

## Promoting A Right to Food Approach that is Conducive to Sustainable Food Systems Hilal Elver Costa Rica 5 February 2019

While the future of our globalizing food system remains uncertain, we can agree that our food system, in its current form, is failing us. Despite significant increases in food production, recent FAO reports confirm that hunger and malnutrition are on the rise, and chances of reaching the Sustainable Development Goal targets to eliminate hunger and reduce malnutrition by 2030 are slipping away. As the SDG reflects, however, we do have a common goal: consensus among States and stakeholders in the public and private sector says that the future of food lies with the creation of sustainable food systems.

The varying definitions of “sustainability” is an issue that I intend to further explore in my next thematic report to be presented to the General Assembly later this year. In the meantime, we can consider the proposal that any effective, meaningful definition of a “sustainable food system” requires a holistic, multi-dimensional, and multi-stakeholder approach.<sup>1</sup> As I will discuss with you today, creating sustainable food systems also require a human rights-based approach.

Human rights is not only relevant, but essential to the conversation on sustainable food systems. A sustainable food system is one that contributes to the progressive realization of human rights, especially the right to adequate food. The “right to food” as first formulated in the UDHR Article 25, and further explained in Article 11 of ICESCR is the fundamental right to be free from hunger, and to have regular, unrestricted access to safe, nutritious, and culturally acceptable/appropriate food.

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<sup>1</sup> [http://www.fao.org/fsnforum/sites/default/files/files/155\\_understanding-sustainable-food-systems/Draft\\_SFS\\_Glossary\\_v22NOV2018.pdf](http://www.fao.org/fsnforum/sites/default/files/files/155_understanding-sustainable-food-systems/Draft_SFS_Glossary_v22NOV2018.pdf)

Connecting the concept of sustainability with the right to food, first time was articulated in the Committee on Economic, Social and Cultural Rights' 1999 General Comment No. 12 explaining to member states the content of right to food. It says: "The notion of sustainability is intrinsically linked to the notion of adequate food or food security, implying food as being accessible for both present and future generations."<sup>2</sup>

In keeping with international human rights law, State as a duty bearer have an obligation to respect, protect, and fulfil the right to food in a manner that is both responsive and forward-looking. In fact the ICESCR requires State "to take steps" to the maximum resources available to progressively achieve the full realization of economic, social and cultural rights. In other words, States should not look just for a "quick fix," but must build, brick-by-brick, a solid foundation that allows for the progressive, eventual, and yes, sustainable realization of human rights.

This, methodical approach, with a focus on human rights—a human rights-based approach, is how we must also build a sustainable food system. A human rights-based approach to food system governance refers to a conceptual framework through which government policies not only focus on the economy of food systems [such as how much food is produced, and how much it costs, simply], or what is called a "food security approach," but also on the environmental, social, and cultural conditions in which the food system exists. It is only through an HRBA that we can build a food system that meets the needs of the present without compromising those of the future.

Adopting a human-rights based approach to sustainable food system governance as an overarching approach will help to take States' food systems to another level. It will enable States to deeply assesses why gaps and failures of a given food system may exist. The so-called "root causes"

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<sup>2</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)*, 12 May 1999, UN Doc. E/C.12/1999/5, para 7.

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of hunger and malnutrition, which heavily impact today's food systems, must be addressed before any food system can properly function, i.e. benefit everyone within the system in a fair, equitable, but most of all, sustainable manner. Only through a HRBA will the most vulnerable, the most excluded segments of society, become active participants within the food system, part of its success and not the cause of its failures.

The aforementioned General Comment No. 12 remains an important resource for States to implement the progressive realization of the right to food. The Committee acknowledges that implementation will vary from State to State, but ultimately advises States to “adopt[...] a national strategy to ensure food and nutrition security for all, based on human rights principles that define the objective, and the formulation of policies and corresponding benchmarks.”

To help with this implementation, in 2004, FAO member states introduced the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Security. These guidelines reiterated/repeated a human rights-based approach as a practical tool designed to offer non-obligatory guidance to States in their implementation of the right to food. The RTF Guidelines encompass 19 policy areas that are illustrative of how the right to food can be realized and contextualized in different settings. They show how, for instance, decent employment and workers' rights, social protection, nutrition, education, health, food safety, and consumer protection are contributing factors to the realization of the right to food. These concepts are also present in One Planet's background report on sustainable food systems.

There is no one right way to adopt a HRBA, but there are some concrete steps that need to be taken by States: (Here are some)

1. First, States should develop legal frameworks that reflect the progressive realization of the right to adequate food, and thus, support sustainable food systems and healthy diet. The ideal goal, of course, is to include a constitutional provision recognizing the right to food explicitly or right to health implicitly; and/or framework laws to support right to adequate food,

sustainable food systems and healthy diet. By the way, according to current records there is no country to establish such a comprehensive law/policy environment to support all three.

Legislation, policies, and programmes at the national and local levels must ultimately reflect the understanding that constituents are rights holders and that food systems must support the realization of the right to adequate food. More importantly these laws should be implemented. There is a universal problem that is “implementation gap.” Plenty of well meaning laws exist but lack of implementation is widespread. Therefore monitoring the implementation of laws are as important as making laws.

2. Second, SFS policies must be inclusive and States must allow for all stakeholders to participate in decision-making processes, including those most vulnerable, especially, women, agricultural/fishery workers, peasants/smallholder farmers, indigenous and minority communities, youth and migrants.

Food systems are multi-faceted, and are comprised not only of tangible inputs, outputs, and processes, but are also defined by how well they support the food security and livelihoods of the most vulnerable.

In my thematic reports,<sup>3</sup> I explain that, too often, those who are critical to the right to food of others, often struggle to realize this right for themselves. This is especially true in developing countries. . Most recently, I examined the paradoxical situation of agricultural workers and fishery workers who are among the world’s poorest and fall outside the protections of national legal frameworks.<sup>4</sup>

We cannot call a food system “sustainable” if workers are experiencing persistent violations of their human and labour rights.

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<sup>3</sup> See <https://www.ohchr.org/en/issues/food/pages/annual.aspx>

<sup>4</sup> Include two reports

The contribution of women to global food security is also overlooked, yet they are often responsible for promoting practices that we consider to be “sustainable.” Their access to resources, especially to farmland, is problematic everywhere. Women also predominantly control seed-saving practices, which are important for addressing the crisis of biodiversity, for ensuring sustainable livelihood solutions for food security and for empowering women with a sustainable livelihood.<sup>5</sup> Yet such practices are under threat in our current agricultural regime.

National and local policies should integrate a gender perspective, ensuring opportunities for inclusive decision-making, employment opportunities, and, consider additional protections (intersectionality) for women among vulnerable groups such as, migrants, indigenous populations, peasants and smallholder farmers/fishers. We all know that even when such laws are in place, implementation fails because of traditional or patriarchal rules.

3. Third, and necessary for greater inclusivity, policy-making must be transparent, and participatory, and States must allow for the free-flow of communication, and provide opportunities for information gathering and assessment.

States should promote freedom of expression, the right to seek and impart information, and freedom of assembly in accordance with international human rights law. It is necessary for affected populations to consider available solutions, propose alternatives, and advocate for change.

4. Access to justice: A human rights based approach means that rules and polices should be justiciable. Human rights are only meaningful if there is available avenue for an appropriate remedy. States should establish effective institutions and justice systems that all people, especially the powerless, are able to access (without physical or economic restriction) to protect their right to food and livelihood. This means that policy makers should be accountable for adverse impacts of policies on the rights of the

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<sup>5</sup> A/HRC/31/51 para 34.

population.<sup>6</sup> This certainly distinguishes right to food from charity mentality.

5. Policy coherence: SFS needs holistic understanding, and must be part of a greater strategy for sustainable development, poverty reduction, gender equality, ecosystem protection and climate change. Food Systems must be able to address the nuances of “hunger” and the multiple burdens of malnutrition: undernutrition (underweight, stunting and wasting); micronutrient deficiencies; and overweight and obesity. Each food system (traditional, mixed or modern.) carries one of more than one of these burdens and this must be addressed to ensure the system’s sustainability.

States must also not reflect the right to food as a “competing” priority or use food as a tool for political and economic pressure. Policy coherence demands that we rethink economic incentives for industrialized agriculture, and instead, promote the adoption of alternative practices, such as agroecology.

Too often, States are adopting export-oriented policies that drive up domestic food prices and disincentivize the diversification of agriculture, prioritize the production of large quantities of food instead of the production of *healthy* food. Large-scale agricultural investments in commodity crops that require heavy pesticide application further threaten the health of surrounding populations and environments.

Some States have started to act upon good policies, implementing human rights-based approach at the domestic level and through international commitments. Latin American countries, in particular stand out as champions for the implementation of food laws that include human rights and sustainability friendly practices. Costa Rica serves as the most recent model with its new food policy law.

During my mission trips, I also observed examples of good policies in practice: In September, I visited Argentina, where communities and local

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<sup>6</sup> Cite my access to justice report

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governments have started to promote agroecology as a response to the widespread use of pesticides. In 2017, I visited an agro-ecological farm (Kassisi Farm) in Zambia that was an excellent example of how organic farming can successfully compete with industrial agriculture in terms of earning and empowering women farmers. In Europe, Poland, Spain and Italy also employ many good agro-ecological practices, organic farms, while countless food councils promoting these principles are emerging in large cities in the US and Canada everyday.

Of course, these sporadic examples of policy-making through a human-rights based approach do not mean that there is a dramatic global transformation of food systems. At least, not just yet. But, there is an awakening given the increased hunger and universal malnutrition crises as a result of climate change, extreme weather events, environmental degradation and protracted conflicts as well as failed policies that are undermining to right to food in various ways.

So what can we do? To start, we must acknowledge the importance of accountability within the global food system. As I have explained, States are the primary duty-bearers, and thus the most concrete points of entry for laws, policies and programmes relevant to sustainable food systems. However, as consumers, policy-makers, private-sector and supply chain actors—we are all a part of the greater food system, and we must all be accountable for our respective actions. We bear a responsibility to help monitor the implementation of these efforts, and to promote appropriate policies, investments and institutional arrangements necessary for the progressive realization of the right to food.

Right now, the Committee for World Food Security is developing VG for FS and Nutrition designed to provide guidance not just for states, but for all partners and stakeholders. We must join this effort and others to ensure that States are accountable for the present and future sustainability of food systems.

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With the deadline for SDG # 2 in jeopardy and the impacts of climate change on hunger intensifying, we have no option but to work together with a sense of urgency accompanied by a readiness to implement our commitments. It is a challenge, needless to say, but it is not impossible.

Thank you very much.