

The Right to Food

... does it make a difference for the work of the Food Security Policy Group?

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Our November 2008 policy brief asks that Canada “*adopt the human right to food as a governance framework for strategies to end hunger, taking account of the ODA Accountability Act and the importance of policy coherence for the realization of the right to food.*” This paper is a very brief exploration of what that means.

Why are we talking about the Right to Food now?

The “right to food” is a short way of referring to “the right to have continuous access to the resources that will enable you to produce, earn or purchase enough food to not only prevent hunger, but to ensure health and well-being. The right to food only rarely means that a person has the right to free handouts¹.” The United Nations recognized this as a universal right in 1948, and further elaborated on what it means in both 1966 and in 1999². The UN’s Food and Agriculture Organization prepared guidelines for how to realize it in 2004³.

It appears that the right to food is an idea whose time has come. In the past few years, there has been increasing attention to the right to food as a conceptual framework for policies and programmes to address food insecurity. This is partly due to a recognition that decades of trade liberalization, trickle-down economics and development aid have not eliminated hunger. The current UN Special Rapporteur on the Right to Food, Olivier de Schutter, has done an excellent job of highlighting emerging issues related to the right to food, such as trade, agrofuels, climate change, the food crisis, etc. The right to food approach has now been endorsed at the highest levels, including the UN Secretary General in his closing speech at the Madrid Conference on Food Security for All⁴.

What is the Right to Food all about?

In essence, the right to food means that everybody should be able to get enough to eat, regardless of their income, their health, their gender, their nationality, etc. The duty-bearer (the one who is responsible in the first instance for assuring that human rights are fulfilled) is the national government. In order to do that, the government must do three things:

1. **Respect** the right to food – make sure the government’s own actions do not threaten it
2. **Protect** the right to food – prevent other actors (eg. individuals, companies or foreign governments) from threatening it
3. **Fulfill** the right to food – take actions to ensure that people can get food, either by growing it themselves, or by making enough money to buy it. If people cannot get enough food by other means, then the government is responsible for providing it.

The duties to **respect** and **protect** the right to food include the concept of **extra-territorial obligations**. While the full significance of these obligations is still under debate, the intention is that a government, through its own actions and its influence over other actors, must uphold the right to food of people in other countries. A discussion of extra-territorial obligations would ask if aid, trade or investment from one country violated people’s right to food in any other country.

While the duty to **fulfill** the right to food falls primarily to the national government, there are situations where the national government is unable (or unwilling) to meet these obligations. If genuinely lacking in resources, a national government is obliged to seek international assistance. Such requests for food aid are dealt with by the

¹ Explanation from the Right to Food unit of the Food and Agriculture Organization of the United Nations.

² “The International Covenant on Economic Social and Cultural Rights”, to which Canada is a signatory can be found at http://www.unhcr.ch/html/menu3/b/a_cescr.htm. “General Comment 12” from the UN’s Committee on Economic, Social and Cultural Rights, can be found at http://www.fao.org/righttofood/common/ecg/51635_en_General_Comment_No.12.pdf

³ The “Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security” are found at <http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>

⁴ The text of the Secretary General’s speech can be found at: http://www.un.org/apps/news/infocus/speeches/statments_full.asp?statID=413

World Food Program, or by individual donor countries or NGOs, though there is no obligation to respond in international law. The international community may also try to pressure a national government to fulfill its own right to food obligations, if it perceives that the government has the resources but not the will to feed its own people.

Why is the Right to Food useful?

In any local marketplace, as in the international trade arena, food goes to those who can pay. That system clearly is not working, as it has left nearly a billion people hungry. Using a right to food framework means that we focus on the most vulnerable people and ask “how will they eat?” The approach looks at how the most vulnerable use land, how they gain their livelihood, and whether they are able to obtain enough food. It also looks at how those people will be affected by changes in land or resource use. For example, the conversion of a communal forest where people forage and hunt to a privately-managed plantation growing crops for export might generate income for investors and the government, but it would also threaten people’s right to food. This must be taken into consideration when evaluating the impact of the project.

Is the Right to Food a legal right?

Yes. Over 150 states (including Canada) have signed and ratified an international covenant which legally binds them to respect, protect and fulfill the right to food. Many states have also adopted (or are working toward) national legislation on the right to food. In practice, however, it is often difficult to hold duty-bearers accountable to these obligations. Where other legal obligations of the state (such as trade and investment agreements) conflict with right to food legislation, a government may choose to comply with economic agreements, because they carry defined and enforceable financial penalties.

What if Canada implemented the Right to Food in its international relationships?

The Overseas Development Assistance (ODA) Accountability Act stipulates that all of Canada’s official development assistance must, among other things, be consistent with international human rights standards. This is an avenue for introducing a dialogue on the right to food, as one of the internationally recognized human rights.

The obvious first step would be to look at CIDA’s programming through a right to food lens, asking what programs are geared toward fulfilling the right to food, and if there are any programs which do not respect or protect the right to food. CIDA may ask these questions on its own, or it may need some prodding from civil society.

A right to food framework would not apply only to ODA, but would have implications for all government departments. If Canada were to adopt a right to food approach and ensure policy coherence, then actions of all government departments would be scrutinized as to their impact on the most vulnerable people.

How can NGOs implement the Right to Food in their programming?

While only governments have a legal duty to implement the right to food, many Canadian NGOs who carry out international programs involving food find the concept of the right to food useful to guide their work. This is part of a broader human rights approach (laid out in detail by the Sphere Project⁵), which views people as active participants in solving their own problems. The human rights approach involves participants at all stages of the project, ensures accountability to participants, and attempts to increase their ability to understand and fulfill their own rights.

Some implications of this approach include:

- Involving participants in identifying who is most vulnerable, through community mapping exercises.
- Respect for participants’ dignity through the programming of food aid that is nutritionally adequate and culturally appropriate.
- Long term food security programming that aims to build self-sufficiency.
- Recognizing the importance of empowerment and capacity building when designed and evaluating projects.
- Inclusion of benchmarks within the project design for transfer of skills and capacity to national stakeholders (ie. plan to put yourself out of business).
- Where possible, tying projects into a larger strategy involving other NGOs and government.
- Where possible and appropriate, informing participants of their rights, and opportunities to exercise them.

⁵ Humanitarian Charter and Minimum Standards in Disaster Response. 2004. Published by the Sphere Project.