in the ability of individuals or communities to produce or procure adequate food, responsibilities and actions are defined, and mechanisms are established for citizens to hold governments to account. These elements should be treated as a central component of any food security strategy. As the real masters of the Organization, its member states should ensure that the FAO, as the key institutional player on food security, moves toward including right to food criteria in program and project clearance processes, integrating the procedural requirements across FAO work, monitoring country-level outcomes with rights-based indicators, treating civil society as partners in the planning and implementation of national strategies, and reporting on the state of implementation of the right to food in its annual State of Food and Agriculture.

Far from politicizing the FAO, mainstreaming the right to food would provide the agency with a self-targeting device for ensuring a pro-poor approach across the board, allowing it to meet its core mandate of eradicating hunger and providing a compass for the FAO to filter out policies and approaches unduly influenced by those whose interests in the reinvestment in agriculture are not purely related to tackling hunger and poverty.

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