OLIVIER DE SCHUTTER: Only laws on right to food will defeat hunger

It is time for Africa to build on the first blocks it has put in place to realise the right to food

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AFTER five years of volatile food prices, a global economic downturn and millions being pushed into poverty and food insecurity, is it possible to remain optimistic about defeating hunger in Africa?

The answer, surprisingly, is yes. Even as this economic cycle bites, grounds for optimism can be found in a new determination to address the true causes of hunger. What is becoming increasingly clear is that hunger is not the inevitable result of punishing fluctuations in harvests, food prices and economic cycles. After all, the rising gross domestic product and incomes of economic good times have often failed to translate into rising food security for the poorest.

What best practices show is that hunger hinges on cross-cutting, distributional factors, which are as much about access and social inclusion as they are about economics. Hunger can be decoupled from economic trends and addressed through political processes and rights-based perspectives. This is why cities and provinces can reduce hunger while a country fails, and why a country can make progress while the rest of a region continues to struggle. And this is why African countries can aspire to tackle hunger regardless of economic conditions.

On a regional scale, Latin America has been the pioneer in refocusing the fight against hunger on political processes. Over recent years, framework laws grounded in the right to food have been adopted in rapid succession in Argentina, Guatemala, Ecuador, Brazil, Venezuela and Nicaragua. Meanwhile, similar laws have been put forward by MPs in 11 other countries in the Latin America/Caribbean region. A number of countries in southern and eastern Africa are now showing promising signs of following suit. SA led the way by writing provisions on the right to food into its constitution, a step subsequently taken by Kenya.

Constitutional protection of human rights allows people to challenge other state laws and policies that affect their ability to access adequate food. In 2007, a new South African fishing law threatened the small-scale fishers’ access to the sea to sustain their livelihoods. Thanks to constitutional protection, the fisherfolk were able to challenge the law on human rights grounds — and they won. The court not only provided remedies to the fishing communities, but also required the government to create a community-led task force to rewrite the law and policy.

Meanwhile, the Consumer Federation of Kenya was able to bring a lawsuit against the Kenyan government last year for not adopting measures that would allow the population to cope with the high prices of basic commodities. With its outcome pending, the case could not only provide relief to residents of Kenya today, but also lay the framework for future generations to challenge government actions or inaction that lead to violations of the right to food.

Progress is also being made in the legislature. Uganda, Malawi, and Mozambique have right-to-food-based legislation awaiting adoption. Guaranteeing the right to food in framework laws materialises the obligations of states, providing policy directives on the progressive realisation of the right to food and affording avenues of redress to those whose rights have been violated.

Right-to-food legislation is not an end in itself. It must be the starting point for building a whole apparatus to tackle hunger. And this apparatus must embrace a human rights approach because the mechanisms of participation and accountability that engage people with political processes are the same
things that provide a buffer against the social marginalisation at the heart of hunger.

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, 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 will truly benefit the poor and food-insecure. It is time for Africa to build on the first blocks it has put in place to realise the right to food. If as much political will and resources are channelled to this political process as to bigger agricultural yields, hunger can progressively be defeated.

• De Schutter is the UN special rapporteur on the right to food.