

QUESTIONS REGARDING THE RIGHT TO FOOD

1. Who are the people suffering from hunger?

The report titled “The state of food unsafetiness in the world” published by the FAO in 2008 points out that 963 million people were registered as people who suffer from hunger.

The world food crisis of 2007 and 2008 implied an increase in the amount of people suffering from hunger by up to over 100 million, while it is estimated that in 2009 the total number has exceeded the thousand million people amount. Nevertheless, we cannot claim that the crisis is over. What causes hunger and malnutrition in the 21st Century is not the lack of food but the state of neglect that million of people go through in many regions of the world.

2. Why have we had a food crisis in 2007-08?

This food crisis – caused by a price increase in the prices of staple food- has been complex and heterogeneous but not random nor accidental. For several years assorted institutions and groups have been warning that hunger and malnutrition have been increasing and that it would be necessary to review the investments in agriculture and rural development so that they could realistically contribute o the right to food. There are several aspect that merged into the current situation:

- First of all, the vulnerable situations that specific populations live under. While in Spain, a family spends 20% of their income in food, a family from a country in the South East may spend 80%, which means that any increase in the food price bring these families at a cutting edge: either they eat or they do not eat.
- The increase of the purchasing power in emerging economies, specially China and India, has caused in increase in consumption of non-staple food such as processed dairy products and meat which demand great amounts of cereals for preparation
- Another reason that has affected the demand has been the Peak production of biofuels. The FAO estimated that the production of biofuels covers approximately 5% of the world cereal production. Moreover, the majority of the crops for biofuel production come from single-crop large estates with little benefit for the small farmer, and great revenues for landowners or agro-business companies while exhausting the water and soil resources. Therefore, the issues of competition for the resources –the water to water the plants and the land for harvesting- bring problems and confronting interest. Meanwhile, both the European Union and the United States subsidize these crops, which seldom happen in the developing countries, and as a result free and fair completion is non-existent.
- The other factor that has caused an increase in the food price is the increase price of crude oil, not only because of the transportation costs but also the increased price of petroleum by-products used in fertilizer and pesticide formulas.
- Another aspect that has impacted the price –although yet not determined up to what extent- has been the financial market crisis which has drawn investors to agricultural raw material markets with exclusive speculation purposes without any control over the reference prices.

3. What is food safety?

In the Food Summit meeting held in Rome in 1996, food safety was defined as “a situation that allows all people to have at all times, physical and economic means of access to innocuous and nutritious food that meets their nourishment demand and their preferences in order to have a sound and healthy life”.

In the Food Summit meeting held in 2002 the need to allow the availability of nutritiously adequate and innocuous food was highlighted with special emphasis on nutrition factors as an integral part of the effort to promote food safety.

As Karlos Pérez de Armiño points out, the concept of food safety has evolved, starting with the reasons for hunger and famine and all the way through the shortage theory and the difficulty to food access; as a consequence, a plain increase in food production is not enough in order to achieve food safety. Secondly, statistical data analysis has shifted from national scale approach (national food safety- NFS) to specific vulnerable families situation (Family Food Safety -FFS).

There are two types of food unsafety situations: chronic or temporary. The chronic food unsafetiness consists of a daily poor diet due to the inability to get food. It affects family units who consistently lack any purchasing power or means to produce enough quality. The temporary food unsafetiness is transitory decrease in the family unit access to food, due to instable prices, or food production yields, or family income; in the worse case scenario it may lead to famine.

4. What is food sovereignty?

We understand food sovereignty to be peoples’ right to define their own sustainable food production, distribution and consumption policies and strategies, to guarantee the right to food for all people, based on small- and medium-scale production, respecting their own culture and the diversity of the peasant, fishing and indigenous farming practices, methods of commercialisation and administration of rural areas in which women play a fundamental role. In our view, food sovereignty is the way to eradicate hunger and malnutrition and to guarantee lasting and sustainable food security for all.

Food sovereignty requires the following steps:

- Prioritize food production for domestic and local markets, based on farming ventures and diversified family businesses and in agro-ecological production.
- Ensure fair prices for peasant farmers, in other words the means to protect domestic markets from low-priced imports and dumping.
- Access to land, water, forests and fishing and other productive resources via genuine redistribution, not based on market forces, exemplified in the “land market reforms” financed by the World Bank.
- Recognition and promotion of the role of women in food production and fair access and control of productive resources.
- Control by the community of productive resources, rather than the corporations that own land, water, genetic resources, etc.
- Protection of seeds, which are the basis of food and life itself, for free exchange and use by peasants, which means not patenting life and making a widespread

and rigorous application of the principle of precaution on genetically modified seeds that could lead to contamination and a reduction in the essential genetic diversity of plants and animals.

- Public investment to promote family- and community-run productive activities aimed at increasing power and control over food production so that the latter is focused mainly on local people and markets as a priority.

5. What is the right to food?

The right to food is the right to have regular and permanent individual or collective access to food that is quantitatively and qualitatively adequate and sufficient, and the necessary means to produce it, in line with the cultural traditions of each population and guaranteeing satisfactory and dignified life at physical and psychological level.

6. What is the content of the right to food?

According to General Comment 12 by the UN Committee on Economic, Social and Cultural Rights, the elements constituting the right to food are as follows:

- Sufficient food: the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation.
- Adequacy: the foods or dietary regimes available to satisfy the right to food must be adequate in terms of the prevailing social, economic, cultural, climatic, ecological and other conditions at any given time and in any given place.
- Sustainability: food being accessible for both present and future generations.
- Innocuousness: food must be free from adverse substances and there must therefore be set requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration and/or through bad environmental hygiene or inappropriate handling at different stages throughout the food chain.
- Respect for cultures: foods must be acceptable for a specific culture or consumer, and it is therefore also necessary to take into account, as far as possible, perceived non nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.
- Availability: the possibilities either for feeding oneself directly from productive land or other natural resources, or for well functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.
- Economic accessibility: implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised.
- Physical accessibility: implies that adequate food must be accessible to everyone, at all times.

7. Which recognition and guarantee tools are there available within the Framework of the International Law?

The right to food is included in Article 25 of the Universal Declaration of Human Rights: *“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 is 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.

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 recognized that, *“in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights”*. In this way, the interdependence of the two sets of human rights is recognized.

The Preamble of the International Covenant on Economic, Social and Cultural Rights imposes the obligation of prompt and efficient guarantees of the right to food to its citizens, but the only control tool established by the Covenant is the periodic submission of report by the States to the United Nations. As opposed to the other agreement, the ICESCR lacks a similar protocol that works as the legal background of the defence of civil and political rights.

After many years, on December 10th 2008, while the UN General Assembly was celebrating the 60th Anniversary of the Declaration of Human Rights, the Enforcing Protocol for the ICESCR was approved. 10 Member States need to subscribe to it for the Protocol to come into effect.

Once the Protocol comes into effect, it will allow people, groups or organizations to submit their claims of justice in the international scope in regards to the violations of economic, social and cultural rights to the UN Committee on Economic Social and Cultural Rights, which would balance this long-lasting unfairness.

8. What are the obligations for States in regard to the right to food?

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 parties not to take any measures that result in preventing 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 fulfill (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.

9. What commitments does the international community have in terms of the right to food?

In addition to the right to food being recognized as a human right in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, at the World Summit on Food in 1996 (convened by the FAO, on 13 November 1996), the Declaration of Rome on World Food Security was approved, in which the participants at the summit undertook to apply, survey and monitor the Action Plan at all levels, in cooperation with the international community, in order to cut by half the number of undernourished people by 2015. This undertaking was renewed at the world Food Summit, five years later, organized by the FAO in Rome between 10 and 13 June 2002, and it is also included as one of the Millennium Development Goals.

On the other hand, on the basis of the World Food Summit command, held in Rome in 2002, the FAO drew the Voluntary Guidelines to the achievement of the right to adequate food in the context of national food safety, which were approved by the FAO General Council in November 2004. The goal of the Voluntary guidelines is to propose specific rules in assorted fields, in order to trap the complex features of the hunger drama and create long-term favourable conditions to guarantee national food safety.

Due to the 2007-08 world food crises, the UN created a High Level Work Group on Food Safety. For the first time a coordination request is acknowledged among all agencies in the UN which are little or greatly involved in this sector –food and agriculture in this case. This Work Group broadcasted in July 2008 the document “Expanded Framework of Action” which is currently the reference document for all international initiatives to fight hunger and/or the world food crises.