



# The Right to Food

## Summary

### Part: 1

#### The Right to Food: Content and requirements

- What is the Right to Food?
- What does the Right to Food implicate for the States?
- How is the Right to Food affirmed in a Country?
- Which are the appeals in case of violation of the Right to Food?
- What is Food Sovereignty?

### Part: 2

#### The Obstacles to the Right to Food

- The current Organisation of the International Trade
- The Debt of the poorest Countries
- The Control of the Agro-food companies on the Bio-technology
- The Wars
- The Corruption
- The Access to Land, Water and Credit
- The Discrimination Against Women

### Part: 3

#### Perspectives towards the Right to Food

- The Right to Food becomes real through Food Sovereignty
- The Right to Food becomes real through Fair and Balanced Rules of International Trade
- The Right to Food becomes real through the Adoption of specific Legislation

Realisation: September 2008

FIMARC  
15 rue Jaumain – 5330 ASSESSE – Belgium  
Tel. & fax: +32/83 65 62 36  
Email: [fimarc@skynet.be](mailto:fimarc@skynet.be)

## Part: 1

### The Right to Food: Contents and Requirements

Still in 2008, how to forget that 854 millions of people (6.5 billion) are still suffering from hunger and malnutrition and 70% are living in rural areas? The world food crisis and the riots of hunger, in more than 40 countries, show the gravity of the situation and the need of emergency to tackle the issue.

Shall the Right to Food really become one day a Human Right?

#### 1. What is the Right to Food?

This is, first of all, the Right to get food by its own means, in dignity. This Right to Food is recognised for the first time in 1948 in 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...” (Article 25)*

This right is précised in 1966, in the **“Pact relative to the Economic, Social and Cultural Rights”** which is nowadays ratified by 157 countries.

*“The right of everyone to an adequate standard of living for himself and his family, including adequate food” (Article 11)*

This right is commented in 1999, by the **Economic, Social and Cultural Rights Committee** in its **General Observation N°12**, which provides an official interpretation of the content of the Right to Food and the corresponding obligations for the States.

#### 2. What does the Right to Food implicate for the States?

Right to food is a Human Right and not a political option that the States may choose to follow or reject. As a result, the recognition of Right to Food implicates obligations for the State which have ratified the Pact.

***States have 3 obligations to fulfil: to Respect, to protect and to implement the Right to Food.***

- The Obligation of **“Respecting”** imposes to the States that not to question the situation of those who already have an access to food.
- The Obligation of **“Protecting”** imposes to the States that not to deprive anybody from the access to resources that ensure the food.
- The Obligation of **“Facilitating and Realising”** the access to food imposes to the States that to do every thing to allow everybody who have access to adequate food, whether by his own way and means, whether through direct food or through financial support.

#### 3. How is the Right to Food affirmed in a Country?

The States which have ratified the Pact have the obligation to transcript the Right to Food in their National Legislation.

This can be done:

- by mentioning in the National Constitution, as a Fundamental Right;
- or as a Social Objective of the State;
- or by guaranteeing in the Constitution of Elements of Right to Food such as Access to Land, Minimum Revenue or Social Protection

#### 4. Which are the appeals in case of violation of the Right to Food?

**The Committee of Economic, Social and Cultural Rights** is the organ in charge of the implementation of all those rights, included the Right to Food. It can address recommendations to the State in case of violation. Organisations of Civil Society can present reports to the Committee, take the floor in this instance and lobby their governments to make them implement the recommendations of the Committee.

**The special Reporter** on the Right to Food also plays an important role through the urgent denunciations he can address to the governments in particular cases of violation of Right to Food.

**An additional project to the Pact** will be submitted in autumn 2008 to the General Assembly of the United Nations. When it will be adopted, it will be open to the States for signature and ratification. From that time onwards particulars will be able to launch complaints to the committee causes non-respecting the States which have ratified the Pact through this additional project.

#### 5. What is Food Sovereignty?

It is the right of a country or a group of countries to lead its Agricultural and Food Policy, adapted to its needs, without disturbing others countries

*« For the FIMARC, Food Sovereignty allows to better solve the hunger problems in the World and to open up the perspective of a real Sovereignty, i.e. the Sovereignty of Farmers on what they produce, process and sell; the Sovereignty of Consumers on what they eat; the Sovereignty of the States on what they control and that of organized citizens on what they wish as an Economic Development Model, according to their needs, expectations, traditions, ways of life and Food habits.»* Declaration in the Human right Commission in 2005

## Part: 2

### The Obstacles to the Right to Food

#### **1<sup>st</sup> Obstacle: The current organization of the International Trade and especially of the Food Products**

**Consequences:** The actual level of public subventions to support farmers in the rich countries (in the US: 20 800 US\$ paid per farmer in 2003 and 16 770 US\$ in France, and only 297 US\$ in Sub. Saharan Africa), allows those countries to export their surplus to poor countries with less price than in the local markets, ruining the small producers and conducting them to the slums in mega cities or to expatriate. This is what we call “dumping”.

*“The free exchange of food products, which is highly recommend by the WTO, will never feed the world”  
(Quotation of the reporter to the UNO on Right to Food)*

**Examples of Action:** 22 countries, led by Brazil have refused the law of the rich countries inside the WTO and led to the collapse of the negotiations in Cancun in 2004. In the same way, the work of the Sub. Commission of Human Rights on some Transnational Societies can lead to judicial condemnations.

#### **2<sup>nd</sup> Obstacle: The Debt of the Poor Countries**

**Consequences:** The programs of structural adjustments imposed by the IMF for the reimbursement of the debt are implemented at the detriment of the public expenses of the concerned countries: education, health, infrastructures, etc. On the other hand, the same SAP imposes the development of industrial cultures for export (as for example soy) at the detriment of Staple Food Cultures. The issue is same with the agro carburant.

**Examples of Action:** Follow the campaigns to mobilise public opinion against the rich countries for a moratorium of the debt of the poorest Countries. We can also insist for the ethical financial investments.

#### **3<sup>rd</sup> Obstacle: The control of Agro food companies on Biotechnology and Patents on Life (GMO's)**

**Consequences:** A small African producer will no more be able to use the seeds collected from the previous crop and will have to contract debts to acquire patented seeds for high prices.

**Example of Actions:** Insist and support the agronomic local research to select naturally the best seeds. As well do help in the vulgarisation of the compost to reconstitute the humus of the soils.

#### **4<sup>th</sup> Obstacle: The Wars**

**Consequences:** Through the disorganization of the agricultural activity and the local trade, women and children are the first victims of the famines. Wars also create forced displacements of populations loosing what they are having.

**Examples of actions:** The means of the UNO have to be reinforced to make the elementary rights of the most vulnerable population to be respected, as for example, through the Peace Soldiers, the inter-cultural and inter-religious dialogue, the international cooperation as well as all favours development in general.

## **5<sup>th</sup> Obstacle: The Corruption**

**Consequences:** Massive department of the international public support by functionaries or even by the head of States them selves, without conscious– e.g. support granted by Switzerland that remain on secret accounts of Africans head of states. To have corrupted, corrupters must be there. The arms trade is a good illustration of the same ...

**Example of Action:** Institute a better control of public help by an international independent instance and by the Civil Society, included the NGO's present in the countr

## **6<sup>th</sup> Obstacle: Access to Land, Water and Credit**

**Consequences:** The development of export cultures leads to a crazy land restructuration that has as consequence to push the small farmers (mainly untitled) on less fertile land. As for example in Brazil: 2% of the owners have got 43% of the arable land. The destruction of the Amazonian forest, just for benefits, leads to the desertification and the death of the local communities. In China, 2 millions of farmers have lost their land for the construction of a crazy big dam, not realising the consequences on the eco system. The water distribution by Private Societies, with usually high costs, excludes the poorest from the access to this natural and vital good.

**Example of Actions:** In several Latin American countries, land repartition has started. Small farmers in Brazil organize themselves with the support of judiciary to implement the laws. A consciousness of the necessity to come back to farmer led agriculture, which generates healthy products and employment is growing. It is interesting to remind that one active on 2 lives from the agricultural activity. The development of micro credit is successful, especially for women in a good number of countries.

## **7<sup>th</sup> Obstacle: Discrimination against Women**

**Consequences:** They are important and broadly explain the difficulties of the poor Countries. The increase of the fundamentalist religions as well as the nearly total absence of education, especially for girls, limit women's emancipation even though the future of young generation mainly rests on their shoulders. And in how many countries can we see the responsibility of water collection on the head of women from her youngest age.

**Example of Action:** The work done by several NGO's close to women groups by the development of micro-credit realisation. As much actions that lead to the desire of getting trained and get out from the dependency of man and their domination.

## **Part: 3**

### **Perspectives towards the realisation of the Right to Food**

#### **1. The Right to Food comes true by Food Sovereignty**

- Promote measures for an equitable access to land, water and resources of biodiversity
- Stop the subventions for the development of export cultures at the detriment of staple cultures
- Promote a policy of local support to the small agricultural farms and to the local markets and ensure the defence of farmer's rights to save, distribute and improve their seeds
- Ban the patenting of seeds
- Respect the rural and pastoral way of life of the populations: to refuse the tolerance to pollution, robbery and destruction of the agricultural and maritime resources
- Strongly call for the reimbursement of the unfair Debt
- Allow access for all, especially to the most vulnerable sectors to health cares and to a sufficient food in quantity and quality
- Respect the principle of equality and non-discrimination in the enjoyment of Right to Food.
- Reinforce the democratic participation of the citizens in the decision process, all agreement being submitted to an open and democratic debate.

#### **2. The Right to Food comes true by Fair and Balanced International Trade Rules**

- Settle a new democratic and transparent economic order, to regulate the international trade
- Allow each country to protect its agriculture to guarantee a decent income to its farmers
- Avoid the dumping (subventions to export) and limit the import of agricultural products in order to increase the local production which is the guarantee of food security
- Struggles for the implementation of international regulation mechanisms, to be fair and efficient. But in the current context; due to its specificities, agriculture has to get out of WTO, as food products are not the same as other commodities
- Promote and support an agriculture that respects environment and biodiversity
- Modify the dominant model of consumption and support farmer led agriculture and favour the real Fair Trade

#### **3. The Right to Food comes true by the Adoption of a specific Legislation**

- Ensure efficient, administrative and judicial appeals measures to all victims of the violation of the Right to Food
- Encourage each State to ratify the Pact of the Economic, Social and Cultural Rights that encourages taking all necessary measures to realise the Right to Food.