

Interpreting the CFS Monitoring Terms of Reference

Holding governments accountable to their legal human rights obligations, as well as ensuring that the commitments made and negotiated in international policy fora are implemented, has been a consistent challenge at all levels of government, and is one of the fundamental challenges in governance in many sectors, in particular with regards to the Right to Adequate Food and Nutrition. While we have created and maintained a participatory space for food and nutrition policy making at the international level, a similar space does not exist in most states at national level or regional level, where policy making has a more direct impact on communities, and where policy commitments should be translated into action.

In the last 10 years, international policy making for the right to food and nutrition has seen a remarkable development. With the establishment of the UN Committee on World Food Security (CFS) we have an international body mandated to promote greater policy convergence and coordination with the aim to improve the realization of the right to food and nutrition worldwide. The CFS has adopted valuable policies such as the Global Strategic Framework for Food Security and Nutrition (GSF); the Voluntary Guidelines on the Progressive Realization of the Right to Adequate Food in the context of national food security (VGRtAF); the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT); and the Framework for Action for Food Security and Nutrition in Protracted Crises (FFA) among others. These instruments - elaborated through the participation of social movements and other civil society organizations, have a clear connection with existing human right to food and nutrition (RTFN) standards developed within the United Nations human rights system, which together build a legal framework which should be interpreted systematically in light of the UN Charter and Universal Declaration of Human Rights.

A great deal of the value and legitimacy of the CFS will rest on its ability to monitor accountability, by connecting the local/national level with policies made at the global level. Without monitoring, the CFS risks becoming a space where people gather at great expense to discuss issues but do nothing to enact solutions.

What are the CFS Monitoring Terms of Reference?

The adoption of the [“Terms of Reference to share experiences and good practices in applying CFS decision and recommendations through organizing events at national, regional and global levels”](#) (ToR for monitoring events) during CFS 43 in October 2016, is a crucial first step to start building a CFS innovative monitoring mechanism. The ToR is a document that was agreed upon within the CFS structure and thus with the full and meaningful participation of civil society via the Civil Society Mechanism (CSM) working group on Monitoring. This document is the first step toward developing a CFS innovative mechanism for monitoring, and should be used and implemented at national and regional levels.

This mechanism should not just be an additional work load to state authorities and civil society, but have a benefit in supporting the identification of adequate practices, which could be replicated, as well as of challenges and gaps in policy making and implementation, which could guide the adoption of needed corrective measures at national, regional and international level.

This note intends to provide guidance about how to use the ToR to organize national and regional monitoring events, based on the full and meaningful participation of those most affected by violations of RTFN.

With the unique role of the CFS as “the foremost inclusive international and intergovernmental platform, for a broad range of committed actors to work together in a coordinated manner and in support of country-led processes towards the elimination of hunger and the realization of the right to adequate food”¹ the CFS-related monitoring events at national and regional levels are a unique opportunity. **They create a national or regional space where various existing actors involved in monitoring related to food security and nutrition converge and dialogue, creating synergies for more accountability and better implementation.** Actors involved would include, for instance, national entities and platforms monitoring food security and nutrition, national human rights institutions, academia, CSO platforms reporting to human rights treaty bodies and the Human Rights Council, OHCHR actors monitoring the implementation of treaty bodies` recommendations, etc.

The objectives and results of the events are to:

- Foster and scale up good experiences,
- Monitor progress and CFS policy effectiveness and implementation at all levels,
- Increase awareness and knowledge about CFS products and how to utilize and implement them.

Emerging from the Global Strategic Framework for Food Security and Nutrition (GSF), the CFS has agreed to follow its monitoring principles in the monitoring events at national, regional and global levels:

- -Be **human-rights based**, with particular reference to the progressive realization of the right to adequate food;
- Make it possible for decision-makers to be **accountable**;
- Be **participatory** and include assessments that involve all stakeholders and beneficiaries, including the most vulnerable;
- Be simple, yet comprehensive, accurate, timely and understandable to all, with indicators disaggregated by sex, age, region, etc., that **capture impact, process and expected outcomes**;
- Not duplicate existing systems, but rather **build upon and strengthen national** statistical and analytical capacities.

Organizing this type of monitoring events can increase national/regional monitoring capacities by:

- Improving the coordination between responsible government agencies, at various levels, tasked with monitoring issues related to food security and nutrition, the right to food and nutrition and related human rights;
- Bringing into a dialogue existing agents of monitoring such as those of the technical governmental agencies, the national human rights institutions, civil society organizations, academia, inter alia;
- Ensuring that the groups most affected by food insecurity and malnutrition – who should be the main recipients of policies - as well as organizations of small-scale food producers are able to present their own independent assessments;
- Relating national and regional findings to further CFS policy developments and recommendations. This takes into account how CFS policies and recommendations constitute international agreements to improve food security nutrition and the realization of the right to food and nutrition, and can provide benchmarks for assessment at national level.

¹ CFS Reform Document, paragraph 4, 2009, available at:

http://www.fao.org/fileadmin/templates/cfs/Docs0910/ReformDoc/CFS_2009_2_Rev_2_E_K7197.pdf

How to interpret the ToR?

CSOs can play an active role in promoting the organization of a CFS monitoring event at national or regional level, and they can lobby their governments in order to persuade them to officially organize such monitoring events. Where governments are not yet ready to undertake such an endeavor, CSOs can organize their own monitoring event to show governments what a CFS national monitoring event could look like, and provide a platform for other actors to promote accountability.

In addition to the relevant FAO Right to Food team/specialists, it would always be recommended to involve National Human Rights Institutions, the Office of the High Commissioner for Human Rights.

Based on the CFS' ToR for monitoring events, you will find below some points explaining what to take into account when promoting the organization of CFS monitoring events which bring together the needed audience to have a meaningful and critical exchange on national food and nutrition security policy coherence.

*Monitoring events should be **country led**, and focus on evaluating **national policy coherence***

The first step should be to **take stock** of which mechanisms and institutions exist at national and subnational level that have a role in food and nutrition security policy making to identify strategic entry points for civil society where participation can be strengthened, or where reforms need to take place.

The following aspects should be taken into account when preparing the events:

- Where relevant, events should be organized via the coordination of existing multi-sectoral or multi-actor platform discussing issues of food security and nutrition at national level
- Identify which ministry or department of the national government participates in CFS and/or which parts of the national government are responsible for the national implementation of food security and nutrition policies, as well as the data collection around progress and monitoring. This could be, for example, the ministry of agriculture, ministry of public health, etc. or in some cases the national development agencies, as well as the national statistics or information units.
- Identify whether national human rights institutions and eventually courts are monitoring (or have ruled on) issues related to the right to food and nutrition such as issues related to natural resources, to labor rights, to social security, to discrimination, etc.
- Follow up on the concluding observations to your country issued by international human rights treaty bodies related to the right to food and nutrition, by the Human Rights Council as result of the UPR or by the Special Rapporteur on the Right to Food and Nutrition.
- Identify the **national SDG strategy**, and how they intend to monitor progress; national level monitoring events can be used to support SDG commitments to monitor progress on many of the goals reducing hunger and malnutrition, and should be mutually reinforcing to the ongoing monitoring implications of the SDGs.

- Identify specific laws and policies and monitoring mechanisms referring to access to resources, food, health and nutrition with regard to women, LGTBI, Indigenous peoples, ethnic groups, peasants (fisherfolks, pastoralists, landless, rural workers, etc.), children, elderly and/or other specific marginalized groups. These institutions and regulations are important to understand discriminatory situations, identify good practices of affirmative measures and/or adopting corrective measures in the specific country.

*Monitoring events should be **inclusive**: unpacking “multistakeholder” spaces*

All actors concerned with food security and nutrition should be included in the event. It is also an opportunity to put forward the most relevant actors working on and in food systems that can support the realization of RTFN and food sovereignty. **"Inclusion" should be differentiated from "multi-stakeholder"**. Different actors are affected by food system dynamics in very different ways: for some, it is a matter of life and death, but for others it is a business or a way to advance a career. **Power differentials between actors must be recognized and addressed in a differentiated manner, if the goal is truly to realize the right to food and nutrition for all.**

The existence of dialogue spaces or platforms (including multi-actor platforms) alone does not automatically generate an inclusive, equitable, transparent and accountable process, nor does it automatically produce outcomes geared towards human rights-based monitoring. The rise of “multi-stakeholder platforms” in the context of food security and nutrition and the implementation of the Sustainable Development Goals (SDGs) brings about risks, including the confusion of the roles of states, intergovernmental organizations (IGO), civil society and the private sector. For example, the generalization of **corporations and private investors, on the one hand, and communities and the social movements, which represent them, on the other, as “stakeholders” that negotiate on equal terms on issues related to the right to food and nutrition is unfounded and will generate injustice.** It also ignores the power and resource asymmetries that exist between the groups.²

The basis of genuine inclusion is the human rights framework, because human rights are inalienable and put priority on those whose human rights are at risk or violated.

States have the special obligation of being "duty-bearers" with regard to human rights, with the obligation to respect, protect and fulfill the right to food and nutrition. Decision-making must be reserved for States alone, since they are mandated by the people to comply with these obligations and can be made accountable by the people for their non-compliance. At the same time, in compliance of their obligation to protect, states should adopt all needed measures to impede that third parties impair the enjoyment of human rights by others, also when legislating or defining and implementing policies.

The CFS approach to "inclusivity" has many advantages, specifically it allows for a space where those who are most affected by hunger and malnutrition can self-organize. These persons and communities,

² For more discussion on this issue, see: *Synthesis Report on Civil Society Experiences Regarding Use and Implementation of the Tenure Guidelines and the Challenge of Monitoring CFS Decisions*, coordinated by the CSM Working Group on Monitoring, September 2016, available at: http://www.csm4cfs.org/wp-content/uploads/2016/09/CSM-Monitoring-Report-VGGT-final1_EN-1.pdf

not NGOs, foundations or others that attempt to speak on their behalf, must be "at the table" and participate in every stage of policy-making and evaluation, up to the final decisions on policy.

Who can participate in the national and regional monitoring events?:

- **Civil society organizations representing those most affected by food insecurity and hunger**, most important examples are :
 - Small-scale food producers at national and/or local level (peasants, fisherfolk, pastoralists, agriculture and food workers)
 - Consumer organizations, urban inhabitants, health, alternative economy, and different modes of food distribution and sharing
 - NGOs and other organizations that provide political or technical support to social movements on the right to food and nutrition and related issues

Civil society has a right to **organize autonomously** and this must be respected³. This includes, for example, defining an interface mechanism with the government to select CSO participants, discuss the agenda and format of the event, as well as the reporting format. **Respecting the principle of autonomy means that the government cannot unilaterally impose who will speak or participate on behalf of civil society in the event.**

- **Government** (and government bodies not linked to private interests or are in a situation of conflicts of interests):
 - National level ministries across relevant sectors
 - Sub-national governments (i.e. territorial, regional, city or town)
 - Institutions monitoring food security and nutrition, RTFN, food sovereignty, statistics offices
 - Inter-ministerial platforms or councils working on food security and or food sovereignty and/or RTFN
 - Regional or local platforms working on food security and or food sovereignty and/or RTFN
- **Controlling bodies**
 - National human rights institutions
 - Public attorneys working on land, food and nutrition related issues or cases
- **Legislative branch**
 - Parliamentarian commissions or working groups specifically focused on food security, RTFN or/and food sovereignty
 - Parliamentarians individually engaged with food security, RTFN and/or food sovereignty and their advisors
- **Judicial branch**
 - Justices of constitutional courts (Especially those who have been involved in decisions setting precedents of RTFN and/or food security and food sovereignty, in

³ See section E. "Consultation/coordination mechanisms and activities", paragraph 16 in the CFS Reform Document, available at: http://www.fao.org/fileadmin/templates/cfs/Docs0910/ReformDoc/CFS_2009_2_Rev_2_E_K7197.pdf

- general or regarding specific groups (peasants, fisherfolks, pastoralists, women, children, etc.)
- Judges from tribunals dedicated to issues specifically related to RTFN, as for example those working at agrarian, social, youth and family etc., jurisdictions, according to the specific national context.
- **Academia**
 - Specialists in RTFN and international food policy
 - Researchers providing support to social movement priorities at the national level (i.e. agroecology, land policy, governance, health and nutrition, etc.)
 - Law clinics supporting the justiciability of RTFN
- **Lawyers and advocates**
 - Lawyers supporting social movements and other groups affected by violations of the RTFN
 - Paralegals active in the defense of the RTFN
- **Local business, or the “small scale private sector”**
 - Small and medium size enterprises (food retail, processing, etc.)
 - Alternative economy/social economy distribution systems
 - Cooperatives

*Monitoring events should ensure **active participation***

The CFS monitoring events should be participatory and ensure an adequate and active participation of the groups of people most affected by hunger and food insecurity, including inter alia the organizations representing small-scale food producers and rural workers, women and men. The participatory principle should apply to all stages of organizing these events including agenda setting, format, participatory methodologies, conducting and running the event itself, reporting and follow up.

*Monitoring events should capture both **qualitative and quantitative aspects of progress***

There are different approaches to monitoring. For governmental and international institutions, monitoring activities are often focused on **measuring performance of actors in achieving results in accordance with stated goals or plans**. This approach is based on a cause-effect-logic which focuses on results measured often in a quantitative manner. This is the approach followed in SDGs monitoring.

Other actors use **human rights monitoring**. This focuses on assessing whether state parties to the human rights treaties are implementing their human rights obligations, both territorially and extraterritorially, or, in the case of the UPR or the work of Special Procedures, if states that are members of the Human Rights Council are implementing the human rights bill, independently of the ratification of specific treaties. These assessments are mainly qualitative and are based on the standards developed by the monitoring bodies of the human rights treaties and other mechanisms such as the Special Procedures of the Human Rights Council. Human Rights monitoring also takes into account event-based information (paradigmatic or systematic cases of violations or threatens) and has clear disaggregation of data, which allows identifying patterns of discrimination. Furthermore, in human rights monitoring, comparison of compliance takes

place periodically, allowing determining if States are complying with their general obligation of progressive realization.

Human rights monitoring is the approach that many CSOs reporting to the UN Committee on Economic, Social and Cultural Rights on the situation of the right to food and nutrition in their countries are following. The approach of sharing best practices is weaker than the other two since it does not posit clear criteria to select best practices, and the experiences that each actor selects as her/his best practices are shared without any form of measurement. While such sharing can be useful for other purposes, its value for demonstrating compliance with agreements is limited. Furthermore, since bad practices are not addressed, this approach does not contribute to identify regulatory gaps or need for corrective measures.

The ToR for monitoring events explicitly highlight that the monitoring principles of the GSF (see section above) will be followed. This means that CFS monitoring events **should take into account the human rights approach to monitoring as well as the diversity of monitoring approaches**. Monitoring events should therefore aim at bringing various monitoring approaches into a conversation instead of trying to adopt only one of them.

A **plurality of monitoring approaches** then should inform the agenda and design of the monitoring events. Grassroots groups and social movements, for instance, have a natural ability to monitor the actual situation on the ground because they can give direct evidence of the shortcomings and problems that interfere with or prevent the realization of its members' right to food and nutrition or refer to specific cases they experience. CFS monitoring events should give space to present this direct evidence in form of testimonies, for example. Following up on relevant recommendations issued by [UN human rights treaty bodies](#), UPR and special procedures should be possible as well.

What to prepare?

In addition to stimulating a process at the national level, it is critical that civil society prepare themselves to participate and present a more accurate picture of hunger and malnutrition, the root causes of these issues, and policy coherence. With this in mind, social movements and CSOs are called upon to develop and carry out their own independent monitoring of national policies and laws as well as of commitments that their governments have made in international policy making such as CFS decisions and frameworks. They can:

- ❖ Prepare their own, independent reports
- ❖ Prepare own data and analysis of hunger and malnutrition at country or community level utilizing the [Peoples' Monitoring](#) resources,
- ❖ To document and share specific cases of RTFN violations, communities can utilize case documentation and the [Food Insecurity Experience Scale](#) (FIES) tool where possible
- ❖ Seek and promote synergies among human rights bodies at national and regional level. The reports to CFS can be based on reports already submitted to the treaty bodies, but in a compiled manner and can include improvements using CFS frameworks as baseline. The reports to the CFS could use the concluding observations and recommendations of the treaty bodies and Human Rights Council (UPR and Special Procedures) to enrich information submitted to the CFS.

For help or assistance, please let us know by contacting csm.rtf@gmail.com and mattheisen@fian.org

ANNEX: Other Tools, Instruments and References:

➤ [Peoples' Monitoring](#)

The Peoples' Monitoring, hosted by the Global Network for the Right to Food and Nutrition is an important source of relevant information to support monitoring and accountability, to examine the primary barriers to food sovereignty and root causes of hunger and malnutrition. While other initiatives have built tools for states to monitor achievement of the right to food and nutrition, this new initiative recognizes that food sovereignty is the only pathway to achieving these rights. It therefore assesses the conditions necessary for food sovereignty, including the legal and institutional framework for right to food and nutrition, women's rights, small-scale producers' access to and control over resources, genuine political participation in policy making, and absence of discrimination in enacting food policies and programs. All of these issues overlap and intersect, but have yet to be fully included in the mainstream analysis, and thus solutions posed to eliminate hunger and malnutrition. The information hosted on this site can serve as a key information resource for CSO to easily find the data, information and past decision and commitments of the national government at international, regional and national level.

What can you find on the peoples' monitoring site?

-**concluding observations** and **parallel reports** for Human Rights Council Sessions and special procedures including:

- Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on the Elimination of Discrimination of Women in All its Forms (CEDAW)
- Universal Periodic Review (UPR).

Recommendations of special procedures after country visits, including of the Special Rapporteur on the Right to Food, but also other mandates which could be relevant for the specific national context, including for example on Indigenous peoples, right to housing, right to water and sanitation, etc.

- information on the **legal framework for the Right to Food and Nutrition** at the national level
- Information on judicial decisions on RTFN and their implementation.
- Reports from National Human Rights Institutions working on the Right to Food and Nutrition

-collection of data and statistics from national and international sources on the various dimensions and root causes of hunger and malnutrition

➤ [Global Strategic Framework:](#)

The Global Strategic Framework for Food Security and Nutrition (GSF) should be the primary global reference for coordination and coherence in decisions making on food, nutrition and agricultural issues- offering the framework in which policies should be implemented and outlines the various policy recommendations of the CFS. This document is under-utilized by member states, but represents an important tool in ensuing policy coherence:

In 2013, CSOs came together to create a [manual](#) on how to use the GSF, which includes a policy coherence check (P33).

➤ [Right to Food Guidelines](#)

In November 2004, the Food and Agriculture Organization of the United Nations (FAO) adopted the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (RtAF Guidelines). Initiated by civil society, negotiated in a collaborative process, and unanimously adopted by all FAO member states, the RtAF Guidelines represented great potential towards a greater consensus and clear indicators on how to operationalize human right to adequate food and nutrition.

➤ [Screen State Action Against Hunger: How to use the Voluntary Guidelines on the Right to Food to monitor public policies?](#)

➤ [Tenure Guidelines](#)

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, or the Tenure Guidelines, were endorsed in 2012, and were the springboard for the reform of the CFS. The Tenure Guidelines were developed in an inclusive and participatory process, which lasted more than 3 years, and are the first international instrument which applies an ESC-Rights based approach to the governance of land, fisheries, and forests.

[Popular Manual:](#)

The People's Manual is a pedagogical and didactic document, collectively created by the [IPC working group on land and territories](#), that provides a practical approach of how to use the Tenure Guidelines. The Manual gives advice on mechanisms, strategies and actions that can be adopted to generate dialogue, defend human rights and ensure social justice in the processes, institutions and activities of governance of natural resources.

[Monitoring Resource:](#)

This publication and tool serves to strengthen resistance movements, and reinforce and broaden the scope of national and international legal frameworks that recognize, respect, protect and guarantee the rights to land and other natural resources of marginalized social groups, and linking to the provisions found within the Tenure Guidelines.

➤ [The Maastricht Principles on the Extraterritorial Obligations of States \(ETOs\)](#)

The publication entitled "the Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social and Cultural rights ", published by the ETO Consortium can support an understanding of how to understand and utilize ETOs in advocacy for the RTFN. It is especially useful to identify national policies affecting the RTFN in other countries and worldwide, and in many cases corrective measures are not possible just from the national approach but require joint action of states.