Impressive progress in guaranteeing the right to food in poor countries (Olivier de Schutter’s final big report to the UNGA)

UN Special Rapporteurs are independent experts, appointed (but not paid, I think) by the UN to beaver away to raise important issues such as disability, indigenous peoples, or torture. They include some bright stars – important thought leaders on the international development stage such as Magdalena Sepulveda, UNSR on extreme poverty and human rights. But the star that has shone brightest, at least in my corner of the world, is Olivier de Schutter, the UN’s indefatigable Special Rapporteur on the right to food.

On Friday, Olivier delivered his final report to the UN General Assembly, after six hyperactive, globe-trotting years. Here are some highlights from a characteristically well-written and up-beat farewell on the big stage (although he doesn’t step down till next May, and doubtless will produce more papers before he goes). It is littered with fascinating examples of impressive progress in ensuring the right to food:

“At a time when multiple, conflicting visions for food security have been put on the table, it is impressive to see so many States adopting laws, policies and strategies to realize the right to food, and so many people driving forward what is now a global right to food movement.

Where progress has been made in realizing the right to food, it is down to the multiple interlocking contributions of different State and non-State actors who make each other accountable.

The first step is for Governments to give the right to food legal grounding, by writing it into constitutions and into law. Over the past decade, countries in Latin America and Africa have blazed a trail that others can now follow.

- South Africa, Kenya, Mexico, the Ivory Coast and Niger have already given direct constitutional protection to the right to food, while reform processes are under way in El Salvador, Nigeria, and Zambia.
- Right to food framework laws, often taking the shape of ‘Food and Nutrition Security’ laws, have been adopted in Argentina, Guatemala, Ecuador, Brazil, Venezuela, Colombia, Nicaragua, and Honduras, with several other Latin American countries in the process of adopting similar measures.
- Countries including Uganda, Malawi, Mozambique, Senegal and Mali have adopted, or are in the process of adopting, framework legislation for agriculture, food and nutrition that enshrines rights-based principles of entitlements and access to food.

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.

Food security laws and policies based on rights and entitlements – to productive resources, to accessing foodstuffs, to social protection – is ‘food security-plus’. It can transcend changes in the political, economic and agricultural landscape and make lasting threats against hunger.

Courts: some landmark rulings for the right to food:
• The South African High Court ordered a revision of the Marine Living Resources Act and the creation of the Small-Scale Fishers Policy to ensure the socio-economic rights of small-scale fishers (2012).
• The African Commission on Human and Peoples’ Rights and the ECOWAS Court of Justice ECOWAS ruled that Nigeria violated the right to food of the Ogoghi people by failing to protect their land from environmental damage in the Niger delta (2012).
• Following public interest litigation, the Indian Supreme Court ruled that various social programmes should be expanded and implemented to provide a basic nutritional floor, based on the constitutionally protected ‘right to life’ (2001).
• In Nepal, the Supreme Court issued an interim order in 2008 for the immediate provision of food in a number of districts which food distribution programs were not reaching, in line with constitutional requirements.

National Human Rights Institutions (NHRIs)

NHRIs, such as national Human Rights Commissions, Ombuds (ugh, is that a word?!) Institutions, or Human Rights Procurators, are a crucial part of the apparatus. They can play a leading role in monitoring compliance with the right to food, examining complaints filed by aggrieved individuals, seizing judicial authorities or triggering action by food and nutrition security councils.

• In Argentina, the National Ombudsman requested in 2007 that the Supreme Court order the national State and the Government of Chaco Province provide food and drinking water to the province’s indigenous Tocha communities.
• In Guatemala, the Human Rights Procurator’s Office has a mandate to monitor the implementation of national FNS policy, and has flagged up coordination failures and funding deficiencies.
• The Human Rights Commission in Uganda helped to influence the country’s 2011-16 Food and Nutrition Policy by recommending a rights-based approach.

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.

• The 2011 reform to insert the right to food into the Mexican constitution followed 20 years of advocacy from civil society groups, under the “Frente por el Derecho a la Alimentacion.”
• Brazilian civil society established its own National Rapporteur for Human Rights in Land, Territory and Food, whose legitimacy allows him/her to become an interlocutor to the authorities.
• The Indian Right to Food Campaign uses social audits and right to information laws to assess compliance with Court-mandated decisions, e.g. the distribution of subsidized foodstuffs and the delivery of school meals.

Parliamentarians: The Frente Parlamentario contra el Hambre serves as a network for sharing best practices between Latin American parliaments to encourage the adoption of legislation protecting the right to food, and has sparked the creation of national parliamentary fronts.’

Olivier can take his fair share of the credit for this progress. He’ll be a tough act to follow. Full report here.

Tags: olivier de schutter, right to food, UN October 28th, 2013 Posted in Aid, Politics, food and agriculture, human rights
This entry was posted on Monday, October 28th, 2013 at 7:34 am and is filed under Aid, Politics, food and agriculture, human rights. You can follow any responses to this entry through the RSS 2.0 feed. You can leave a response, or trackback from your own site.

One Response to “Impressive progress in guaranteeing the right to food in poor countries (Olivier de Schutter’s final big report to the UNGA)”

1. Pamela White Says:

   October 28th, 2013 at 10:03 am

   Interesting post.
   You quoted “In Nepal, the Supreme Court issued an interim order in 2008 for the immediate provision of food in a number of districts which food distribution programs were not reaching, in line with constitutional requirements”

   While we are attempting to work with HRBA in our bilateral project work in Nepal, we have found some difficulties with the right to food being interpreted as the right to a handout. We have encountered villages which have become very food aid dependent – once they are declared food insecure there has been waning interest in farming, as there is the expectation that bags of rice will arrive by helicopter. Local tastes have also changed, once people become accustomed to eating rice, rather than traditional crops such as millet. Obviously food aid drops are only a short term fix, and what would be more important would be to improve farming techniques, links to markets, etc.

   In addition, we are struggling with the way to use a Human Rights Based Approach in countries like Nepal with a shaky rule of law – eg. no Constitution, no elected government, and no local government for a decade or so.

   I’m in favour of Rights based approaches, but they do need a lot of thought still...

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About this blog

This blog is written and maintained by Duncan Green, strategic adviser for Oxfam GB and author of 'From Poverty to Power'. More information on Duncan and the book is available on the From Poverty to Power official website.

It is a personal reflection by the author. It is intended to provoke debate and conversations about development, not as a comprehensive statement of Oxfam's agreed policies - for those, please take a deep breath and read the Oxfam International strategic plan or consult policy papers on a range of development issues.

• Polls

Which of these statements do you agree with? Large charities should pay their CEOs:

- salaries on a par with private and public sector scales
- 70-80% of private/public scales
- up to a ceiling of £100,000 ($150,000)
- no more than 3 times the wage of the lowest-paid employee
- a living wage (£8.55 an hour in London)

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