



**The International Conference on Food Justice from a Human Rights Perspective:  
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Topic: The Role of National Human Rights Institutions, Non-Governmental Organizations, Civil Society and Stakeholders in Implementing the Right to Food and Food Justice According to a Human Rights Approach, sub theme 4 on: How to Promote a Human Rights-Based Approach to Implement the Right to Food Justice, Practical opinions and proposals.

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### **Preceding Quote:**

*"ALMOST CERTAINLY, HOWEVER, THE FIRST ESSENTIAL COMPONENT OF SOCIAL JUSTICE IS ADEQUATE FOOD FOR ALL MANKIND"* NORMAN BORLAUG, AN AMERICAN AGRONOMIST

## **1.0 Introduction**

Food is a basic human need. It is consumed to provide nutritional support and energy to the body. It can be raw, processed, or formulated and is consumed orally for growth, health or pleasure. According to the Food and Agriculture Organization, food may be classified as cereal, roots, pulses and nuts, milk, eggs, fish, shellfish, meat, insects, vegetables, fruits, fats and oil, sweets and sugars, spices and condiments, beverages, food additives, composite dishes and savoury snacks.

Food is also a fundamental human right duly recognized under international human rights law. In particular, the Universal Declaration of Human Rights (UDHR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). Specifically, article 25 of UDHR and article 11 of ICESCR which provisions are identical provide that *"everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services.."* Other human rights instruments guaranteeing the right to food are the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD) as well as host of other non-binding and regional instruments.

## **2.0 The Global Food Crisis in Perspective**

There is consensus among stakeholders that, the global food crisis does not necessarily stem from a shortage of food resources, but rather, from a crisis of access to food resources and poverty by a large segment of the world's population as rightfully indicated by Special Rapporteur on the Right to Food and the United Nations Secretary - General in 2021. The scale of current global hunger and malnutrition is at a frightening rate. The World Food Programme estimates that from 78 of the countries where it works and where data is available more than 333 million people were facing severe levels of food insecurity in 2023 and have no idea where the next meal is coming from. In Africa, it is estimated that at least one in five Africans goes to bed without food; and an estimated 140 million people face acute food insecurity according to the 2022 global report on food crises 2022 mid-year update. The World Food Programme further indicates that conflict is still the number one driver of hunger with 70 per cent of the world's hungry people living in areas affected by war and violence. This is exacerbated where food is used as a political weapon in times of conflicts. The war in Ukraine demonstrates how conflict complicates hunger compelling people to leave

their homes, wiping their sources of income and wreaking havoc on countries' economies. Also, harsh climatic conditions attributable to climate change in the horn of Africa have had debilitating impact on crops, livestock and livelihoods and severely undermining the ability of households to feed themselves. Furthermore, global fertilizer prices in view of the war in Ukraine have soared threatening food security resulting in production decline of maize, soya, soyabean and wheat all falling in 2022.

It is not to be forgotten that human rights treaty bodies especially the Committee on Economic, Social and Cultural Rights have indicated that macro-economic challenges such as high debt levels often attributable to unfair global trade and financial system against smaller and weak economies particularly in Africa have seriously undermined the ability of these countries to comply with the human rights obligations particularly as regards the realization of economic, social and cultural rights including the right to food.

### **3.0 Food Justice: A Human Rights Based Perspective**

Achieving food justice is when everyone has access to nutritious, affordable and culturally appropriate food that is consumer centred and environmentally compliant. But achieving food justice around the world would be impossible without due consideration for a human rights-based approach (HRBA). Fundamentally, a HRBA to food justice demands a consideration of the social, political and environmental implications of the food system and how they could improve the quality of life for millions of people who do not have access to food. It is hinged on states obligations under international human rights law to respect, protect and fulfil human rights.

Within the context of food justice therefore, a HRBA is concerned about ensuring that human rights norms and standards are integrated into food laws, policies, programs and systems. The HRBA is based on the application of the 'PANEL' principles which are: Participation; Accountability; Non-Discrimination and Equality; Empowerment and Legality in short.

- **Participation:** In the context of food justice discourse, this principle requires that rightsholders and persons likely to be affected by public decisions are heard. For instance, the recent protests of farmers in France (as critical actors in the food system) against certain government policies demonstrates the lack of participation of these critical stakeholders in the decision-making processes in France and the European Union organs. Also, in the context of Africa, how are small holder farmers consulted in national agriculture and food policies and programmes?
- **Accountability:** This principle requires effective monitoring as well as providing effective remedies for violations of human rights. Within the context of the right to food, what available avenues exist for rightsholders in case of violations. The **People's Union for Civil Liberties**

**(PUCL) and Others v. The Union of India [writ petition (civil) No.196 of 2001]** case illustrates how the court can provide strong oversight in terms of food justice.

- **Non-Discrimination and Equality:** As a principle, it dictates that all forms of discrimination in the realisation of rights should be prohibited, prevented and eliminated. It also requires prioritisation of those in extremely vulnerable situations in order to enjoy their rights. In the realm of food justice, those facing hunger and malnutrition such as those in poverty, harsh climatic condition, and conflict situations in accessing food should be prioritized and supported to enjoy their food rights.
- **Empowerment:** This involves empowering rightsholders to know their rights and be supported to participate in the development processes which affect their lives. An example of such empowerment is the brochure developed by the South African human rights Commission to educate the public on the right to food.
- **Legality:** The human rights-based approach requires the recognition of rights as legally enforceable claims and is grounded in national and international human rights law. In the realm of food justice discourse, are there recognizable right to food enshrined in national constitutions, or legislation or policy position that recognize food as a human right capable of justiciability.

#### **4.0 What Role Can NHRIs, NGOs & CSOs Play in Realising Food Justice?**

##### **4.1 NHRIs**

In the context of the global discussions on implementing food justice from a human rights perspective, it is extremely important to identify critical actors who can contribute to addressing food crisis both nationally and internationally. One of such key actors are the National Human Rights Institutions (NHRIs). NHRIs are national bodies established with the mandate to promote and protect human rights in a given country. They are either established by a national constitution or statute. Through their broad mandates and variety of functions, NHRIs play essential roles in advancing the enjoyment of economic, social and cultural rights including the right to food. In full compliance with the Paris Principles, NHRIs become a force to contend with in the context of realising food justice under the broad umbrella of economic, social and cultural rights.

The following broad functions of NHRIs can be optimized to promote food justice:

- **Monitoring & Research:** NHRIs monitor and investigate the economic and social rights situation on the ground, as part of the broader human rights situation at the national level. They are also involved in publishing research and opinions on a variety of economic and social rights issues.
- **Reporting:** The results of NHRIs monitoring economic and social rights issues are reported to national Parliaments, the public, the media and to international and regional human rights bodies

such as the Human Rights Council, African Commission, Council of Europe etc. By doing so, NHRIs assess the compliance of national laws and practices with all international human rights standards.

- **Advisory:** NHRIs provide recommendations on how to improve the realization of economic and social rights domestically, for example by advising governments at central and local government levels, Parliaments and other public bodies and businesses and the private sector on the potential impact of economic and social rights policies on the enjoyment of human rights of individuals, including of vulnerable groups.
- **Public Education & Sensitization:** NHRIs address the general public in order to promote a culture and language of rights, through training and awareness raising activities on a variety of issues and in order to empower communities around their rights and channel the public's voices back to policy makers. For example, the South African Human Rights Commission has developed a brochure detailing the nature and scope of the right to food, and the corresponding obligations of the state and other duty bearers.
- **Complaints Handling:** NHRIs provide support for individuals and groups to enforce their rights, e.g. through complaints handling and legal assistance, and some can intervene before the courts. When economic and social policies have an adverse impact on individual and group rights, NHRIs can provide information about available remedies for right holders.
- **Bridging Gap:** NHRIs cooperate with a variety of NGOs, civil society actors, networks and institutional bodies focusing on economic and social rights issues. As both independent and state-mandated bodies, NHRIs sit in the space between the state and civil society. They act as a bridge between regional and international mechanisms and help them to understand the local context as it relates to right to food.

#### 4.2 NGOs/CSOs

The role of NGOs/CSOs in the implementation of food justice cannot be underestimated. NGOs/CSOs work with communities and rights holders to address a plethora of human rights such as hunger, malnutrition food injustice. This is done by acting on behalf of right holders by demanding accountability from state through the use of strategies such as strategic litigation to advance economic and social rights including the right to food. A classic example of such steps is the case of the **People's Union for Civil Liberties (PUCL) and Others v. The Union of India[writ petition (civil) No.196 of 2001]** where the plaintiff brought a writ against the government of India arguing that the right to food was fundamentally linked to the right to life guaranteed under article 21 of the Indian Constitution resulting in the provision of cooked meals for school children, provision of meals for school children;35kg of grain per month at highly

subsidized prices to 15 million destitute households among other interventions. This singular decision by the supreme court, has been praised as exemplary and transformational for the realization of the right to food in India.

Similarly, in *Kenneth George's case (2007)*, a South African court, for the first-time upheld protection of the right to food. The petition was aimed at protecting the right of access of traditional fishing communities. A Marine Living Resources Act introduced in 1998 in the Cape of Good Hope Province establishing a system of quotas through which the totality of fishable resources in a given year was divided into commercial licenses. The specific needs of traditional fishing communities were not taken into account by the law, while the quota licensing procedures were complex and burdensome, thereby excluding, historically recognized traditional fishermen. With implementation of the law, entire fishing communities lost their access to the sea, and their nutritional status deteriorated significantly as a result of this law. With support from a development NGO, and an affidavit submitted by the Special Rapporteur on the right to food at the time, **J Ziegler**, a legal challenge was mounted before the high court defending their historic reliance on fishing as a source of food and sustenance. The court upheld their right to food, struck out the law and ordered for the drafting of a new law with inputs from the fishermen. This and many other strategies can be adopted by NGOs/CSOs to effectively play their role in implementing food justice from a human rights-based approach.

## **5.0 Concluding Remarks**

Attaining food justice is achievable. Resolving issues of hunger and malnutrition is not only a commitment to fulfilling human rights obligations, but as a means of addressing inequality and promoting equality, social justice and political stability in all aspects of society. To this end, pursuing radical transformation of food governance is crucial if the world aims to achieve food justice outcomes. Failure to address these injustices and inequities particularly in the midst of climate change, growing civil strife and political instability will be unacceptable and unforgiving.

## **5.0 Recommendations**

In light of the above discussions, the following modest recommendations are proposed for consideration:

- Developing a national food legislation and policy where none exist based on data to guide and coordinate the production, processing, distribution and sale of food in line with States' human rights obligations towards realising the right to food.
- Government food policy and programmes should be subjected to the rigour of human rights standards to identify gaps in order not to leave any one behind.

- NHRIs should leverage their various functions including providing advisories to government by ensuring that national food legislation policy complies with State's human rights obligations.
- Establishing silos and the processing of food resources should be vigorously pursued to address the challenges of food wastage.
- Creation of food banks and other food support systems in collaboration with the private sector to provide support for persons highly vulnerable to hunger and malnutrition such as the elderly, pregnant women, refugees, displaced persons, minorities, and children.
- CSOs should leverage strategic litigation to demand accountability from governments and businesses at national, regional and international human rights bodies to ensuring food justice.
- Protecting water sources and arable lands suitable food production from the scourge of land grabbing, destruction and poisoning by unregulated mining entities through the use of mercury and undertaking climate resilient initiatives.
- International financial institutions such as the IMF, World Bank, AfDB macro-economic programmes should seek to strengthen state's capacity to deliver on food justice as opposed to undermining it.

Thank you.