

## The contribution of the right to food to global food security: a tool not a symbol

by Olivier De Schutter

The right to food as a human right is a relatively recent invention. It was included, of course, in the 1948 Universal Declaration on Human Rights,<sup>1</sup> the core document that launched the movement towards international human rights at universal level, and in subsequent treaties such as the 1966 International Covenant on Economic, Social and Cultural Rights<sup>2</sup> or the 1989 Convention on the Rights of the Child.<sup>3</sup> But for almost fifty years, the right to food was practically dormant. It was seen as of little practical significance. At best, it had a symbolic value, adding legal weight to the deeply held ethical conviction that it was wrong not to support poor people's ability to have access to food. At worst, it was seen as a distraction from the serious tasks of investing in agricultural production, of strengthening social protection schemes, and of supporting the economic growth of developing countries.

The 1996 World Food Summit changed this. In 1974, the first World Food Summit had narrowly defined "food security" in terms of food supply. Instead, in the opening paragraph of the 1996 Rome Declaration, Heads of States and Government reaffirmed "the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger". The World Summit Plan of Action they adopted requested to "clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger" (objective 7.4). This led the Committee on Economic, Social and Cultural Rights, the body of experts tasked with supervising the implementation of the 1966 Covenant on Economic, Social and Cultural Rights, to propose an authoritative interpretation of the right to food (in the form of General Comment No. 12, adopted in 1999). It spurred the adoption by the Food and Agricultural Organisation (FAO) Council on 23 November 2004 of the *Voluntary Guidelines on the progressive realization of the right to adequate food in the context of national food security*, the only text of intergovernmental nature clarifying the concrete measures states should take in order to implement the human right to adequate food. With these advances, the right to food was not simply better understood in its normative implications. It was also seen by governments as a key instrument in the fight to achieve food security.

Governments shifted towards the right to food because they realized that past policies were failing to reduce food insecurity. Those policies were focused on increasing macro-nutrient availability. However, it appeared that the number of the hungry was rising at the same time that the levels of aggregate cereals production were breaking record after record, and despite the fact that, on a worldwide basis, increases in annual grain production consistently exceeded demographic growth.<sup>4</sup> Indeed, on the basis of his study of the most important

<sup>1</sup> G.A. Res. 217 A (III), U.N. Doc. A/810, at 71 (1948).

<sup>2</sup> Adopted on 16 December 1966, G.A. Res. 2200(XXII), U.N. GAOR, 21st sess., Supp. No. 16, U.S. Doc. A/6316 (1966), 993 UNTS 3 (see Article 11).

<sup>3</sup> Adopted on 20 November 1989, A/RES/44/25, 20 November 1989 (1577 UNTS 3). Articles 24, para. 2, c) and 27 para. 3 of the Convention on the Rights of the Child also impose on States parties an explicit obligation to combat child malnutrition.

<sup>4</sup> Annie Shattuck and Eric Holt-Giménez, Moving from Food Crisis to Food Sovereignty, 13 *Yale Human Rights & L. Dev. J.* 421 (2010), 422 ('Over the last twenty years, food production has risen steadily at over 2% a year.

famines of this century, Amartya K. Sen drew our attention, already in 1981, to the fact that people may grow hungry in times of boosting yields, as a result of the incomes of certain groups remaining too low, while the incomes of others rise.<sup>5</sup> The originality of Sen's approach was that it moved away from considerations related to aggregate values and that it focused, instead, on the situation of the most vulnerable groups of society. If their situation does not improve as a result of increased levels of production, then whatever gains we make in improving yields are simply unable, by themselves, to alleviate hunger. The question we must ask, therefore, is not only whether certain forms of agricultural development increase the volumes of production, but primarily what their distributional impacts will be. Who will gain most? Who will not gain, and who may even lose?

Legal accountability has a key role to play in this regard. As Amartya Sen remarked, "the law stands between food availability and food entitlement."<sup>6</sup> What he meant is that unless we take seriously our duties towards the most vulnerable, and the essential role of legal entitlements in ensuring that the poor have either the resources required to produce enough food for themselves or a purchasing power sufficient to procure food from the market, our efforts at increasing production will little change their situation. For they are hungry not because there is too little food, they are hungry, because they are marginalized economically, and powerless, politically. Protecting the right to food through adequate institutions and monitoring mechanisms should therefore be a key part of any strategy against hunger.

We are now learning the lesson all over again. Consider Peru for instance. Until 2005, Peru seemed bound to remain with high and almost unchanged rates of child malnutrition. As measured by the rates of stunted children, chronic malnutrition was 25.8 per cent in 1996, and 22.9 per cent in 2005; in rural areas, the rates were even higher and the progress even slower, moving from 40.4 per cent to 40.1 percent over the same period. Then, after 2005, malnutrition rates began to fall. Between 2005 and 2010, they declined from 22.9 to 17.9 percent. Reductions mainly occurred in rural areas: by 2010, child malnutrition had decreased by a quarter, to 31.3 per cent according to the Peruvian National Statistical Office (INEI). This means that over 130,000 children under five have been rescued from chronic malnutrition.

To what can this success be attributed? A report prepared by the Institute for Development Studies (IDS) shows it is not explained by the presence of favourable socioeconomic changes in Peru. Rather, the researchers conclude, the political determinants were decisive.<sup>7</sup> They argue that these changes would not have occurred without the formation in early 2006 of the Child Nutrition Initiative, which had ten Presidential candidates sign a commitment to reduce chronic malnutrition in children under five by 5 per cent in five years ('5 by 5 by 5'), following which the new Government of Alan Garcia not only sought to meet that commitment, but also set a higher target (at 9 per cent of reduction) and launched a 100-day action plan to drive reform. The report analyzing this "Peruvian surprise" describes the Government efforts to form policy coalitions across representatives of different government and non-government agencies; it looks at the vertical integration of agencies and programmes between national, regional and municipal governments; and it analyses the allocation of government resources used to fund the Government's nutrition effort. Key to the achievements of Peru, the research shows, was a concerted effort to create and sustain political momentum through civil society advocacy and the Child Nutrition Initiative

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Meanwhile, over the same period, population growth has slowed to 1.09% per year, with an average growth rate of 1.2%' (internal citations omitted).

<sup>5</sup> A.K. Sen, *Poverty and Famines. An Essay on Entitlement and Deprivation*, Oxford Univ. Press, 1981.

<sup>6</sup> Amartya K. Sen, *Poverty and Famines. An Essay on Entitlements and Deprivation*, Clarendon Press, Oxford, 1981, p. 166.

<sup>7</sup> Andrés Mejía Acosta, *Analysing Success in the Fight Against Malnutrition in Peru*, IDS Working Paper vol. 2011, No. 367, May 2011 (available from: <http://www.ids.ac.uk/files/dmfile/Wp367.pdf>).

campaign; the support of international donors aligning their commitments with programmes tackling malnutrition; and sustained government commitment to national coordination structures and mechanisms, increased public (and private) spending and the aligning of social programmes with the national nutrition strategy.

A parallel research shows that the example of Peru is not unique. Peru is one of a handful of countries where the rates of malnutrition diminished recently: the other countries are Bangladesh, Brazil, Malawi, and Mozambique.<sup>8</sup> What made these countries succeed when so many others are failing to make significant progress? First, they sought to adopt a multi-sectoral approach to combating hunger and malnutrition. Their strategies combined an attention to agriculture, with the mainstreaming of nutrition in health policies, and coordinated policies in the areas of education, gender, water, sanitation and habitat, pro-poor economic development (both by employment and income generation for the poor and by social development), and trade (as in the case, in particular, of Malawi). Second, with the exception of Bangladesh, the political impetus given at the highest level of government was a key factor: in Brazil, Peru, Malawi and Mozambique, the Governments defined food and nutritional security as their main priorities, placing them at the top of the political agenda and adopting strategies specifically aimed at combating hunger and poverty. Third, civil society participation and empowerment was essential, by contributing to the sustainability of policies across time and by improving their acceptance and impact among affected populations. Fourth, multi-phased approaches have been the most effective, as allowed by multi-year national strategies combining both short-term interventions and long-term approaches to nutrition. As the researchers explain: “Long-term initiatives, such as the enhancement of food production for self-reliance and the reinforcement of access to employment for the most vulnerable, have been complementary to short-term approaches, such as the improvement of health services to mothers and children, improvement of access to safe water and better sanitation conditions, alongside social protection strategies such as cash conditional transfer programmes.”<sup>9</sup>

All these elements are central to the adoption of national strategies for the realization of the right to food, as recommended both by the Committee on Economic, Social and Cultural Rights and under the Voluntary Guidelines on the right to food. But perhaps the key characteristic of rights-based strategies, that distinguish them from policy documents such as poverty-reduction strategy papers, is that they included an element of accountability. Indeed, researchers have highlighted three more ingredients of success in food security strategies that all directly refer back to accountability. Fifth, they note, the establishment of institutions monitoring progress has proved essential in ensuring that the political pressure remains present throughout the implementation phase of the strategy, and to ensure that the resources are committed. Sixth, the continuity of financial investment is vital: one-time efforts, over short periods, almost by definition are bound to fail to achieve significant success. Seventh, finally, adopting a rights-based approach to social protection schemes or to programmes that support food producers improve targeting and ensure that the disempowered, the less well connected,<sup>10</sup> or women,<sup>11</sup> are not left out. By transforming

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<sup>8</sup> Manuel Sanchez-Montero and Núria Salse Ubach, with Morwenna Sullivan, *Undernutrition: What works? A review of policy and practice, Zero Hunger: Phase 1*, ACF International Network and Tripode, 2010, available from: <http://tripodeproyectos.org/wp-content/uploads/2011/03/Zero-Hunger-report.-Phase-1.pdf>.

<sup>9</sup> *Id.*, at p. 51.

<sup>10</sup> See, e.g., Lei Pan and Luc Christiaensen, 'Who is Vouching for the Input Voucher? Decentralized Targeting and Elite Capture in Tanzania', *World Development*, vol. 40, No. 8(2012): 1619-1633 (showing that sixty per cent of the beneficiaries of the 2009 input vouchers in Kilimanjaro, Tanzania, were linked to village officials, resulting in poor coverage and targeting of the programme particularly in unequal and remote communities).

<sup>11</sup> See, e.g., Rebecca Holmes and Nicola Jones, *Rethinking social protection using a gender lens*, Overseas Development Institute, Working Paper 320, October 2010 (showing the importance of gender-sensitive policy and programme design and implementation in social protection schemes, and the potential of a gender-sensitive approach to reduce gendered poverty and vulnerability and to increase the effectiveness of social protection); Amber Peterman, Julia Behrman, and Agnes Quisumbing, *A Review of Empirical Evidence on*

benefits into legal entitlements and by allowing the intended beneficiaries access to claims mechanisms if they are excluded, a check is established against corruption or the diversion of funds towards the family or political allies: rights-holders, once they are adequately informed about what kind of support they may claim, ensure a decentralized, and therefore particularly effective, monitoring of the programme's implementation.

At the World Summit on Food Security convened in Rome on 16-18 November 2009, the Governments adopted the "Rome Principles", a set of five principles that are meant to orientate efforts of the international community towards a world free from hunger. Under Principle 3, they pledge to "strive for a comprehensive twin-track approach to food security that consists of ... medium- and long-term sustainable agricultural, food security, nutrition and rural development programmes to eliminate the root causes of hunger and poverty, including through the progressive realization of the right to adequate food". They explained: "We affirm the right of everyone to have access to safe, sufficient and nutritious food, consistent with the progressive realization of the right to adequate food in the context of national food security. We will strive for a world free from hunger where countries implement the *Voluntary guidelines for the progressive realization of the right to adequate food in the context of national food security* and we will support the practical application of the guidelines based on the principles of participation, transparency and accountability." Words? Not just. Also a key factor to make food security strategies successful. The right to food is not a symbol: it is a tool. It points at the end objective, but it also has an instrumental value as a way to get there.

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**Olivier De Schutter** was appointed the United Nations Special Rapporteur on the right to food in March 2008 by the Human Rights Council. He is independent from any government or organization, and he reports to the Human Rights Council and to the General Assembly. For more information, visit [www.srfood.org](http://www.srfood.org) or [www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx](http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx)

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*Gender Differences in Nonland Agricultural Inputs, Technology, and Services in Developing Countries*, Washington, DC: IFPRI, 2010 (showing, based on a literature review of studies on access to fertilizer, seed varieties, tools, and pesticide use, that 79 percent of the literature found men have higher mean access to these inputs).