Statement by Olivier De Schutter
SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD

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Community of Portuguese Speaking Countries

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Excellencies,
Ladies and Gentleman,

First, I warmly thank the Government of Mozambique for the kind invitation to attend the Summit of Heads of State and Government of the Community of Portuguese Speaking Countries. I am honoured by the invitation, and I regret that I am unable to attend in person, as I am currently on an official visit to Cameroon, but I am pleased that this statement could be read out on my behalf.

I welcome the launch of the Food Security and Nutrition Strategy from the Community of Portuguese Speaking Countries (CPLP), and the establishment of CONSAN, the Regional Food Security and Nutrition Council. It gives me great pleasure to salute and congratulate these important advances that place the Portuguese speaking countries in a leading role on the right to food globally.

My role as the United Nations Special Rapporteur on the right to food is to report to the United Nations Human Rights Council and General Assembly and, more recently, to the Committee on the World Food Security, on the progress made in the realization of the right to food and the good practices from which Governments can seek inspiration. In recent years, important advances have been made. The Summit of Heads of State and Government of CPLP and the inaugural meeting of CONSAN (that just took place two days ago) are the latest and among the most significant steps in a worldwide right to food movement that I am proud to serve and to support.

As you are well aware, on a regional scale, Latin America has been the pioneer in refocusing the fight against hunger on political processes. The advances there were supported by the dynamism of FAO’s regional office, and the personal commitment to the right to food of its head, Dr. Jose Graziano da Silva. They were made possible as well as by Spain's support of the Latin America and Caribbean Initiative against Hunger. Over recent years, framework laws grounded in the right to food have been adopted in rapid succession in Argentina, Brazil, Ecuador, Guatemala, Nicaragua and Venezuela. Meanwhile parliamentarians, many of whom are connected to the Frente Parlamentario Contra El Hambre network, in eleven other countries in the region have put forward similar laws.

And the African continent is now following suit. Earlier this year, in April, I convened an expert meeting in Nairobi with the support of the Office of the High Commissioner for Human Rights and FAO, to assess progress in implementing the right to food in nine Eastern and Southern African countries. Over forty delegates were present, including parliamentarians, government officials, national human rights commissions, NGOs, and producers’ organizations.

The review of progress made in these countries highlighted very promising developments. South Africa has led the way by writing provisions on the right to food into its Constitution, a
step subsequently taken by Kenya, and now likely Zambia. The constitutional protection of human rights allows people to challenge laws and policies that affect their ability to access adequate food. For example, in 2007 a new South African fishing law (the Marine Living Resources Act) threatened the ability of small-scale fishers to access the sea and sustain their livelihoods. Thanks to constitutional protections, the fisherfolk were able to challenge the law on human rights grounds. And they won. The South African courts required the Government to create a community-led task force to rewrite the law and policy. This has led to the adoption in May 2012 of a new small-scale fisheries policy. The new policy recognizes the importance of small-scale fisheries in contributing to food security in South Africa, understanding them as a “critical safety net” that helps to prevent households from falling deeper into poverty. Importantly, it adopts a participatory human rights approach to take into consideration the economic and social rights of fishers who have a proven historical dependence and involvement with the resource in question.

While constitutional provisions are already proving their worth, progress is also being made in legislatures. Malawi, Uganda and Mozambique, a key actor in the CONSAN and CPLP, currently have right to food-based legislation awaiting adoption by parliament, while Zanzibar is implementing a rights-based framework law at the sub-national level. Guaranteeing the right to food in framework laws materializes the obligations of States, providing policy directives on the progressive realization of the right to food and affording avenues of redress to those whose rights have been violated.

Important though as it is, right to food legislation is not an end in itself. It must be the starting point for building a whole apparatus to tackle hunger. This apparatus must embrace a human rights approach at every stage because the mechanisms of participation and accountability that engage people with political processes are the very same things that provide a buffer against social marginalization that lies at the heart of hunger.

Indeed, the right to food should be understood not just as a symbol to combat hunger and malnutrition. It is a powerful way to translate into legal obligations what are often viewed as simply moral imperatives. The right to food is a tool. It is operational. It improves the effectiveness and the sustainability of interventions in the area of food security.

Research has highlighted certain common features among countries that have been succeeding in significantly reducing hunger in general and child malnutrition in particular. First, these countries have sought to adopt a multi-sectoral approach to combating hunger and malnutrition. Their strategies combined an attention to agriculture, with the mainstreaming of nutrition in health policies, and coordinated policies in the areas of education, gender, water, sanitation and habitat, pro-poor economic development (both by employment and income generation for the poor and by social development), and trade (as in the case, in particular, of Malawi).

Second, the political impetus given at the highest level of government has been a key factor: in Brazil, Malawi and Mozambique, for instance, the Governments defined food and nutritional security as their main priorities, placing them at the top of the political agenda and adopting strategies specifically aimed at combating hunger and poverty.
Third, civil society participation and empowerment has been essential, by contributing to the sustainability of policies across time and by improving their acceptance and impact among affected populations.

Fourth, multi-phased approaches and strategies, that adopt both short-term interventions and long-term interventions have been the most effective at combating hunger and improving nutrition.

Fifth, and finally, research has shown that the constitutional or legal protection of the right to food has been a powerful instrument to frame analysis, to trigger action and to ensure accountability. Many countries have established independent national human rights institutions, which monitor the compliance of the State with its human rights obligations, and which in some cases can receive complaints from aggrieved individuals. For example, the Human Rights Procurator’s Office in Guatemala had issued a series of reports monitoring the implementation of the National Policy on Food and Nutrition Security, and a series of thematic report on the status of realization of the right to food have been prepared by the Human Rights Procurator’s Office in El Salvador. In Brazil, the Public Ministry is composed of independent public prosecutors that can hold public authorities accountable in the implementation of programmes related to food and nutrition, and in Argentina, following an action by the National Ombudsman, the Supreme Court decided, in September 2007, that the national State and the Government of Chaco Province should provide food and drinking water to the province’s indigenous Toba communities. These are all means of ensuring that Governments take measures guided by the need to support the most vulnerable, that they abstain from action that has a detrimental impact on the enjoyment of the right to food, and that they move at a reasonable speed towards the full eradication of hunger and malnutrition.

Many are the solutions put forward for eliminating endemic poverty and hunger in Africa: agricultural yields must be raised and regional markets strengthened. These factors cannot be downplayed. But for genuine, sustainable progress to be made, the right to food must be written into law, and political processes must be fundamentally reformed to integrate human rights. Only then can we be confident that future economic growth, and the reinvestment in Africa and its agriculture, will truly benefit the poor and food insecure.

It is a source of great hope that Africa is now establishing the first building blocks on the road to realizing the right to food, drawing lessons from what was achieved elsewhere. The role of the CPLP and CONSAN, the role of researchers within the right to food observatory and, in the near future, the role of the parliamentary network on the right to food that shall be established to trigger action towards improved accountability and the establishment of adequate legal frameworks for the protection of the right to food, are all crucial. Provided that equal political will and resources are channelled to this political process as to increasing agricultural yields, hunger can progressively be defeated.

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Olivier De Schutter was appointed the United Nations Special Rapporteur on the right to food in March 2008 by the Human Rights Council. He is independent from any government or organization, and he reports to the Human Rights Council and to the General Assembly. For more information, visit www.srfood.org or www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx.