

ARGUMENTS FOR THE RIGHT TO FOOD CAMPAIGN

1. Introduction: general context of World hunger.

Based upon the report “The world food unsafe situation in 2008” the FAO estimations point out that the number of people suffering from chronic hunger increased by 75 million, which add up to the 848 million number of undernourished people that FAO reported in 2003-2005. A major reason for this increase is due to the food price crisis with an estimated of 923 million undernourished individuals in 2007. The reference number being contemplated for 2008 is of 963 million people suffering from hunger, and a trend to exceed the 1 billion figure for 2009 has been acknowledged by international organizations.

This has been a severe drawback to the minor advances achieved over the past decade in regards to the reduction in the percentage of people suffering from hunger. Over the 1990-92 time span, the percentage of people suffering from hunger was 20% and in 2003-2005 it was 16%. In 2007 the ratio has again increased up to the 17% level.

This increase in the number of people suffering from hunger has been a major setback to those countries which had already made improvements towards the millennium achievement of reducing the percentage of undernourished people.

The FAO estimates that the price increase has pushed 41 million of people in Asia and the Pacific region, and 24 million of people in Sub-Saharan Africa into the state of hunger. Over 35% of the citizens of 15 out of 16 countries in Africa suffer from hunger, which makes them very vulnerable to the volatile food prices.

2. International agreements and legal framework for the right to food.

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Article 25 of the Universal Declaration of Human Rights says that *“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”*.

The right to food was considered to be a second generation right, which, unlike first generation rights which require only that a specific society does not interfere in each individual’s rights, actually require the provision of copious financial resources to guarantee those rights and can therefore only be guaranteed gradually in line with the moment of history and the possibilities of each government.

The Cold War, with its ideological separation of the World into two opposing blocks, also artificially separated the human rights.

Nevertheless, after the 1993 Conference on Human Rights the initial principles on human rights were readdressed and both major categories were reunited- the civil and political rights and the economic, social and cultural Rights.

In the Preamble of both the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights, it is acknowledged that, *"in accordance to the Universal Declaration of Human Rights, the human aspiration to freedom and being relieved from fear and misery may not be achieved unless the proper conditions that would allow each person to enjoy its social, economic and cultural rights as well as the individuals' civil and political rights are created"*.

Nevertheless, while the Enforcing Protocol on Civil and Political Rights was approved and came into effect immediately after the International Covenant, in the case of Economic, Social and Cultural Rights the Enforcing Protocol that would allow the reporting and surveillance of the fulfilment of the corresponding Covenant was only approved in 2008 and is still, to this date¹ in the process of being accepted by the States. At least 10 States would have to ratify it before it can come into effect, which may happen in the UN General Assembly at the end of September 2009.

2.2. International Agreements and Compromises

- Plan of Action of the 1996 World Food Summit Meeting

The Plan of Action was the sound result of the 1996 World Food Summit. The plan is structured along several strategic lines, objectives and goals which span from agricultural production support up to issues regarding the price of basic goods. The objective of this Plan of Action is to reach the goal established by the Summit to reduce by half – in between 1990 and 2015 – the number of people suffering from hunger in the world. This is the first joint effort by the international community to set the fight against hunger all over the World. The Economic and Social Council (ECOSOC) has invited the FAO to present assessment reports every four years about the evolution of this Plan of Action to be drawn up by the World Committee on Food Safety.

- Voluntary guidelines to the progressive achievement of proper food diet in the context of world food safety

These Guidelines are drawn up by the command of the World Food Summit Meeting: after five years, held in Rome in 2002, and were approved by the FAO General Council in November 2004.

The goal of the voluntary Guidelines is to propose sound rules in several fields, with the purpose of encompassing the complex drama of hunger and create favourable conditions to guarantee national food safety in the long run.

These Guidelines deal, as a result, with several important factors on development such as legal and institutional aspects, good public management and national strategies as well as issues related to the economy and markets, nutrition and food policies, education and social policies, women rights and support to vulnerable groups, emergency situations, International support, as well as the international framework.

¹ Mayo 2009

Additionally, the guidelines propose a human rights-based approach. They not only re-state the compromise with the principles of equality and non-discrimination, participation and active cooperation, accountability and the Rule of Law but also the principles of universality, indivisibility and interdependence of the human rights.

- Compromises within the Framework of the Food Crisis

The Creation of the High Level Work Group on Food Safety. For the first time a coordination request is set forth among all of the UN agencies that work to a great or minor extent on food and agriculture. The Work Group published the document “Expanded Framework of Action” in July 2008 which is currently the reference document on all international endeavours to fight hunger and/or the world food crisis.

3. Obligations for States in regard to the right to food.

The International Covenant on Economic, Social and Cultural Rights imposes upon Member States the obligation to proceed in the most expedient and efficient manner possible in a bid to achieve the aim of guaranteeing their citizens’ right to food.

Article 2.1 of the aforementioned International Covenant on Economic, Social and Cultural Rights asserts that “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures”.

General comment 3, on the obligations for each Member State to the Covenant, says that international cooperation for development and for the efficacy of economic, social and cultural rights is an obligation for all States.

General comment 12, which is specific for the right to food, details the obligations of States with respect to this right:

1. The obligation to respect existing access to adequate food requires States not to take any measures that would hinder such access.
2. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food.
3. The obligation to fulfill (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security.
4. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.

4. Relationship between national and international levels.

The right to food has an interrelated national and an international dimension.

The national dimension includes the responsibilities of States over their citizens. The international level focuses mainly on the obligation of States not to interfere in the enjoyment of other countries' right to food or to exercise their responsibility in a more direct way towards the citizens of less solvent countries.

States must guarantee that their policies do not infringe on the right to food, but rather that they contribute, as much as possible, to protecting and fully implementing the right to adequate food³.

This international dimension includes States' responsibility in negotiating agreements regarding agriculture, trade, technology, etc.

International cooperation comes under the framework of the international dimension, highlighting the role which food aid plays or should play. This type of aid has been and is criticized due to the manner in which it tends to be used politically, generating or increasing the dependence of receiving countries on donor countries, altering the habits of consumption by introducing products that are unsuitable to countries' food practices, ignoring the cultural factor in food.

5. Agriculture, development and the right to food.

Preserving the environment, the landscape or the cultural heritage in rural areas are examples of public goods. Protecting the availability of the aforementioned goods requires the creation of favourable conditions, via grants, managed prices or other procedures for developing agricultural production.

The agricultural model analysis should not only be made on the basis of productivity, but instead it should evaluate the social and environmental aspects in the fulfilment of the right to food as developed in the General Observation N^o12 and always geared towards the most vulnerable groups. Based on this premise, family ecological agricultural production models –of small and medium scale- should be favoured as the best mean of reducing hunger in the developing countries.

Agricultural policies should aim to achieve food sovereignty for people - interpreted as people's right to define their own sustainable policies and strategies for production, distribution and consumption of foods- which guarantees the right to food for the population, based on small and medium-scale enterprises, respecting their own culture and diversity.

Food sovereignty is the way to eradicate hunger and malnutrition and to guarantee lasting and sustainable food security for rural areas, where 70% of the poor and hungry live.

6. Access to resources

a) Land

Land is the essential resource for agricultural, cattle and forestry production.

The concentration of land ownership among a small number of owners greatly hampers the situation of small producers who, in general, have serious problems when it comes to accessing land and having the legal acknowledgment of ownership of the land they work in. We have recently witnessed how land is being unduly seized in order to obtain natural resources, how ancestral knowledge relating to the use of seeds and medicinal plants is usurped, how the best land is used and degraded, and, lastly, how environmental pollution is caused largely by industrialized countries.

An important aspect in regards to land is the gender discrimination. It is estimated women produce around 70% of the food in developing nations but barely owned 1% of the cultivated land. This situation is, in certain cases, backed by the Law, and in the majority of them, by the customs and traditions of the communities.

Recent agricultural reforms have been supported by trade, by the World Bank but not by the will to share out the land fairly in a way that favours a dignified life and development for the people who live and work on this land.

b) Water

Water is a limited natural resource and a fundamental public good for life and health.

Currently over 1 billion people have no access to drinking water.

The transformation of small-scale agriculture into intensive industrial production has contributed especially to the current crisis in water resources. Agricultural activities consume 70% of all fresh water available at this time.

c) Seeds

Seeds are indispensable for agricultural activity. Nevertheless, they are not always in the hands of the farmers who are going to use them. Seed control indisputably involves control over production. This control is in the hands of a small group of multinational companies located in developed countries, which export the seeds to poor countries that are hit by famine and chronic food shortages.

Against this background of limited access and control of seeds, biotechnology is presented as the alternative which could solve the problem of hunger. However, the Earth produces sufficient food for all of its inhabitants and, consequently, the problem of hunger is a question of how the resources are distributed.

Monopolisation of biotechnology by a group of companies in industrialised countries comes only to increase and strengthen the South's technological dependence upon the North.

d) Fishing resources

Fishing is one of the most important factors in the world food economy. Throughout the world, more than 30 million fishermen and fish farmers, and their families, make their living from fishing⁵. Estimates suggest that fishing is the way of life for some 100 million people in developing countries⁶. According to the FAO (2001), around 50% of maritime fishing resources worldwide are completely exploited, 25% are over exploited and the remaining 25% could stand higher rates of exploitation.

Around 1 billion people, mostly in developing countries, depend on fish as their main source of protein.

7. Conclusions.

- The right to food is a fundamental human right and should be recognized as such, and respected, protected and guaranteed by States.
- The right to food is inseparably linked to the fulfilment of other rights, including economic, social and cultural rights – such as the right to access to water, good health, shelter, education or work - as well as civil and political rights.
- Up to the present time and on a general basis, there has been a lack of political will by the ICESCR Member States to treat the economic, social and cultural Rights with equal respect, protection and guarantees as the civil and political rights.
- The recent food crisis has once again shown that the key problem to eradicate hunger is not an availability-of-food issue but instead it is the inability to physically and economically access food. Therefore, the fight against hunger should not be limited to increased production and improved productivity.