UN rapporteur pushes for legally binding right to food

Published: 25 October 2013

Olivier De Schutter, the UN special rapporteur on the right to food, has told the UN general assembly to press governments to make the once “forgotten right” legally binding worldwide.

Background

The European Union and the international community made reducing by half the number of people suffering from hunger by 2015 a priority when they agreed to set it as the first Millennium Development Goal.

Almost one billion people are estimated to be malnourished, with most of them in Sub-Saharan Africa and South Asia, according to the European Commission.

Food price volatility is a main cause of malnourishment in developing countries.

In his report, based on eleven country missions in different regions globally, De Schutter detailed progress made on the right to food over the past decade.

South Africa, Kenya, Mexico and Niger have all taken steps to incorporate rights to nutrition into their constitutions.

A number of South American countries, including Argentina, Guatemala, Brazil and Colombia, have adopted food and nutrition security laws.

But governments must combine laws with food and nutrition strategies to ensure real progress on the ground, De Schutter said.

“Treating food as a human right brings coherence and accountability. It helps to close the gaps by putting food security of all citizens at the top of the decision-making hierarchy, and making these decision-making processes participatory and accountable,” he said.

Rule of law

The UN expert further pressed for the right to food to be upheld by the courts.

“Often we labor under the misconception that the right to food is not like a political right such as freedom of speech. But economic and social rights – to food, water, housing, social protection – are just as real, just as binding, and can be upheld just as legitimately in court,” he said.

“By further upholding this right, national and regional courts can help to set important precedents and make the right to food fully justiciable,” De Schutter added.
In 2012, the African Commission on Human and Peoples’ Rights and the Economic Community Of West African States Court of Justice ruled that Nigeria had violated the right to food of the Ogoni people by failing to protect their land from environmental damage in the Niger delta.

But the Ogoni, a southwestern group of one million people, has benefited from strong civil society support. The campaign group Movement for the Survival of the Ogoni people has previously led large protests against Shell Oil, the Anglo-Dutch multinational energy company, which is active in the delta.

The Indian Right to Food Campaign uses social audits and freedom of information laws to assess compliance with decisions by the country’s courts, for example the distribution of food and delivery of school meals.

De Schutter said: “Civil society has an indispensable role to play at every level: driving forward right to food movements, participating in the design of policies, taking part in monitoring, and developing new forms of accountability.”

**Next Steps**

- **2014**: Food and Agriculture Organization’s Committee on World Food Security to review first decade of implementation of the right to food voluntary guidelines adopted by the UN in Rome in 2004.