

# Food as a human right: a struggle for human dignity and food sovereignty

by Jonas Vanruesel

Jonas Vanruesel graduated as an agronomist and an applied anthropologist, studying irrigation and farming practices in Tunisia, Ecuador and Mexico. After working a few years in digital mapping, he works until today in FIAN-Belgium (Brussels) as a campaigner on the right to food and access to land. Currently, he supports campaign and lobby work on the Guaraní people, agrofuels and the right to food within the FIAN campaign "Face it - Act now" (<http://www.face-it-act-now.org>). He is also president of Wervel, a Flemish grassroots organisation promoting sustainable and fair agriculture (<http://www.wervel.be>).

## A B S T R A C T

The causes of hunger and violations of the right to food are analysed within a human rights framework. Individual entitlements and state obligations to guarantee access to food are explained, to clarify how the right to food does empower oppressed communities and individuals against the state and other powerful actors. A summary is given of the evolution in human rights thinking and how it has given way to a clear and detailed definition of the content of the right to food. It is argued that it is urgent to implement this right, after two decades of dispossession and marginalisation of rural populations and producers. The human rights approach has its limitations, and it is not the only way to struggle for justice. But it is slowly gaining ground within social movements - locally and globally (e.g. La Via Campesina). Even if this struggle for the right to food within an aim of food sovereignty will still take a while, violations can be - and are - documented and stopped with (international) citizen pressure - already today. It is an essential instrument to place food production and consumption again at the heart of communities and human dignity.

## A R T I C L E I N F O

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## ***Introduction***

Recently, the right to food has gained some importance in international debates linked to the food crisis. Rising food prices make it difficult for poor people to access food without at the same time jeopardizing other basic things in life such as shelter, water or medical treatment. The resulting riots have reached the news headlines. Still, most people who are hungry live in the countryside, where food is produced. Millions of people are denied the means to produce food or to get enough income from it to improve living conditions. Indeed, the right to food remains one of the most widely violated rights worldwide. Most of the 856 million hungry and undernourished people in the world are victims of a chronic hunger that could be avoided. Individuals, groups or entire communities that go hungry are hit in their very heart of economic and cultural reproduction.

Non-governmental organizations, such as the human rights organization FIAN (Foodfirst Information and Action Network) but also development NGOs, as well as peasant organizations, now increasingly base their advocacy work and social struggle on this human right, and the right to food is recognized as a fundamental pillar in the struggle for food sovereignty. This article explores the fundamentals of the right to food approach in order to scan its potential for strengthening the role of local food production and consumption. Moreover, considering that most of the hungry still live in rural areas, what are the perspectives of this approach to help put back food at the centre of human dignity, local culture and society at large?

### ***Food: a right and an obligation***

Some violations of the right to food have happened at a large scale and have hit many people, and their related problems have become widely known. The Clinton and Bush administrations cutting back US welfare laws and programs, forcing vulnerable people to find a job on a saturated labour market to make a living, while limiting the possibilities to fall back on social welfare payments and food stamps. Nomadic people in the West African Sahel depend on the functioning of cattle and beef trade for survival but largely lost this source of income due to massive export subsidies in the European Community in the 1980s. Indigenous and tribal Adivasi in India have been widely displaced from their forest habitats they use for gathering and cultivation, for the creation of forest reserves, dams and mining operations, without having a say in the design or viability of these projects nor sharing the benefits. After the military regimes in Latin America, which mostly helped to dispossess and marginalize rural poor, governments generally failed to substantially redistribute the (often idle) vast properties of land. Although landlessness is the main reason for rural poverty, even states with ample resources such as Brazil didn't take this opportunity to improve the situation of rural poor in the absence of alternative employment opportunities.

These issues might be known, the human rights violations behind them are less so. Hunger is still too often seen as an unavoidable evil. A human rights approach opposes this view, by emphasizing an important relation between society (the State) and the individual (or group of individuals). The universal human right to food entitles every human being to the guarantee to have access to food and be free from hunger.

This imposes obligations on a state that ratified the human rights law including this right, such as the Universal Declaration on Human Rights and the International Covenant

on Economic, Social and Cultural Rights, which entered into force in 1948 and 1976, respectively. Contrary to common belief, it does not oblige governments to provide food. This should only happen in specific (emergency) circumstances, such as natural disasters (flooding, earthquakes, drought causing crop failure...) The number of hungry people caused by these disasters is less than 10% of the total number of the chronically hungry (currently at 856 million). What are then the obligations of governments under the right to food? These are three-fold: governments must (1) respect, (2) protect and (3) fulfil or facilitate the ways people have to access means of food production or of food acquisition.

The obligations under the right to food mean more specifically that states must implement - or refrain from - certain actions, programs or policies. We cannot enter into detail on the nature of the different levels of obligations, but they can be understood intuitively. For instance, the State may not block food transports or evict indigenous peoples from forest areas to create a nature reserve (obligation to respect). Legal reform enables victims to claim their rights (obligation to fulfil). In case of a large (nearly) landless underemployed rural population, they must be protected from exploitation or expulsion by agribusiness corporations. Any land redistribution program should improve the access of this vulnerable group to the means to produce food (obligation to protect –against third, non-state, parties- and obligation to fulfil). In emergency situations, every citizen must get food aid in a non-discriminatory way (obligation to provide).

The second important element in the definition is access. There are many ways to access food in society. People are mostly perfectly capable of ensuring their access to food by producing it, or by gaining an income high enough to purchase food and fulfil other basic needs of their family. People that are not able to work, such as children (because they are supposed to play and go to school), or sick people and elderly, can often rely on their near relatives to provide them with food. The human right itself does not impose a specific way how this right is to be implemented. But, it does mean that every hungry man, woman and child must be able to hold its government accountable when he or she feels its access to food is threatened or destroyed. In other words, a woman eating three meals a day, is eating enough, but doesn't necessarily has her right to food realized. This is only the case when this right is implemented by the necessary (legal and policy) instruments to guarantee access to food to any deprived person, according to his or her own preferences.

In case the woman suddenly faces a problem to nourish herself adequately, she must be able to hold her government accountable. Often people's access to food is threatened within a group. Although human rights are strictly spoken individual rights, they can often be applied to a group of individuals in a similar situation. The instruments to be implemented by governments typically consist of both curative programs and of preventive policies targeted at vulnerable groups to avoid deprivation. So any person in such group must be able to go to court to be able to safeguard and re-establish the means to access food (by participation in curative and preventive programs).

Court cases and political pressure have repeatedly resulted in successes for the right to food when it comes to the obligation of the State to facilitate the access to food by its programs. For instance, in 2004 the State of Uttar Pradesh was forced by the Indian Supreme Court to implement the "Midday School Meal" scheme in all primary schools, providing a cooked meal for 17 million children, of whom a lot were having difficulties to attend school or to concentrate because of lack of access to food. After further complaints, two years later the Indian government decided to increase the budget allocated per meal and per child in this program. Again, in Uttar Pradesh, many people becoming unemployed after the collapse of the local textile industry without immediate employment alternatives, could not become beneficiary under social programs of the State that would provide them with cheap food stamps. Only after a few members of the 400 families in the village of Shankapur had died from malnutrition and manifestations and public audiences had been organized by FIAN, did the government agree to improve the participation of the affected people in the food stamp program.

The essence of human rights is therefore the relation between a right holder (bearer of intrinsic rights), and the State or duty-bearer, whose obligations he must be able to benefit from. The different guarantees of a person, both as an individual and as a member of society, to live securely, to enjoy his or her identity and to participate in the political, economic, social and cultural spheres of life, are called human standards: access to food, health care, enjoyment of fair working conditions, freedom of torture, etc... The absence of one of the basic human standards would be seen universally as a severe deficit in the quality of life. The suffering implied by a deficiency in such a standard may be nobody's (individual) fault, so there is no moral or ethical question involved. It does entail, however, a violation of the human right related to the standard (e.g. the right to access to food, health care...), because it is a breach in the human rights obligations of a State.

These obligations are valid under all circumstances, other than a lack of resources on the part of the international community. In other words, in case of a problem situation, a state must prove that it has sought in vain the necessary resources (nationally, and eventually on the international level, in the development donor community...) to assure access to food. Otherwise, its neglect makes it responsible for a violation of the right to food.

### ***Human rights interpretation in constant evolution***

Human rights are universal and unalienable, but human rights theory or terminology is in constant evolution. Since the international consensus on the Universal Declaration on Human Rights, the rights contained in it have been – somewhat artificially – divided into several classes: economic, cultural, social, civil and political rights. Those rights that deal with the economic sphere (work and working conditions) are called "economic rights", those referring primarily to the cultural sphere (education, cultural expression...) "cultural rights". Human rights tradition uses the term "political rights" for those that deal directly with the participation in political power and the formation of political power itself (people's opinions and their expression, organization, demonstration). "Civil rights" deal with the well-being of persons confronted with the judiciary and penal systems. The remaining rights that cannot be classified under these spheres, are called "social rights" (referring to standard of living, social security, health, family life...), although of course, all human rights can be called "social" because they deal with the wellbeing of vulnerable individuals and communities in society. Political and civil rights are also called "blue rights" because of the liberal priority attached to them by the western block during the cold war period. "Red rights" were considered priority by socialist states in order to pursue equalitarian policies. Note: neither of the two ideologies adequately provided legal guarantees for their "priority" rights. None of the two political systems implemented a strong human rights system, even if only for a subset of rights.

When the opposition between the two views faded in the 1980s and the 1990s, more focus was put by human rights activists and scholars on the so-called generation of "green rights and rights principles", emphasizing non-discrimination and sustainability (the prohibition to discriminate against future generations). More focus was put on the natural resources some communities need and maintain in order to survive and reproduce their economic, cultural and spiritual base (some speak of "environmental justice").

The right to (access to) water became accepted as a fundamental part of the right to food and an adequate standard of living. Some even advocate for rephrasing some economic and social rights as a “right to development”. Another important evolution is that documentation of human rights violations (by civil society) focuses more and more on multiple human standards, thereby strengthening the principle of indivisibility and interdependence of human rights (as adopted by the Vienna conference in 1992).

### ***Right to food struggles: from recognition to implementation?***

During the 1980s and 1990s, the attention given by civil society to the “forgotten” economic, social and cultural rights increased sharply. Many development organizations slowly adopted a rights-based approach. The right to food gained credibility after the appointment of a Special Rapporteur on the Right to Food by the UN Subcommission on human rights and a first UN report on Economic, Social and Cultural rights in 1983. In 1986, FIAN (Foodfirst Information and Action Network) was founded to strengthen the acceptance of the right to food and to fill the gap left by regular human rights organizations that didn’t seem to pay enough attention to the issue. Boldly stated: in those times peasant leaders were freed from prison, but little was done about the cause they were fighting for. Since then, the right to food has come a long way: from a totally ignored human right, it is now developing into a right defined in detail, which provides the foundation for the enjoyment of a number of other human rights and a life in dignity. The Rome World Food Summit in 1996 sped up this recognition: FIAN and other organizations managed to get the content of the right to food to be clarified within the follow-up process of the Summit. In 1998, a Code of Conduct with respect to the right to food was proposed by a wide range of organizations.

The struggle for the right to food and the resulting definition of its content was to a large extent triggered by the worsening rural conditions. During the 1980s, the credit crisis and the so-called “Washington consensus” began pushing states to budgetary austerity and dismantling of the state support system of the agricultural sector. As agricultural subsidies and public services such as grain boards and storage facilities for farmers were abolished, as environmental and workers laws were made more “flexible” to facilitate foreign investment, as border tariffs were lowered to improve “food security” based on worldwide surplus production and trade, marginalized producers became exposed to distorted world market input and product prices.

Subsistence farmers became threatened by agribusinesses or infrastructure project investments promoted to boost commodity exports to finance other imports. World Trade Organization (WTO) agreements set further stringent conditions and regulations for national policies from 1995 onwards, from food safety regulations to intellectual property protection, from agricultural subsidies to price support for basic staple foods. Local seed production and trade came under control of multinational companies looking for lucrative monopoly markets. In conclusion, people facing hunger and malnutrition are, to a large extent, smallholders, landless workers, pastoralists and fisherfolk, often situated in marginal and vulnerable ecological environments. Neglected by (inter)national policies, they cannot compete with increasingly subsidized industrialized agriculture, both nationally and in the world market. Many farmers tried to catch the “Green Revolution” train but became stuck in the debt trap of increasing input costs and decreasing product prices. Concentration in the food market chain is another worrying trend causing increasing dependence of both consumers and producers on a declining number of seed, inputs and food products conglomerates.

A narrow view on food security as a political goal, reducing it to the concept of access by food-deficient areas or countries to food imports from anywhere in the world, caused a counter-reaction: on the World Food Summit in 1996 farmers organizations proposed an alternative vision, the concept of “food sovereignty”. Food sovereignty sets a policy space regarding food, agriculture, land and fishing, which are socially, economically and culturally appropriate to the unique circumstances of the peoples and communities that are at the base of it. In 2002, the right to food was defined as one of the key “pillars” of food sovereignty, besides the strengthening of local markets, the mainstreaming of agroecological production and the improvement of access to productive resources. It is basically the legal instrument that sets standards for the proper use of the policy space which becomes available if food sovereignty is accepted as a principle.

In parallel, the UN Committee for Economic, Social and Cultural Rights established a detailed legal interpretation of the right to food: General Comment nr.12 (1). The definition has become the most widely used: “the right of every man, woman and child alone and in community with others to have physical and economic access at all times to adequate food or means for its procurement in ways consistent with human dignity.”

The interpretation also highlights the requirement to ensure access to an income base for each individual, either through access to productive resources (land, water, seeds,

livestock breeds, fish stocks, etc.), or through adequate social safety nets. The text has expert authority (this means, for instance, that a judge can refer to it to justify a court decision), but its content is not legally binding: governments cannot be held accountable for violations according this interpretation. The text is used, however, when assessing the periodic obligatory reports that governments must submit to the UN on their progress in the field of human rights implementation and enjoyment.

As a further step, member states of the FAO (UN Food and Agriculture Organization) embarked upon negotiations to define into detail what should be done to implement the right to food. This negotiation process resulted in the approval of the "FAO Voluntary Guidelines for the Right to Adequate Food" in 2004. For the first time in history, States no longer could rely on the excuse not to know which policy and legal measures to take to ensure participation, accountability and monitoring for guaranteeing a right of the economic, social and cultural sphere.

One major challenge for the future is to implement the Voluntary Guidelines into practice. While they are standard-setting in issues such as access to land and water, safety nets, standards for the use of food aid, the prohibition against using food as a weapon in conflicts... political commitments related to them are rather weak. A special department within the FAO, the Right to Food Unit, has been established to give assessments to governments wishing to use the Guidelines as a framework tool to redefine their agricultural and food policies. As the Unit is quite weak and its resources are under constant discussion, the role of civil society in monitoring government (non)action with the Voluntary Guidelines as a benchmark, is of utter importance.

### ***The right to food approach: strengths and weaknesses***

The power play inherent to the neo-liberal paradigm brought about the pressing problems of rural populations in the global South today:

- the marginalization, discrimination and oppression of vulnerable groups (because of historic processes of displacement or more recent dispossession, through patterns of discrimination such as the caste system or the subordination of women,...). The marginalization is often both physical and figurative: rural communities are often situated in remote areas, but also have difficult access to politicians, the judiciary, the media...

- the destruction of future generations' resources (because of unsustainable use – e.g. by industrialized agriculture - of resources people need for food and livelihood: depletion of soil fertility, water, erosion, forests, fishing or grazing grounds...)

- the loss of sovereignty of the people at large (because of failure of democratic systems in many countries, where democracy is reduced to a voting exercise without meaningful principles of local participation, accountability and transparency).

Human rights provide both a social vision and standards for minimum political requirements to put an end to these problems. This is how they increasingly inspire the role of social movements and communities wishing to defend against oppression. Human rights offer a vision of empowerment and justice that go beyond self-interest and conflicts of interests. When victims of rights violations do not longer accept the justification that is imposed by society for such situation, but effectively recognize the oppressive situation of injustice behind it, they can become the actors of change towards a solution, make the injustice visible, and mobilize supporters in society to show solidarity with their cause. The justification of this struggle is the defense of universally accepted human standards, not just any political motive.

But of course the implementation of human rights also presents limitations and obstacles, and human rights advocates need perseverance to surmount these. The ultimate goal of a human rights approach is to promote participation and claims from people at the grassroots level, hence to improve the democratic functioning of a State. But the struggle for rights addresses and uses the State apparatus itself to obtain justice. The top down structure of this State makes it often a slow process, which might cause frustration.

Some even pose the question of the policy space governments have left to adequately address demands for justice, when faced with globalization. Indeed, policy conditionality imposed by international institutions such as the WTO, the IMF and the World Bank effectively limit the role and power of the nation state. On the other hand, state responsibilities to respect, protect and promote human rights don't stop at its boundaries. Therefore, the discussion is growing to demand (industrialised) member states of the international financial and trade institutions to comply with these "extra-territorial" obligations while taking decisions in these fora that affect citizens in third countries.

Also, the State model itself, precursory to implement a human rights system, may be subject to critics. Human rights may be accepted universally, as they are defined in a vague and general way and there is ample room to define locally how they should be interpreted for implementation. The fact that they have to be guaranteed by a democratic State and a formal legal system, however, can cause resistance. A western society model is not a reference for many cultural groups.

However, often a convergence between a human rights approach and other, more culturally appropriate strategies to claim rights can be observed. One good example is the Ekta Parishad (United Forum) movement in India, which recently mobilized about 4000 villages in a People's march called Janadesh. Inspired by the Gandhi tradition of Sarvodaya, the search for a society of welfare, dignity and respect of all, the movement focuses on the reform of laws to improve the condition of marginalized groups such as Dalits, Adivasis, women and above all the landless. By means of the Satyagraha – non-violent resistance against injustice- juridical procedures, negotiation with the government and civil disobedience actions are combined to plead for concrete policy measures, such as the more efficient recognition of land titles by a new agency and the installation of local tribunals to resolve land conflicts.

### ***Loss of local food production and consumption autonomy as a right to food violation***

The respect for the central role of local food production and consumption to improve the situation of marginalized groups is the objective of a long human rights struggle which has only recently started. A human rights approach can already today bear very concrete fruits in preventing or repairing concrete violations, where governments have clearly failed to respect, protect or promote the right to food.

In its twenty years of existence, FIAN has documented and followed up more than 400 cases of violations of the right to food. Currently, the network of members engages in about 30 letter campaign actions per year to build up international pressure towards governments to comply with their human rights obligations. Yearly, an additional dozen of violations dealing with land conflicts and (lack of) land reform are distributed through the alert network of the Global Campaign of Agrarian Reform, together with the global farmers movement La Via Campesina.

Through all these years, systematic patterns of violations have emerged. The issue of lack of access to productive resources, in particular land, but also water and support services, is a central one. Most are directly or indirectly linked to “mega development projects”, such as construction of hydroelectric power dams, mining pits, conversion of farmlands into agribusiness projects for export, expansion of agricultural frontiers, fish and shrimp farming, tourist infrastructure development, establishment of Special Economic Zones, etc. More recently this process of global encroachment of food production resources in the South has been aggravated by the push towards the production of agrofuels of different kinds, diverting food crops for energy production. All of these initiatives are driven by the thirst for new markets and the guarantee of profits to shareholders. When it comes to “social responsibility”, they often omit to consider the possible environmental impact or the survival of the local human population that depends for its livelihood from that environment. Another significant group of violations is linked to the lack of access to the needed income to purchase the needed food (for those not possessing or having lost food-producing resources). This is a phenomenon of both rural and urban areas, due to the ample availability of unemployed and underemployed, which favours bonded labour and situations similar to slave labour.

When the dependence on precarious wage labour to access food is a consequence of lost control over productive means to produce and exchange or sell foodstuffs, communities can disintegrate rapidly. Communities that are losing the capacity to access food in their traditional, culturally appropriate way, show us the importance of food production for the well-being and cultural continuity of individuals and communities. A recent case documented and followed-up by FIAN can illustrate this: the Guarani-Kaiowá in the southwest of Brazil. Their habitat of thick bush kept them fairly isolated until the region became exploited for *erva-mate* production by an Argentinean company at the end of the 19th century. During the 20th century, the semi-nomadic people became first confined to their villages (*tekohas*, territories guaranteeing spiritual survival, where each family unit lives at a certain distance from each other). As they became increasingly employed in clearing bush and setting up soy plantations and cattle ranches, which encroached on their land, they were forced to move towards confined reserves, which are currently grossly overpopulated. With less space per person than an average cow in the state of Mato Grosso do Sul, they find it impossible to sustain their means of subsistence by hunting, fishing and growing crops, and are confronted with a rapidly degrading environment.

The resulting deterioration in the communities of the social structure, local knowledge of medical treatments, lack of access to water, etc. destroys their cultural autonomy, a process which is still aggravated by a program of food aid installed by the government to avoid rising figures of child deaths related to malnutrition, detected from 2004 onwards. The food aid baskets are not adapted to local culture and are not adjusted to the size or composition of family. Employment alternatives only exist in the sugar cane industry with its semi-slavery working conditions. Many youngsters that are tempted with gaining some money, due to the lack of land to grow food themselves, spend several months per year on the plantation, losing the context of community life. In 2007, 20 cases of suicide among youngsters in two communities have been documented, something which points at a new structural problem. Although the Brazilian constitution since 1988 concedes the right for indigenous communities to have their original territories reconstituted, the political and justice system, under heavy influence of landlords, has been very sluggish to implement this in the case of the Guarani-Kaiowá, especially since the agrofuels boom creates special interest in former indigenous territories, to expand soy and sugar cane plantations. Such cases show that it is urgent to respect the local food production capacity with all cultural aspects around it when considering development projects. In many cases, there is both room for economic development and persistence of local communities with a strong food production culture. Their inherent right not to have their access to means of production corresponding to their cultural traditions deteriorated or destroyed should not be weighed against economic arguments of profit and macro-economic gain.

## **References**

- 1) General Comment No.12 is referenced as UN Doc. E/C.12/1999/5. Also relevant to the Right to Food is General Comment No.15 of the same Committee on the 'Right to Water', UN Doc.E/C.12/2002/11