

THE RIGHT TO ADEQUATE FOOD:

Progress, Challenges and Opportunities



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1 INTRODUCTION

The Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (RtAF Guidelines) were adopted in 2004 with the intention of reshaping the global food system. It was supposed to define a framework for realizing the human right to adequate food and nutrition recognizing the need for a holistic approach to food governance through legal entitlements, policy coherence, and participation of rights holders. Ten years hence, it is imperative to explore its progress as well as the challenges, innovations and opportunities as shown in practice.

According to a recent report by the Food and Agriculture Organization (FAO), about 805 million people in the world, or one in nine, suffer from hunger. Although this is part of a positive trend which has seen the number decline globally by more than 100 million over the last decade and by more than 200 million since 1990-92, this reveals that there is still much to be achieved in terms of realizing the RtAF in a world of plenty. The vast majority of the world's hungry people live in developing countries, where 13.5 percent of the population is undernourished. Asia is the continent with the most hungry people - two thirds of the total. Sub-Saharan Africa is the region with the highest *prevalence* (percentage of population) of hunger. One person in four there is undernourished. Even as Latin America and the Caribbean have made the greatest overall strides in increasing food security, the inherent inequality there creates an important obstacle for the realization of RtAF.¹

As suggested by the debates and literature on the issue, the scope and parameters of the RtAF have evolved over the years. The broad conceptual dimensions of Availability, Accessibility, Adequacy/(Utilization) and Stability² have been further refined based on the diversity of contexts and the UN's initial focus on national legal frameworks to implement RtAF have similarly evolved to be more integrative. A paradigm shift that recognizes the Right to Food as a human right that is beyond charity and imposes obligations on States to protect and fulfil them is slowly taking place. Similarly the RtAF agenda has also broadened from mere agricultural production to wider interconnections between food, finance, the environment, energy, nutrition, and inequality and gendered dimensions of hunger. These bring to fore the importance of food governance questions regarding the implementation of the RtAF.

This paper attempts to examine progress of RtAF implementation by using the country examples of Bangladesh, Pakistan, El Salvador and Mexico. It will look at prevailing Availability, Access and Utilization issues as well as the challenges and opportunities. While it will refer to legal progress on the issues, the focus will also be on the emerging concerns of climate change, markets and price volatility and inequality to complement and broaden the RtAF framework.

2 PROGRESS TO DATE

AVAILABILITY, ACCESS AND ADEQUACY

The country examples broadly echo the global trend of positive progress against poverty and hunger. There is movement toward increased production and availability of food. Bangladesh, for instance, has in the last 4 decades made significant inroads to being self sufficient in rice production. The increase just from 2003 to 2011 has been from 261 million metric tons to 335 million metric tons.³ Pakistan produced 24 million tons of wheat in 2010, while rice production has also doubled since 1980 and is now one of the country's major export crops.⁴ Mexican food production has been relatively stable in the last 10 years⁵. However, Mexico has also never been as dependent as it is now on imports for food availability, and therefore more vulnerable to external price shocks. The country imports 33% of its corn, 50% of wheat, 80% of rice and 95% of oilseeds. It is also the case with 33% of its pork and beef, and 20% of its milk.⁶ There is a similar trend in El Salvador where the GDP in the agriculture sector decreased from 17% in 1990 to 13% in 2009 and the country a food importer. The country imports 25% of beans, 42% of corn, and 88% of rice.⁷ That situation increases the vulnerability to external price shocks.

According to FAO data, all four countries have made significant progress in lowering the proportion of undernourished people in their populace as seen in the comparative table below. It should be noted however that there were increases in the absolute number of people who were undernourished in both Pakistan and El Salvador. The impacts of climate-related extreme weather events as well as the global food price crises in those years also contributed to this trend.

Table: Prevalence of Undernourishment

COUNTRY	Number of people undernourished (millions)			Proportion of people undernourished		
	1990-92	2012-14	% Change	1990-92	2012-14	% Change
Bangladesh	36	26.2	-27.3	32.8	16.7	-50
Pakistan	28.7	39.6	37.9	25.1	21.7	-13.5
El Salvador	0.9	0.9	-2.6*	16.2	13.5	-16.6
Mexico	6.0	NS**	>-50	6.9	<5.0	NA

*The decline reflects only few thousand people, therefore the rounded off absolute figures do not reflect the percentage decline

**not statistically significant

Source: *State of Food Insecurity in the World*. FAO 2014. Annex 1

Even with this progress, there remain big challenges as large numbers of people remain unable to access food in the quantity, diversity and regularity required for a food secure life. The prevalence of Bangladeshi underweight children under five was 36.8% and its Global Hunger Index rating stood at 19.4.⁸ According to the Welfare Monitoring Survey 2009 of the Bangladesh Bureau of Statistics, 39.8% of the population think that they are food insecure and 80.8% said that food crisis is a long term problem for them.⁹

According to a similar survey conducted by National Nutritional Survey (NNS) in 2011, 58% of Pakistanis are food insecure with Sindh province being the worst off.¹⁰ Sixty one percent (84 of 137) of the districts in Pakistan are deemed food insecure while 42% rate extremely low in food access. There are large inequalities between provinces as well as their component urban and rural populations with the rural communities generally more food insecure. There are also huge disparities in child stunting between rich and poor. The stunting rate is two and half times higher among the children of the

bottom 20% of the population than the top 20%. According to the NNS 2011, the overall stunting rate in Pakistan is 43.7%.

The El Salvador Reproductive Health Survey (FESAL) of 2008 indicated that 19% of children between 3 and 59 months of age are stunted. Even more concerning is that approximately 20.6% of children under 5 years are chronically undernourished, 40% of children from 6 to 11 months have anaemia, and 17.2% of pregnant women suffer anaemia at the end of their pregnancy. 1 in 5 children under five suffer from chronic malnutrition. In some areas like Morazán, Sonsonate and Ahuachapán, this reaches 2 in 5 children.

Mexico for its part has made significant progress in achieving the Millennium Development Goal of reducing the national average of children under 5 years who are underweight from 14.2 per cent in 1988 to 5 per cent in 2006. Progress has, however, been uneven and deprivation levels in enjoyment of the right to food remain dramatic for a large part of the population. The National Council on the Evaluation of Social Development Policy (CONEVAL) estimates that 18.2 per cent of the population (19.5 million people) lived in "food poverty" in 2008, up from 13.8 per cent (14.4 million people) in 2006. According to the most recent official figures, in 2010, a total of 53.3 million people (46.2 per cent of the population) lived in poverty while 27.7 million (24.9 per cent) had insufficient access to food.¹¹

Market availability of, and household access to food are not sufficient to guarantee food security. It is also important how household members utilize the food. Food utilization is determined by food safety and quality. Women, children, the elderly and the disabled often suffer from inequalities in food utilization as they often eat last and least. In Bangladesh, about 70% of caloric needs are fulfilled by cereals (62% by rice alone), against a desirable maximum of only 60%.¹² All of Bangladesh's administrative divisions had underweight rates of over 30 percent; a threshold used by the World Health Organization (WHO) as indicative of a 'very high severity situation'.¹³ In Pakistan, 59% of districts are in the extremely low or very low food absorption groups.

A seemingly inverse problem faces Mexico and El Salvador. Obesity has been increasing since the 1980s with the introduction of processed food into much of the Mexican food market. Prior to that, dietary issues were limited to under and malnutrition, which is still a major problem in various parts of the country. This ironic trend has seen calorie intake and rates of overweight and obese people rise with seven out of ten overweight and a third clinically obese. In El Salvador, obesity in children has increased 40% between 1998-2008. In rural areas, the percentage of overweight children under 5 years old increased from 2.4 to 3.6%. 59.6% of women aged 15 to 49 are overweight. The consequences are considerable. Overweight and obesity lead to type 2 diabetes, different forms of cancer and cardiovascular disease. By 2017, the direct costs of obesity will rise to 78 billion Mexican pesos (\$5.65 billion); already today, 15 per cent of total health-care expenses in Mexico are for the treatment of diabetes.¹⁴ Mexico recently passed a soft drink tax of one peso (roughly US\$0.08) per litre, which went into effect this year (along with a bill to put water fountains in schools). This was through the notable efforts of civil society against pressures from the agri-food industry.¹⁵

Even with the existence of various state laws and institutions such as the Bangladesh Safe Food Act 2013, Consumer Rights Protection Act 2009, Bangladesh Standard Testing Institute (BSTI), food safety continues to be a major concern. Sanctions under the Pure Food Law are minimal and cannot dissuade offenders.¹⁶ Similarly, procedural hindrances, lack of accountability, and monitoring systems as well as the lack of awareness of consumers' rights, means the Consumer Rights Protection Act 2009 cannot effectively ensure consumers' right to safe food.¹⁷ The National Food Policy Plan of Action and Country Investment Plan Monitoring Report 2012 pointed out that only 64 out of 143 enlisted foods are certified. Food adulteration of basic food items like rice, fish, fruits, vegetables, and sweetmeats poses serious health hazards in the country.¹⁸

REVISITING LEGAL AND POLICY FRAMEWORKS

The obligation of States to respect, protect and fulfil the Right to Food as a fundamental human right requires the appropriate policy initiatives. As such, its legal recognition is a necessary –though insufficient - step in its fulfilment and provides the framework for justiciability.

Mexico provides an example of more advanced progress in this regard, although other Latin American examples such as Peru might be considered more advanced. On April 29, 2011 the constitutional reform that established the right to food in Mexico was passed.¹⁹ It establishes the RtAF as a fundamental right and obligates the Mexican government to take actions to ensure a fair distribution of the public wealth, the improvement of living conditions in the rural population and the development of the small rural ownership. It also states that the comprehensive development of the rural areas will aim at ensuring the adequate and timely supply of basic food products as established by the law. Mexico, however, does not have a law in place at the national level operationalizing this constitutional amendment. Several proposals exist, but there seems to be an impasse in urgently passing them.

A Law on Food Security and Nutrition, at the federal district, nonetheless does exist and is a milestone for the protection of the right to food. It is one of the first laws in the world implementing the right to food at the sub-national level and thus bringing the right to food protection closer to Mexican citizens. An important achievement of the Law is that the right to food is recognized both, as a fundamental human right and as the main objective of such a Law.²⁰ This is a crucial step for decentralizing concrete actions for a progressive realization of the right to food, especially for people living in the Mexican capital where almost half a million people are still food insecure.

There exists a draft bill on planning for agricultural, food and nutritional sovereignty and security (Proyecto de Ley de Planeación para la Seguridad y la Soberanía Agroalimentaria y Nutricional) initially introduced in Congress on 11 November 2005 and still under discussion. It seeks to improve consistency between various national institutions and programs aimed at protecting the right to food. There is a significant amount of political wrangling and lack of consensus on how to handle this mainstreaming project among the Senate, the Chamber of Deputies, and civil society, leading to an impasse.

El Salvador also has a relatively robust RtAF legal framework. In April 2012, the Legislative Assembly approved the constitutional reform that established the right to adequate food and water and the mandate for the State to elaborate laws to regulate in both issues (Art.69)²¹. There are, however, issues of political will to ratify these as they touch many economic and other interests. Currently, there are robust discussions on the approval of the Law for food sovereignty, security and nutrition and a General Law on Water promoted amongst social movements, the church and the ombudsman. The Government of El Salvador includes in its priorities the development and implementation of a Policy on Food Security and Nutrition (*Seguridad Alimentaria y Nutricional – SAN*) through a Rights Based Approach. This law is currently pending and is expected to be signed in early 2015. On 30 October 2009, the President signed the "Declaration of El Salvador in support of the Eradication of Hunger in 2025", reiterating its commitment to the goal of fighting hunger through a rights-based approach.²² Complementing this, the National Council for Food Security and Nutrition (CONASAN) adopted three resolutions in 2010: (i) a decision to propose the creation of a strategic unit of Family Agriculture in the Ministry of Agriculture, (ii) a resolution calling FAO for assistance for the formulation of policy and legal framework of food security as a human rights approach, and (iii) a resolution to launch a National Forum on Food Security and Nutri-

tion, aimed at validating and discussing what had been previously developed by the National Policy CONASAN.²³

Unfortunately, the progress on realizing the RtAF that is apparent in Latin America is still not replicated in either Pakistan or Bangladesh. Neither the Bangladesh nor Pakistan constitutions explicitly recognize the Right to Adequate Food as a fundamental human right. It encapsulates it as part of the state's responsibility to provide for the basic needs of its citizens inclusive of food, clothing, shelter, education and medical care. This situation makes the RtAF only indirectly justiciable in these countries. Even as both countries have ratified the core international human rights treaties creating right to food obligations, specifically the International Covenant on Economic Social and Cultural rights (ICESCR), its legal translation into national law remains limited. There are also no complaint mechanisms available to redress right to food violations.²⁴ The lack of a rights perspective in conceptualization, policy formulation and implementation limits transparency, accountability and participation in the pursuit of the RtAF.

Bangladesh, however, has a comprehensive food security policy framework that includes the National Food Policy(2006), accompanied by the National Food Policy and Plan of Action (2008-2015), and the Bangladesh Country Investment Plan, a road map for investment in agriculture, food security and nutrition. Food security issues are also reflected in other major policy and program documents, such as the '*Perspective Plan of Bangladesh 2010-2021: Making Vision 2021 a Reality*', *Sixth Five Year Plan for FY 2011-2015*.

Pakistan has a similar National Food Security and Nutrition Policy that has been drafted and is now pending with the National Assembly Committee. The process of policy formulation at the provincial levels will start after the final approval of this policy. There are questions concerning the focus on agricultural production rather than redistribution. However, this presents an opportunity to generate momentum and discourse on the RtAF and build the capacity of national stakeholders to influence the government to include Right to Food concerns in forthcoming policies.

3 ADDRESSING EMERGING ISSUES

Since the last decade various events and trends have re-shaped the context in which the RtAF operates. New issues have emerged which are affecting the RtAF. These include climate-related events such as floods and drought, the recurring food price spikes and volatility, and the deepening divide between those who can enjoy food security and those that are marginalized from it. They have revealed the limitations and the unpreparedness of the current global and local systems that govern food production and distribution and brought forth the need for long-term, equitable and sustainable approaches. One that builds on the basic indivisibility of human rights and that does not treat economic, social and cultural rights as analytically distinct.

CLIMATE CHANGE

Climate-related hazards have increased the vulnerabilities of each of the countries to food insecurity. In Bangladesh, damage caused by natural disasters is one of the main risks faced by poor households. Every year, floods, cyclones, erosion, and droughts

cause extensive damage to crops, houses, livestock, and community assets. Disasters hamper physical access to food and food stocks. They also cause temporary market dysfunctions which lead to an increase in the price of essential foods. At the same time, unsustainable agricultural practices aimed merely at increasing production without an eye on long term ecological consequences amplify impacts of natural hazards and increase people's vulnerabilities. This potent combination directly affects household food security by undermining their asset base and, indirectly, through a loss of employment opportunities, an increase in health expenditure and an increase in necessary food expenditure.

The 2010 Pakistan flood was a crisis of unprecedented proportions, submerging almost one-fifth of the country's total landmass and affecting 20 million people and resulting in a sharp decline in food security across the country. By 2010, almost 50 percent of the population, or 83 million people, were food insecure, up from 38 percent in 2003. In the aftermath of the 2010 flooding, it is believed that this figure may have risen to upwards of 90 million, and even more after the recent floods. As inflation was exacerbated by the natural disasters, it has revealed weaknesses in price control mechanisms which have left the most vulnerable communities unable to afford even the basics²⁵.

El Salvador has been identified by the Germanwatch Global Climate Risk Index – which ranks countries according to annual damages from extreme weather events – as one of the most vulnerable countries to climate change in the world (1st in 2009 and 4th in 2011 out of 190 countries studied).²⁶ The unpredictable patterns of rainfall and drought negatively affect crop production, thereby leading to reduced yields and higher market prices. In fact, three weather events between November 2009 and October 2011, incurred damage exceeding \$1.3 billion dollars (6% of the GDP of 2011) having an adverse effect on food security and incomes.²⁷ A severe drought in 2014, also affected 96 thousand families. While climate change affects the availability and access to adequate food, particularly for poor people and families with low incomes that may use up to 75% of their money for food, this situation can be further exacerbated by extreme weather events impacting on the stability of food security. It also threatens water access with 90% of surface water assessed being contaminated. The country had an aggregate figure of 85% of total households with access to clean water. But this was just 69% in rural areas. Access to water is fundamental for food security. According to El Salvador's Ministry of the Environment and Natural Resources (MARN), the country will lose somewhere between 10 and 28 percent of its coastal territories in the next century as a result of rising seas caused by climate change. There is a similar trend in Bangladesh and these bode negatively on farmers/fishers livelihoods and incomes.

MARKETS AND PRICE VOLATILITY

With growing numbers of people accessing food through markets - rather than by direct production - the governance of these markets has become an essential element of the RtAF. Food security has been adversely affected by rising food prices and price volatility. In Bangladesh, the greatest impact of price hikes is on poor households whose food to non-food spending ratios are proportionately larger (68% of total expenditures in the poorest 5% of households go to food compared to 33% in the richest 5%).²⁸ Although the domestic production of rice shows a surplus, the country has to depend on international markets for most other essential food items which include wheat, sugar, pulse, onion, turmeric etc. As such, any changes in external policies from source countries immediately affect the domestic markets as soaring domestic prices. If the present trend continues, the urban poor who have less coping mechanisms will be severely affected. To improve the legal framework around agricultural price information, agribusiness and marketing, a proposed legislation titled Agribusiness Management Act (2011), is in the pipeline. However, the weak governance of the implementing Ministry and other local institutions remains one the major threats to achieve this objective.²⁹

El Salvador is similarly highly dependent on imports and remittances (estimates have it as 17% of GDP), making it highly vulnerable to external price shocks that decrease access to basic goods. In Pakistan, the effects of militant extremism can still be felt in the north-west, exacting a heavy social and financial toll. Power shortages and high food and fuel prices exacerbate instability, with unemployment on the increase and wage levels unable to keep pace with inflation rates, resulting in a situation where accessing appropriate food becomes challenging.

El Salvadoran agricultural policies have also favoured free trade as an approach to food availability. Mexico has signed treaties with 43 countries which permitted the growth of agricultural exports but also increased the import dependence of some products such as corn or wheat. The country imports 33% of its corn, 50% of wheat, 80% of rice and 95% of oilseeds. It is also the case with 33% of its pork and beef, and 20% of its milk³⁰. This dependency to cereal imports do imply food security risks, as shown by the 2008 food price crisis. It also does not benefit local farmers who rely on the market for their livelihoods.

While countries like El Salvador have taken the initiative, through the SSAN law, to support and protect domestic production, regulate market prices for food in order to avoid spikes as a result of speculation or hoarding, it has been suggested that these could come into conflict with the commitments signed with World Trade Organization (WTO) or bilateral trade arrangements. For instance, the US Trade Representative sought to add a condition that would use the Salvadoran Millennium Challenge Corporation's compact as a trade enforcement mechanism, forcing changes to the country's seed procurement system,³¹ that has enabled the government to supply resource-poor farmers with better quality and lower-priced corn and bean seeds. This brings to fore the necessity of coherence between national and multilateral frameworks.

INEQUALITIES

The RtAF debate is wrought with issues of marginalization: by ethnicity, by geography, by gender. Recognition of the needs and rights of these populations is essential in realizing the RtAF. The MDG Bangladesh Progress Report 2011 reiterates the increasing income inequality between the rich and the poor.³² In rural Bangladesh, poor household incomes are mainly derived from agricultural wage employment, with women's agricultural wages 41% lower than men.³³ Dependency on this leaves a household vulnerable to cyclical food insecurity as agricultural employment opportunities vary according to season. During the lean seasons, job opportunities and wages are low, while food prices are at their highest. Even as women play important roles as producers of food, managers of natural resources, income earners, and caretakers of household food and nutrition security, women's access to and control over land remains limited. One study finds that men own 96% of land.³⁴ Consequently a significant number of women farmers in Bangladesh are unable to access fertilizer, cash assistance and other government subsidies intended for farmers, because of the lack of land ownership.³⁵

In Pakistan, disparities in socio-economic indicators between rural and urban populations have continued to widen, and progress in narrowing the gender gap remains limited. The inter-provincial inequity in food security indicates that certain geographical locations need urgent attention and efforts. Overall, 58 percent of households in Pakistan have been categorized as food insecure, increasing to two-third of households in Sindh province. Agriculture growth has not impacted the rural poor to the extent it has done in other countries. Despite consistent increases in the production of wheat – with production in 2013 exceeding 24 million tons - some 30% of the population is undernourished with child wasting and stunting a major concern for the country's future.³⁶ Women face considerable difficulties in finding employment and accessing education

opportunities, particularly in areas where insecurity constrains mobility. These in turn affect their food security and an estimated 51 percent of women are anaemic.

El Salvador is a middle-income but highly unequal country where the richest 20% of the population account for 48.4% of national income while the poorest 20% received only 4.9%. According to the Household Multipurpose Survey³⁷, 34.5% of households in El Salvador are living in poverty, with 43.3% being from the rural areas. Over 60% of the population is underemployed, most of whom are women who are self-employed in the informal sector (56%). There were minimum wage adjustments in 2013 but these were still below the amounts identified as necessary for an extended basic food basket (\$365.2 per month in urban areas and \$182.6 in the rural areas). The current average income for the agriculture, fisheries and aquaculture sector is only \$137.31 per month. This inequality undermines access to adequate food for most of the population.

According to official figures, there are 325 thousand producers in El Salvador, 82% of whom are small producers and 12% are rural women. They are responsible for producing about 80% of the food in El Salvador³⁸. Ironically, their access to appropriate and nutritious food is limited and they lack sufficient access and control of resources (land, water, seeds) particularly for women to be able to gain more. Women are especially discriminated. Rural women represent 52% of the population but only 15% own land with agricultural potential³⁹.

In Mexico, there are significant disparities between deprivations in access to adequate food between urban and rural areas as well as between states in the North, South and Central regions. Of the 18.1 million people living in municipalities considered to have a high or very high degree of marginalization, 80.6 per cent live in rural areas. There are also marked differences in relevant right to food indicators between indigenous and non-indigenous populations.⁴⁰ Unfortunately, most agricultural programmes fail to target the poor: taken as a whole, agricultural public expenditures are highly regressive.⁴¹ In a country made up by 80% of small holder farmers,⁴² studies still indicate that agricultural policies favour the wealthiest States, municipalities and producers/households.⁴³ In 2005, the six poorest States received only 7 per cent of total agricultural public expenditures despite the fact that they were home to 55 per cent of the extreme poor. This pattern of agricultural spending stands in sharp contrast with rural development policies, which are clearly redistributive, with the poorest 20 per cent of rural households obtaining 33 per cent of transfers.⁴⁴

4 CHALLENGES AND OPPORTUNITIES

CHALLENGES

Looking at the cases of the 4 countries, specific challenges to the realization of the RtAF emerge, in particular related to its scope and its governance.

Scope issues. While the RtAF Guidelines promote a comprehensive rights based approach, there is a challenge in operationalizing this at the local and country level. There is a need for a clear legal acknowledgement of the RtAF as a fundamental right that serves as a necessary basis for further defining legal mechanisms and policies at the sub-national level. There is a clear call for this in both Pakistan and Bangladesh. The next challenge is one of formulating policy frameworks that incorporate the seven PANTHER principles into the right to food frameworks, as identified by the FAO : par-

ticipation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law.⁴⁵ Special mention must be made for justiciability and the entitlement of rights holders to claim their rights rather than being considered as simple beneficiaries.

Seeing the emergence of new issues that impinge upon the fulfilment of the RtAF, it is also necessary for policy frameworks to link these into an operational whole, which will necessitate greater coherence of approaches among and between different ministries. Policy frameworks should build on the inherent indivisibility of Economic, Social and Cultural Rights and not limit the solutions to food insecurity only to problems of production. The emergence of climate, price, nutrition, and equity concerns clearly shows this need. Related to this the need exists to look into adequate nutrition and how it is governed. Cases in point would be Mexico and El Salvador. Relevant are initiatives of government supported public awareness campaigns as well as more proactive approaches such as Mexico's taxation on soft drinks. While in El Salvador, the SSAN law aims to promote the regulation of food advertising to foster better consumption habits. The National Association for Private Enterprise (ANEP) complained that regulation of advertising "would violate freedom of expression"⁴⁶.

Governance Issues. There are several challenges related to implementation and governance. The first is the necessity of enshrinement of the RtAF as a fundamental right in the Constitution of Pakistan and Bangladesh, and where it is already acknowledged, the formulation of implementing mechanisms to operationalize these. Both require political leadership from governments as these can conflict with vested interests and entrenched elites. Specific measures should be taken to ensure appropriate accountability and monitoring mechanisms which allow individuals and communities to speak out about and claim their rights. There are very few available mechanisms for redressing violations of the RtAF in the case countries as courts do not currently serve as available arenas for such, as they are in India for example.

A second governance challenge refers to the non-integrated and incoherent approaches to address problems related to food security. These exist at both the national and global arenas. At the national level many countries house their RtAF strategies in their Ministries of Agriculture, while issues related to trade and disaster risk reduction for instance, remain insufficiently addressed. At the global level, reference was already made to the potential conflicts in commitments between implementing RtAF goals and WTO commitments, as seen with the debates related to stockholding measures. The same problem exists for instance with commitments to climate change at the global level. A minimalist and compartmentalized approach fails to address the structural root causes of hunger and food insecurity. Addressing these requires innovative global and national governance mechanisms that strengthen policy convergence, coordination, coherence and accountability. The reformed Committee on World Food Security (CFS) as the foremost inclusive international policy body for food security and the right to food within the UN system, provides an important headway towards innovative governance.

A final challenge relates to capacities of both the state and its constituents in bringing to fruition the RtAF. Most of the country examples show that governments face resource and technical limitations to be able to deliver on the RtAF commitments. In Bangladesh for instance, the share of agricultural expenditure in the total budget has been on a declining trend since 2010 and the amount of subsidies available to agriculture and food security is also declining. This resource deficiency infringes the rights holders' capacity to be aware of their own entitlements. Most are also living in contexts that are not conducive to collective claims of rights and where civil society is relatively weak.

OPPORTUNITIES

Even with the sometimes distressing data on the implementation of RtAF so far, there are several opportunities present among the four countries. The first would be the affirmation of the central role of a rights based legal framework plays in laying the foundation for RtAF work. This is clear in the Latin American cases where the inherent implementation of the RtAF might have cascading effects on tackling core issues and identifying emergent ones (such as gender inequalities, climate change, nutrition, prices and market distribution etc.). This has brought an improvement of coherence of national policies. The lack of such acknowledgement in South Asia limits engagement for constituents and puts little pressure on government to pursue RtAF calls. This said, the constitutional acknowledgement of RtAF is a necessary but insufficient factor given that operationalization on the ground remains key to impact on hunger. Closely related is the political will (and coherence) of key government sectors. Mexico is a good example where the legal institutionalization has partly flowed from the willingness and lack of accountability of government. Any commitment to RtAF needs to be translated to resource allocation and investment in processes and outputs.

The presence of a crisis also, ironically, provides an opportunity for action on RtAF. This is true especially in Bangladesh, Pakistan and El Salvador where specific weather events encouraged finding solutions to climate issues as they relate to food security. All four cases experienced this during the food price crisis. A crisis also pushes for integrative thinking and action as constituents experience the connections between seemingly distant issues (eg climate change and gender food security inequalities). It also encourages adaptive thinking and “contextualization” of solutions to country realities. These solutions can then lend some inputs to other contexts, for example the Bangladesh experience with disaster risk reduction and climate change adaptation (DRR-CCA). This excellent experience has also provided an opportunity for learning integrated approaches to food security at the national level and global levels. It is clear that a full realization of RtAF is dependent on connections and coherence with approaches in other areas. One that integrates diverse issues such as DRR-CCA, trade and markets, agro ecology and sustainability, nutrition, and others under a broad umbrella.

Another distinct opportunity builds on existing development programmes in the countries looked at. These are particularly apparent in the government initiatives in Bangladesh⁴⁷ and Mexico⁴⁸ which provide platforms for delivery of RtAF goals. The experiences in smallholder, agro-ecologically friendly agriculture practice in Bangladesh and El Salvador, while seminal, also provide similar learning platforms. Given Mexico’s experience with the rise in obesity, its programmes on nutritional health issues are notable.⁴⁹ A range of actions are listed to achieve a lowering of obesity figures, ranging from the promotion of more physical activity in schools and in workplaces to increasing accessibility, availability and consumption of water, and from influencing diets to promoting breastfeeding during the first six months of life. The adoption of binding guidelines for the distribution of food and beverages in schools, published in the Official Journal on 23 August 2010, is a step in this direction.⁵⁰ It is worth noting that these milestones were reached because of the assertive engagements by civil society groups.

Finally, there are opportunities to build on civil society initiatives especially as seen from the Latin American examples.⁵¹ Their collaboration and engagement have seen the adoption of some progressive regulations (especially in Mexico) that aim to benefit the marginalized. They have also raised the level of general awareness on RtAF issues that have built the foundations for broader, more meaningful engagement with governments. They have contributed to the capacity of those affected by food insecurity and crises to know and claim their rights.

5 CONCLUDING REMARKS

On the whole, there is observable positive change in realizing the RtAF in the four country cases with most making (slow) progress in the areas of undernourishment, production and food availability. There remain key limitations in terms of access and equity as mainly rural, smallholder food producers, indigenous peoples, and women constituents remain marginalized. Emerging issues of nutrition, climate change, environmental degradation, and volatile markets further increase their vulnerabilities and inability to benefit from the seemingly increasing food supply pie. Comprehensive food security policies should address the risks related to the emerging issues by favouring adaptive, pro-poor, equitable and sustainable solutions, like women's empowerment, up-scaling agro-ecology, human rights education, social protection and reducing gaps between the marginalized communities/individuals and those that are resource rich.

It is imperative that governments adapt and implement a genuine rights-based approach. One that integrates legal entitlements, redress mechanisms, integrative and coherent frameworks to support its realization. Governments need to take leadership not only within their own borders but also push for integrative global governance structures that benefit the poor and those whose right to food is violated. The centrality of the RtAF in the adopted Global Strategic Framework – as well as in many other recommendations – of the reformed Committee on World Food Security (CFS) makes this Committee a key institution in the RtAF governance architecture by strengthening policy coordination and coherence. The CFS, as an inclusive governance body where stakeholders, in particular those affected by food insecurity, can participate in the decision-making processes, provides a good example for platforms for dialogue where those most in need can meaningfully participate in determining policy direction. This increases the ability of such institutions to strengthen their accountability and the policy coherence but also to adapt and innovate to emerging issues.

Rights-holders and civil society similarly need to increase their interventions and engagements to push for the realization of RtAF at the local, national and global levels. Civil society groups can help facilitate the voices of the more marginalized in society to be heard at the policy level. They can also continue to raise the awareness and capacity of these groups to be able to manifest their interests and claim their rights at the appropriate levels.

There is much learning and experience from the last 10 years to draw on. In the final analysis, it will be a proactive combination of actions from governments, civil society, private sector and individuals that will bring about the full realization of the RtAF and toward a vision of a genuinely food secure world.

NOTES

- 1 *State of Food Insecurity in the World*. FAO 2014. Annex 1
- 2 <http://www.righttofood.org/work-of-jean-ziegler-at-the-un/what-is-the-right-to-food/>. Stability and Adequacy can also be referred to as Utilization in much of the discussion. This refers to broad nutrition issues as well as sustainability concerns.
- 3 Bangladesh Economic Review 2011. Bangladesh Bureau of Statistics.
- 4 <http://www.foodsecurityportal.org/pakistan>
- 5 <http://faostat3.fao.org/faostat-gateway/go/to/browse/area/138/E>
- 6 file:///C:/Users/Margaux/Downloads/oxfam_mexico_el-derecho-a-la-alimentaciocc81n-en-mecc81xico.pdf
- 7 III Informe sobre el estado del derecho a la alimentación en El Salvador, 2012. Procuraduría para la Defensa de los Derechos Humanos, Fundación REDES, Oxfam. <http://www.pddh.gob.sv/?Itemid=135>
- 8 Global Hunger Index 2014. Annex 1.
- 9 Welfare Monitoring Survey 2009. Bangladesh Bureau of Statistics. <http://catalog.ihnsn.org/index.php/catalog/151/download/29095>
- 10 <https://www.wfp.org/content/food-insecurity-pakistan-rises-58-national-nutritional-survey>
- 11 Report of the Special Rapporteur on the right to food, Olivier De Schutter. Mission to Mexico. http://www.srfood.org/images/stories/pdf/officialreports/20120306_mexico_en.pdf
- 12 National Food Policy Plan of Action and Country Investment Plan Monitoring Report 2012, p-16
- 13 MDGs Bangladesh Progress Report 2011, page 21
- 14 P. Zhang et al., "Global healthcare expenditure on diabetes for 2010 and 2030" in *Diabetes Research and Clinical Practice*, vol. 87 (2010), 293–301.
- 15 <http://qz.com/239478/mexicos-completely-sensible-anti-soda-tax-is-working/>
- 16 Anika Hossain, What Your Children Eat, A weekly Publication of the Daily Star, Vol 14, Issue 796, September 28, 2012
- 17 <http://lawlib.wlu.edu/lexopus/works/297-1.pdf>
- 18 Thursday, Aug 11, 2011/ The Daily Star/Asia News Network
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- 20 Right to Food in the Cities: Focus on Mexico Legislation. FAO. <http://www.fao.org/docrep/016/ap558e/ap558e.pdf>
- 21 Art.69 of the Constitution of El Salvador: "Everyone has the right to adequate food". The State is obliged to create a policy for food and nutrition security for all citizens. A law shall regulate this matter". "Water is an essential resource for life, therefore, the State is required to take advantage and preserve water resources and ensure their access to the citizen. The State shall establish public policy and the law will regulate this matter."
- 22 <http://www.fao.org/righttofood/our-work/current-projects/RtAF-country-level/el-salvador/en/>
- 23 <http://www.fao.org/righttofood/our-work/current-projects/RtAF-country-level/el-salvador/en/>
- 24 There is an indirect scope for approaching the Supreme Court through writ appeal, linking with other fundamental human rights guaranteed by the Bangladesh Constitution.
- 25 <http://www.foodsecurityportal.org/pakistan/resources>
- 26 <http://germanwatch.org/en/download/8551.pdf>
- 27 Http://intercambioclimatico.com/wp-content/uploads/Policy-Brief-Spanish_1.pdf
- 28 Food Policy Action Plan and Country Investment Plan Monitoring Report 2012, page no.21/ Based on the BBS HIES 2010.
- 29 A review of Bangladesh Country Investment(CIP): Issues and Challenges. Oxfam
- 30 file:///C:/Users/Margaux/Downloads/oxfam_mexico_el-derecho-a-la-alimentaciocc81n-en-mecc81xico.pdf
- 31 <http://politicsofpoverty.oxfamamerica.org/2014/07/seeds-discord-seeds-development-way-us-policy-el-salvador/>
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- 33 Zhang, X., S. Rashid, K. Ahmad, V. Muller, H. Lemma, S. Belal and A. Ahmed (2012) Rising Wages and Poverty Reduction in Bangladesh, Background paper prepared for the World Bank Poverty Assessment Report on Bangladesh, IFPRI
- 34 Masud Ali, AKM Mustaque Ali Ratan Sarkar(2005),Agrarian living beyond corporate cage: Peasant's paper on trade and Globalization; INCIDIN mBangladesh, Dhaka.

- 35 <http://www.irinnews.org/Report/93851/BANGLADESH-Bureaucratic-hitch-leaves-women-farmers-high-and-dry>: The problem, according to Sharmind Neelormi, an associate economics professor at Jahangir Nagar University in Dhaka who has studied gender trends in farming, and others, is that the Agriculture Input Assistance Card (AIAC) programme requires eligible cardholders to own land
- 36 *Pakistan Agriculture & Food Security Policy* (draft)
- 37 Encuesta de Hogares de Propósitos Múltiples 2012
- 38 Censo Agropecuario 2009. Ministerio Economía de El Salvador. There is 385 thousand of producer of scale small, 82% have least of 2 hectares and are producers of maize and bean.
- 39 Perfil de las Mujeres Rurales en El Salvador. Junio 2013. Informe de Oxfam y Alianza por la Defensa de los Derechos de las Mujeres Rurales.
- 40 Even as child malnutrition rates have gradually decreased for both groups, one in three (33.2 per cent) indigenous children under the age of 5 years suffered from chronic malnutrition in 2006, compared with one in 10 (10.6 per cent) non-indigenous children. National statistics also show that women and the elderly are particularly vulnerable to deprivations in access to adequate food.
http://www.srfood.org/images/stories/pdf/officialreports/20120306_mexico_en.pdf
- 41 http://www.srfood.org/images/stories/pdf/officialreports/20120306_mexico_en.pdf
- 42 SAGARPA, *The right to food: policies and actions in rural development*, June 2011.
- 43 See World Bank, *Agricultural and Rural Development Public Expenditures Review* (Mexico), 2009; and John Scott, "Agricultural subsidies in Mexico: Who gets what?", in *Subsidizing Inequality, Mexican Corn Policy Since NAFTA*, J. Fox and L. Haight, eds. (Woodrow Wilson International Center for Scholars, Washington, D.C., 2010), pp. 67-118.
- 44 World Bank, *Agricultural and Rural Development Public Expenditures* (see footnote 5), p. x.
- 45 <http://www.fao.org/righttofood/about-right-to-food/human-right-principles-panther/en/>
- 46 <http://www.transparenciaactiva.gob.sv/anep-ley-de-soberania-alimentaria-violenta-la-libertad-de-expresion/>
- 47 There is a wide coverage of social safety net (SSN) programmes to tackle food security. Overall coverage of households benefiting increased from 13.0% in 2005 to 24.6% in 2010. In recent years, SSN spending has increased to US\$4 Billion per annum. Household Income Expenditure Survey 2010. Bangladesh Bureau of Statistics http://www-wds.worldbank.org/external/default/WDSCContentServer/WDSP/IB/2012/07/12/000386194_20120712025531/Rendered/PDF/709500WP00PUBL0AndExpenditureSurvey.pdf
- 48 There are several food assistance programs in Mexico as The Human Development Program, **Opportunities** programme (cash transfer programmes), Social Milk Supply, Food Support Programme, School Breakfast Program, etc. Approximately 39.9% of households receive the benefit of a food aid program. However, of the 260 social programs at the federal level, only 6 are directly destined to the local production of food and nutrition issues. Only a small part of the budget is directed to those 6 programs and most of that limited budget (80%) benefits a minority of producers (10%).
- 49 Again the taxation of soft drinks. Also a number of regulations passed on labeling of processed food, as well as free water and exercise programs in public schools, all through the concerted efforts of civil society groups.
- 50 Report of the Special Rapporteur on the right to food, Olivier De Schutter. Mission to Mexico
- 51 For instance the examples of Brazil's Fome Zero and CONSEA as well as the previously mentioned CONASAN in El Salvador.

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