

ROSA Focus

This Month's Highlight: Food security and the right to adequate food

Standards for human rights (including economic and social rights) standards are becoming more clearly defined both internationally and nationally. The right to adequate food has been recognised in the International Covenant on Economic, Social and Cultural Rights (1966). It has been further defined by the Committee on Economic, Social and Cultural Rights (CESCR) in 1999. With the adoption of the Voluntary Guidelines in 2004, FAO Member States committed to support the progressive realisation of this right, including consideration of State obligations. These directives are intended to provide practical guidance for the implementation of the right to food in the context of national food security. To date, however, few countries have taken legislative measures regarding the right to food beyond constitutional provisions. These are important first steps but the actual respect, protection and fulfilment of this right remain limited¹. However, there are some signs of progress in terms of laws, institutions and public awareness that contribute to a better understanding of this right and the strengthening of judicial and other mechanisms.

This article raises questions about the convergence of approaches for food security and the right to food. It introduces key concepts and provides an analysis of the content, limitations and application of the right to adequate food at the national level.

Food security, food sovereignty and right to food: Parallel or complementary approaches?

There are clear interactions between these three approaches even though they may reflect different views and practices. To better understand the actual convergence and conflict between food security, food sovereignty and right to food, a brief definition of each term is required and presented in box No. 1.

¹ There have been very few instances in which national courts have adjudicated on the basis of provisions related to food rights (FAO, 2006).

Box No. 1: The right to food, food security and food sovereignty – Key concepts

The right to food (as interpreted in the General Comment No. 12 of the CESCR)

The right to adequate food is realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The right to food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realised progressively. However, States have a core obligation to take the necessary action to mitigate and alleviate hunger as provided for in paragraph 2 of article 11, even in times of natural or other disasters.

Food security (as defined by the 1996 World Food Summit)

Food security exists when all people, at all times, have physical, social and economic access to sufficient safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. This definition is built around four dimensions: i) availability of food at regional and national levels; ii) access to food by households; iii) food use and nutritional adequacy at individual level; and iv) stability of availability and access at all times.

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Food sovereignty (as defined in the Nyéléni declaration of February 2007)

The concept of food sovereignty was first launched by *Via Campesina*, an international farmers' movement, at the 1996 World Food Summit in Rome. Food sovereignty is the right of peoples to produce healthy and culturally appropriate food through ecologically sound and sustainable methods and their right to define their own food and agriculture systems.

Whereas the right to adequate food was introduced in 1966, and then further developed in 1999, food sovereignty was launched in recent times, introduced at the World Food Summit in 1996. Both place a **strong emphasis on rights**. Food sovereignty places priority on food production for domestic and local markets, based on peasant- and family farm-based production systems. It includes the aspect of equitable access and control over productive resources. The right to food approach clarifies the responsibilities of governments in its realisation. States, as the primary duty bearers², are called upon to create a legal, institutional and policy environment that enables all people (right-holders) to feed themselves, either by producing food or by earning a living³.

In recent years, the concepts of food security and the right to food started to converge. There is now a broad agreement on the fact that these approaches are not contradictory or conflicting concepts. They can be **complementary and mutually reinforcing**. But there are still important challenges involved in bringing them together at both analytical and operational levels⁴.

The food security and the right to food approaches are built around considerations of food availability, access, stability and utilization. Therefore, they are **multidimensional issues** and call for **cross-sectoral approaches**. The right to food could strengthen food security initiatives by adding obligations, accountability, recourse, non-discrimination and the rule of law. In order to ensure effective cross-linkage between the right to food and food security, it may be useful to embed the right to food in **food security policy and strategies at national level**. Nevertheless, the human rights based approach requires that governments establish functioning institutions where citizens can claim for compensation when their right to food is not respected.

² Human rights obligations can also attach to private individuals, international organisations and other non-State actors. However, States can not abrogate its duty to set in place and enforce an appropriate regulatory environment for private sector activities and responsibilities (UN, 2006).

³ FAO-GTZ, Right to food. Putting into practice, 2005.

⁴ Global Forum on Food Security and Nutrition, Food security and human right to food. Going on parallel tracks or converging?, 2009

The right to food: Interpretation, limitations and application at the national level

States obligations towards the realisation of the right to food

Governments have three types or levels of obligations in relation to the realisation of the right to adequate food, like any other human right: the **obligation to respect, to protect and to fulfil**.

Box No. 2: State obligations

The obligation to *respect* requires ensuring no public policy, law or action interferes with people's enjoyment of this right. The obligation to *protect* means enforcing laws and public policy to prevent third parties, individuals or corporations, from depriving individuals of their access to adequate food. The obligation to *fulfil (facilitate)* means the State must proactively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security.

Recognising that governments may not have the means to realize economic, social and cultural rights immediately, the International Covenant, relies on the concept of "progressive realisation". This creates both immediate and ongoing obligations on governments to provide a legal and institutional framework that enables all people under their jurisdiction to enjoy their rights. However, there is a two-fold dimension of this right, which includes the fundamental right to be free from hunger, a right that establishes a minimum threshold: this survival threshold has to be fulfilled for everybody, at any time and immediately, not progressively. It includes the design and implementation of programmes that target vulnerable groups who may need assistance in realizing their rights⁵. The provision of social protection is one way of fulfilling the right to adequate food. It should comprise a wide array of programmes accessible to all, including social safety nets⁶.

Recognition at the national level

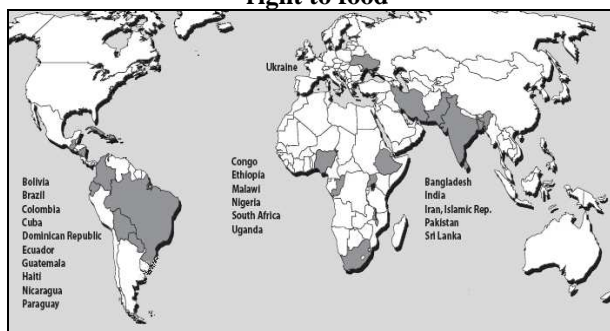
One of the measures advocated by the CESCR is the **recognition of the right to food** at the national level through the incorporation of this right in the constitutions or national legislation. According to a FAO survey conducted in 2003, only 22 countries have enshrined the right to food in their constitutions (see figure No. 1). Nevertheless, the majority of countries reviewed recognises and protects the right to food to some extent⁷.

⁵ IATP, Bridging the divide: a human rights vision for global food trade, November 2008.

⁶ FAO, The right to food guidelines, 2006.

⁷ For instance, there are some constitutions where the right to food as such is not mentioned, and references are made only to the obligation of the State to ensure an adequate standard of living or level of nutrition of population.

Figure No. 1: Constitutional provisions on the right to food



The justiciability of the right to food⁸

There is little jurisprudence available specifically on the right to food although a growing body of case law exists for various other economic, social and cultural rights⁹. For instance, the South African constitution (1994) is very progressive; the justiciability of the social, economic and cultural rights is clearly recognised. The Constitution also established a Human Rights Commission, with the mandate to monitor the implementation of the right to food. In India, the constitution recognises the right to life, and contains a specific provisions related to food. In 2001, the Supreme Court has formally recognised the right to food and has ordered the central and State governments to take measures to improve the situation in regions affected by drought¹⁰.

In Latin America, very few cases involving violation of this right have come to court¹¹. In fact, there are only 6 documented cases of the use of the right to food as a juridical argument that have been successfully tried. Some of these cases use the right to food obliquely rather than as a central theme of the legal argument. Much more strategic litigation is required for jurisprudence to be created.

Incorporating the right to food in food security policies and strategies

The CESCR, through the General Comment No. 12, also recommended “the **adoption of a national strategy to ensure food and nutrition security**, based on human rights principles”. Latin America is currently the most advanced region through the promulgation of nutrition and food

security laws. Currently, there are 5 food security laws (Argentina, Brazil, Ecuador, Guatemala and Venezuela) and 10 food security drafts currently passing through parliaments (Haiti, Dominican Republic, Mexico, Panama, Honduras, Costa Rica, Nicaragua, Paraguay, Peru and Bolivia). All the laws incorporate a **reference to the right to food**, as a legal principle guiding the nature of the law. However, divergences exist in the definitions adopted, since use is rarely made of the definitions of food security, the right to food and food sovereignty adopted in international treaties and the documents signed by the countries themselves.

Furthermore, all the laws create a national system of food security, designed to **coordinate the actions of various ministries**. In the Brazilian case, the National Food Security Council is a consultative entity, while in Guatemala and Ecuador the body can make binding decisions.

Some laws (Guatemala and Ecuador) expressly mention mechanisms for **monitoring and analysing food security**; however, none of them incorporates preventative activities or immediate reparation in the case of violations of the right to food.

Beyond the legislation

Legal and constitutional recognition of the right to food is important but not sufficient to ensure its implementation. Other elements need to be in place, including good governance, accountability, and people’s participation. This requires regular monitoring by government agencies and other entities to improve and/or adjust policy implementation and the existence of administrative recourse mechanisms (e.g. complaint mechanisms through an administrative channel).

Civil society organisations from many countries are playing a notable role by amply disseminating the foundations of this right, producing national reports on the advances in the countries of the region and taking the first cases of denunciations to the courts.

In conclusion, the right to adequate food needs greater recognition and the strengthening of mechanisms (judicial and non-judicial) to ensure its full realization. The right to food and food security approaches can be complementary to each other. But convergences, especially at the operational level, remain largely unexplored.

This article was written with the collaboration of Jose Luis Vivero, Food Security Officer in the Hunger Free Latin America and the Caribbean Initiative (FAO Regional Office).

For more information:

FAO, The right to food guidelines. Information paper and case studies, 2006

Jose Luis Vivero, The right to food in Latin America. Promising achievements and challenging prospects, March 2009

⁸ The Universal Declaration of Human Rights calls for judicial remedies (an effective remedy by the competent national tribunals). In a broader sense, justiciability could be understood as having access to an “effective remedy” of a legislative, administrative or judicial nature. This is the concept of effective remedy under the International Covenant on Civil and Political Rights (Article 2.3).

⁹ FAO, 2006.

¹⁰ The People’s Union for Civil Liberties submitted a petition in the Supreme Court in 2001, demanding the immediate utilisation of the country’s food stocks for drought relief and prevention of hunger.

¹¹ For more information, visit <http://www.escr-net.org/caselaw/caselaw.htm> for a database of right to food cases.

Current food security situation

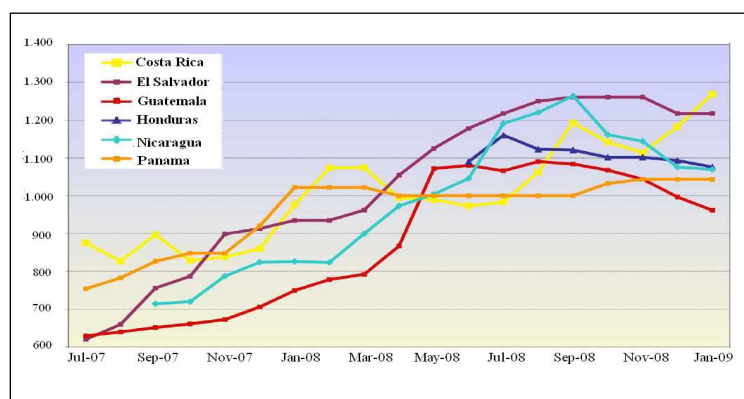
Regional overview Central America

Financial turmoil and high food prices

The global financial crisis and the rise in commodity prices have had a profound impact on the region, which is a net importer of both energy and food and, an exporter mainly to the United States. It has affected the region's growth in exports, imports, remittances¹², foreign direct investment (FDI) and other sectors (in particular tourism). Furthermore, food and oil prices have increased inflationary pressure. In 2008, the price of the basic food basket rose by 70% in Nicaragua, 35% in Costa Rica and around 30% in Guatemala.

The price of food has begun to drop in recent months, but still remains above 2007 levels. Prices of maize and rice remain at high levels. In most of the countries (except El Salvador), the wholesale price of white maize in January this year was between one-quarter and one-third higher than at the same time last year. With the exception of Guatemala and Honduras, prices of mostly imported rice continued a general upward trend at the beginning of this year. The wholesale price of rice was around 30% higher than a year ago (see Graph No. 1).

Graph No. 1: Wholesale price of rice (in US dollars per metric ton)



Source: SICA-CA (Central American Integration System- Agricultural Council)

Health and nutrition risks of the Central American population

These factors encourage and increase the food and nutritional vulnerability of this region. They further affect the limited purchasing power and food consumption, especially for groups living in poverty. According to a recent field analysis, it is estimated that among the poorest families, food consumption has decreased by up to 26% in Nicaragua, between 9 and 13% in El Salvador, 8% in Honduras and 6% in Guatemala. The **reduction in both the quality and quantity** of their nutritional intake contributes to creating a major risk of undernutrition. A recent analysis in El Salvador shows that 87% of poor households have reduced both the quality and quantity of their diet¹³.

Furthermore, the substitution of staple foods with food of lower nutritional content could contribute to the **rapid escalation of obesity and chronic diseases**. In fact, most of the countries in Central and Latin America are in a paradoxical situation, as the effects of both extremes of poor nutrition (obesity and undernutrition) are present simultaneously.

The risk in terms of health and nutrition is estimated to be greater in urban populations, but is also significant in rural populations who do not have access to credit and means of production, limiting their capacity to feed themselves and to produce food for others¹⁴.

¹² Remittances play an important role in the economies of Central America. From 2005 to 2008 remittance growth was stable, but 2008 saw a decrease in the trend of double digit growth, with a percentage increase of only 1.5%. The reduction in remittances will have a negative impact, as people devote a growing share of remittance income to cover daily expenses (even before the crisis,

some 60% of remittances went to consumption rather than investment or savings).

¹³ WFP, Prices, markets and food and nutritional security, Executive Brief: Central America, 2008.

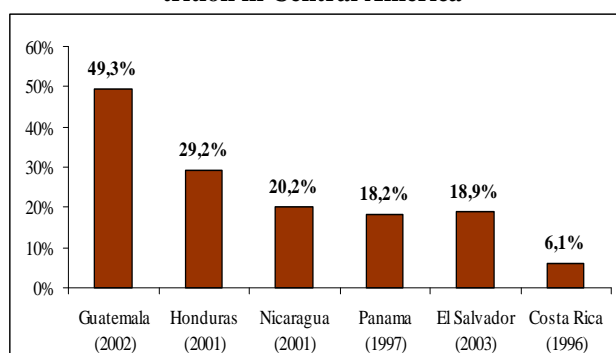
¹⁴ INCAP, Strategic guidelines and plan of action to confront the food price crisis in Central America and the Dominican Republic, 2008.

A high prevalence of child chronic malnutrition

Central America is one of the regions with the highest prevalence of chronic undernutrition in children under 5. Stunting rates range from 6.1% in Costa Rica to 49.3% in Guatemala (see Graph No. 2). The most precarious situation is in Guatemala, Honduras and Nicaragua.

The chronic nutrition problems have, until recently, been somewhat neglected. In certain countries, there has only been a slight improvement in reducing malnutrition in the region for over a decade. Furthermore, important urban/rural and indigenous/non indigenous differentials still exist for stunted and underweight children¹⁵.

Graph No. 2: Prevalence of chronic undernutrition in Central America



Source: FAO

Box No. 1: Community-based nutrition interventions

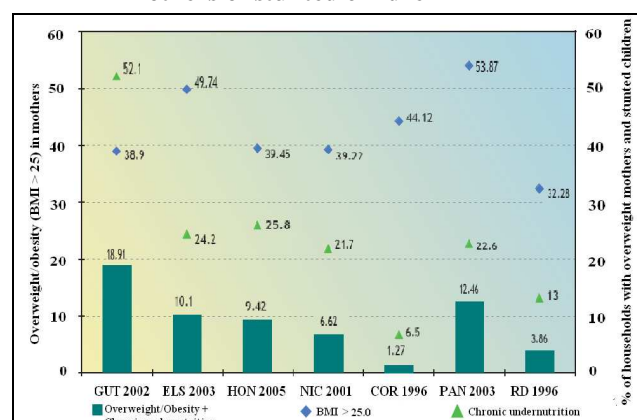
Honduras, El Salvador, Guatemala and Nicaragua are implementing programmes that include specific strategies to prevent chronic malnutrition as a social protection intervention. These programmes, first implemented in Honduras, build on community-based growth promotion interventions, also known as AIN-C (*Atención Integral a la Niñez Comunitaria*). The programmes have demonstrated positive impacts on mothers' knowledge and behavioral practices related to child nutrition, child rearing, and family demand for health care, as well as on child nutritional status. The innovative strategy of the AIN-C focuses on preventing mild and moderate malnutrition to ensure a greater impact on child survival, rather than concentrating solely on the treatment of severe malnutrition among children.

Source: World Bank

The double burden of malnutrition: The persistence of undernutrition, along with a rapid rise in overweight

The problem of child chronic undernutrition coexists with another common form of malnutrition - overweight and obesity, which has a high prevalence in many Central American countries. According to the latest available data, the prevalence of overweight (BMI >25) and obesity is 40.7% among women of childbearing age. Stunting among children was found to coexist with overweight and obese mothers in 10% of households (regional average). The country with the greatest proportion of households in this situation is Guatemala (18.9%), as shown in Graph No. 3.

Graph No. 3: Overweight and obesity among mothers of stunted children



Source: INCAP (Instituto de Nutrición de Centroamérica y Panamá)

In Central America, the increased prevalence of chronic diseases associated with dietary changes is already affecting health systems still coping with malnutrition and infectious diseases. The quality of the diet, in addition to the quantity of food available, must become a high priority subject in the region's public nutrition programmes. There is consequently a need to track indicators related to overweight and obesity and take account of them in assessing the impacts of current high food prices.

This article was written with the contribution of Patricia Palma, Mireya Palmieri and Hernán Delgado (PRESANCA – Regional Programme for the Food and Nutritional Security in Central America).

For more information:

PRESANCA/INCAP, Información de Coyuntura sobre el alza del precio de los alimentos, Bulletin No. 3, September – October 2008 and Bulletin No. 4, December 2008 – January 2009. www.sica.int/presanca

¹⁵ World Bank, Overview Central America, 2008.

International news

Regional meeting on the food and nutrition situation in the Sahel and West Africa

A regional consultation organised by the CILSS (Permanent Interstate Committee on Drought Control in the Sahel) on the food and nutrition situation in the Sahel and West Africa was held in Cotonou, Benin, from 11th to 13th March 2009.

Concerning the variation in food prices, it was noted that on all markets, prices are 15 to 35% higher than last year, which is a considerable increase. In some countries, current prices are higher than the average over the last five years. The progression depends on the products and areas. The following are some of the factors that affect prices: i) the rebuilding of safety stocks; ii) the cost of transporting and processing products; iii) the time lag in the impact of the increase in imported rice prices; iv) poor urban populations turning to local cereals; and v) producer price incentive policies.

Furthermore, the meeting highlighted several key points of the current situation:

- the paradox represented by the simultaneous rise in prices and agricultural production;
- the need to take account of the worrying nutrition situation in the north of the non-CILSS member coastal states;
- the need to analyse the impact on food security of the decline of some cash crops;
- the need for a better understanding of trends in food consumption; the extent to which people are turning to local cereals with the increased price of imported rice and the destination of surplus tubers produced by non-CILSS coastal states.

Source: CILSS Executive Secretariat

The WFP launches its first food voucher programme in Burkina Faso

In February this year, the World Food Programme (WFP) introduced its first food voucher programme in Africa. This new programme initially targets 120 000 people highly affected by the soaring food prices in Ouagadougou, Burkina Faso. The price of millet and sorghum is still high, having risen by over 25% in the past year.

The vouchers worth 1 500 CFA can be used in shops that have signed a contract with the WFP. In exchange for the voucher, people will receive maize, cooking oil, sugar, salt and soap. Each family will receive up to six vouchers per month for six months. A local microcredit company, Microfi, is in charge of paying the shopkeepers.

The NGOs Catholic Relief Services and the national Red Cross played a key role in identifying vulnerable people, based on studies carried out in urban areas with the technical backing of the IRD (Institute of Research for Development).

This bulletin was written by the GRET team in charge of animating ROSA (Operational Food Security Network). It is an initiative of AIDCO E6 (thematic support for food security, rural development and environment) in collaboration with AIDCO G4 (Training and Knowledge Management). The viewpoints expressed do not in any case represent the official European Commission viewpoint.