Latin America leading the way on promoting food as a human right

Outgoing UN special rapporteur Olivier de Schutter applauds progress on tackling hunger but warns there is no magic bullet

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A woman cooks blue corn tortillas and cheese in Oaxaca, Mexico. The country has recently launched a ‘crusade against hunger’. Photograph: Robert Landau/Alamy

Latin America has blazed the way in the adoption of laws that promote and protect the right to food, a UN expert has said.

In his final report to the general assembly, Olivier De Schutter, the UN special rapporteur on the right to food, singled out the continent for remarkable progress over the past decade.

Most recently, Mexico launched a crusade against hunger, based on the right to food
inserted in the 2011 constitution. Argentina, Brazil, Ecuador and Guatemala are among other Latin American countries that have made such a move.

Several African countries have followed suit: the 2011 Zambian food and security and nutrition act affirms the obligation to respect, protect and fulfil the right to food; in Uganda, the nutrition action plan (pdf) mentions the need to fast-track the adoption of the food and nutrition bill.

De Schutter’s report says the right to food reflects a growing understanding that hunger not only centres on supply and demand, but it is primarily a problem of a lack of access to resources such as land, water and seeds for small-scale food producers, limited economic opportunities for the poor, a failure to guarantee living wages and gaps in social protection.

Olivier de Schutter says treating food as a human right brings coherence and accountability. Photograph: Alberto Pizzoli/AFP/Getty Images

"Treating food as a human right brings coherence and accountability," said De Schutter, who will step down in April after six years in the post. "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."

But he acknowledged that a right-to-food approach was neither necessary nor a magic bullet, as countries such as China, Vietnam and Rwanda have proved. "Clearly those countries have policies which are not participatory or people-driven, but these countries have well-functioning states apparatuses and in many countries that approach would not work because of endemic corruption or inefficiency," he said.

According to the UN, the number of people who are chronically undernourished has fallen from an estimated 868 million in 2010-12 to 842 million in 2011-13, but it warns that "considerable and immediate additional efforts" will be needed to meet global goals
to reduce hunger by 2015.

De Schutter identified where and how progress had been made and where further steps were needed.

The right to food is about more than just food policy, according to the report. For instance, illicit capital flight undermines the capacity of states to attain the millennium development goals. Similarly, insufficiently progressive levels of taxation or the failure to adopt certain practices may be a violation of the state’s duties to uphold its citizens’ rights, including to food.

Those who have made progress in reducing hunger have shown common characteristics, said De Schutter, including: political commitment at the highest level – such as in Brazil, where the government was committed to its "zero-hunger" policy; the involvement and empowerment of civil society; a long-term approach; co-ordinated policies in the areas of education, gender, water, sanitation, pro-poor economic development, and trade and domestic financial investment backed by external matching funds. One-time efforts, over short periods, failed to achieve significant impact.

National human rights institutions also played a vital role in monitoring compliance. In India, investigations by the national human rights commission eased the work of the supreme court by inquiring into the implementation of schemes securing livelihoods. The South African human rights commission supported the Southern Africa Food Security Change Lab (pdf), linking the various groups of the food chain with NGOs.

However, the adoption of laws to bolster the right to food has shortcomings, says De Schutter. "They do not designate the judicial, quasi-judicial and administrative bodies to which claims relating to the violation of the right to food can be presented, nor are sanctions for non-compliance set out in national law."

He also acknowledged that vested interests might want to block right to food initiatives, citing Guatemala as probably the worst case of sound intentions blocked by a small land-owning elite. "The poor may experience considerable difficulties in accessing judicial redress mechanisms, which is why social audits matter. The role of other actors, national human rights institutions and civil society, is therefore essential."

The UN rapporteur cited the importance of parliamentarians and civil society in holding governments to account. India’s right to food campaign used social audits and right-to-information laws to assess compliance with court-mandated decisions, such as the distribution of subsidised foodstuffs and the delivery of school meals. The 2011 reform to insert the right to food into the Mexican constitution followed 20 years of advocacy from civil society groups.
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