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# AGRICULTURE AND FOOD SECURITY

## A RIGHTS-BASED ANALYSIS

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# Overview

The background of the slide features a silhouette of two children standing on a dark, rounded mound. They are both holding shallow bowls and pouring a substance, likely sand, into a large, funnel-like shape that is formed by the combined streams of sand falling from their bowls. The scene is set against a bright, hazy sky, possibly at sunset or sunrise, which creates a strong backlighting effect on the children's silhouettes.

- **Rights-based approach**

- **Right to food**

- Adequate food
- State obligations

- **Countries perspectives**

- USA
- Netherlands / Belgium
- Switzerland / South Africa
- India

- **Rights-based approach: observations and concerns**

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# Rights-based approach

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- No charity
- But rights
  
- Which rights?
- For whom?
  
- Analysed at the human right to adequate food

# Development cooperation: how to achieve lasting results?

- If you give them a fish
  - You feed them a day
- If you give them a fishing rod
  - You feed them a lifetime
- If you read them their rights.....



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# Right to food

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- Article 11 ICESCR

- Adequate standard of living including adequate food and freedom from hunger

- Article 12 CEDAW

- Without discrimination
- Adequate nutrition during pregnancy and lactation

# Rights ↔ duties

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## Rights holders

- All
- Without distinction
- In particular those in need

## Duty bearers

- States
- ...
  
- Challenge: duty – power - accountability

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# Adequate food

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- Sufficient quality and quantity to sustain healthy and active life
  - Available
  - Accessible
  - Absorption
  
- Free from adverse substances (i.e. safe)
  
- Culturally acceptable

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# State obligations (i)

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## ■ Measures to

- Improve methods of production, conservation and distribution
- Make full use of technical and scientific knowledge
- Disseminate knowledge of the principles of nutrition
- Develop or reform agrarian systems

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# State obligations (ii)

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- Measures to
  - Achieve most effective development and utilization of natural resources
  - Take account of needs of food importing and exporting countries
  - Ensure equitable distribution of world food supplies

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# State obligations to...

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- To all
  - Ensure food security for the population
  - → supply side
  - → policy
  
- To each (inclusion and exclusion)
  - 'What about me'?
  - → demand side
  - → rights

# Typology of state obligations

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- To respect
  - Do not interfere with people's possibilities to feed themselves
  
- To protect
  - Protect from interference by others
  
- To ensure
  - Enabling policies
  - Provide in case through no fault of their own, people cannot (e.g. natural disasters)



Obligations to:  
Respect,  
Protect  
Fulfill



# Countries perspectives

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- Rejected altogether
  - USA: rejects ECOSOC rights
    - People should take care of themselves, state should not encroach
  
- Collective dimension
  - NL/Be: distinguish generations of human rights
    - CIVPOL rights can be invoked in a court of law
    - ECOSOC rights are policy incentives, not enforceable

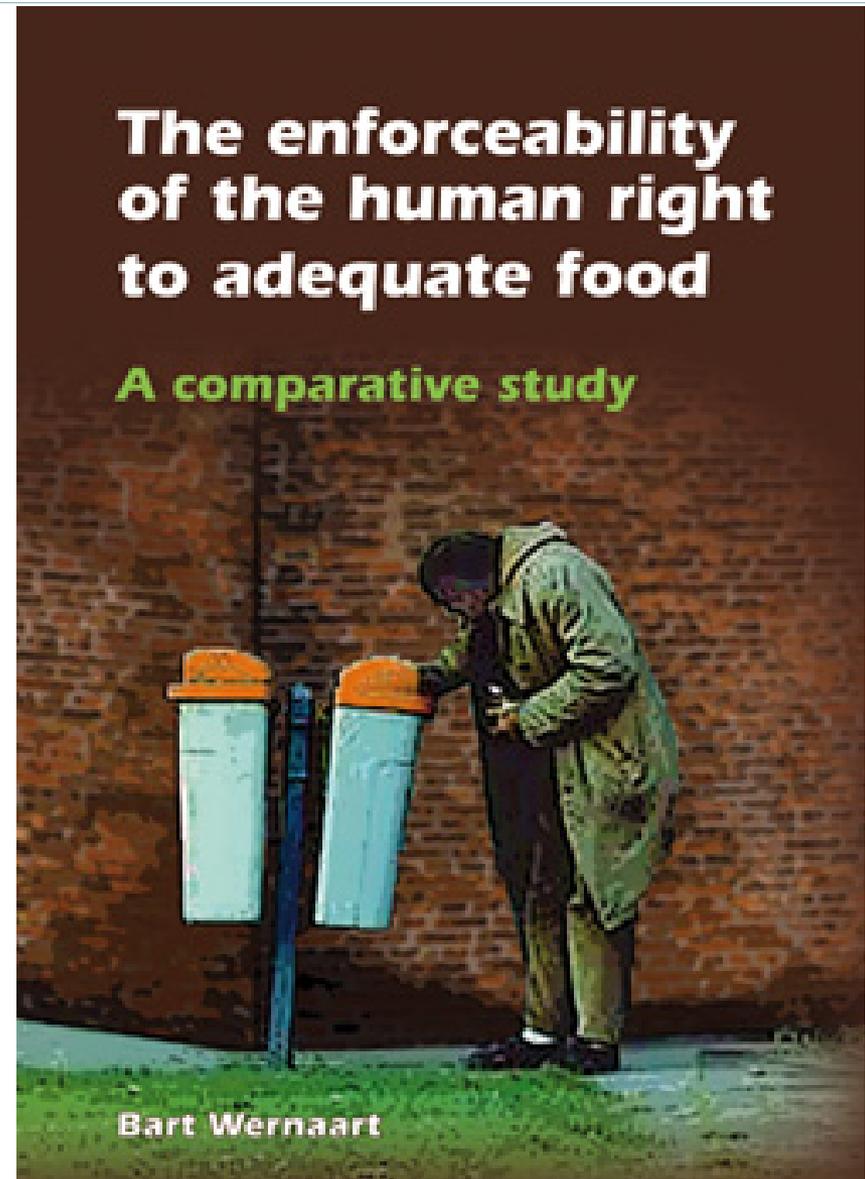


# USA

- Long standing tradition in application of human rights
  - Explicit rejection of Social, Economic & Cultural Rights
  - No Constitutional authority for a right to food/housing
    - Historical resistance to “free riders” and government interference
    - No right to keep food produced for personal consumption
    - Constitutional right to food for prisoners, children and traditional rights of Native Americans
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# The Netherlands / Belgium

- Developed economies
- State parties to ECESCR
- Favorable conditions
- But...



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# Countries perspectives

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- Individual dimension
- Switzerland: rare example
  - Changed constitution to ensure enforceability
- South Africa
  - Promising

# India

- Largest democracy in the world
- Groundbreaking litigation
- Food Security Act
- WTO struggle at Bali

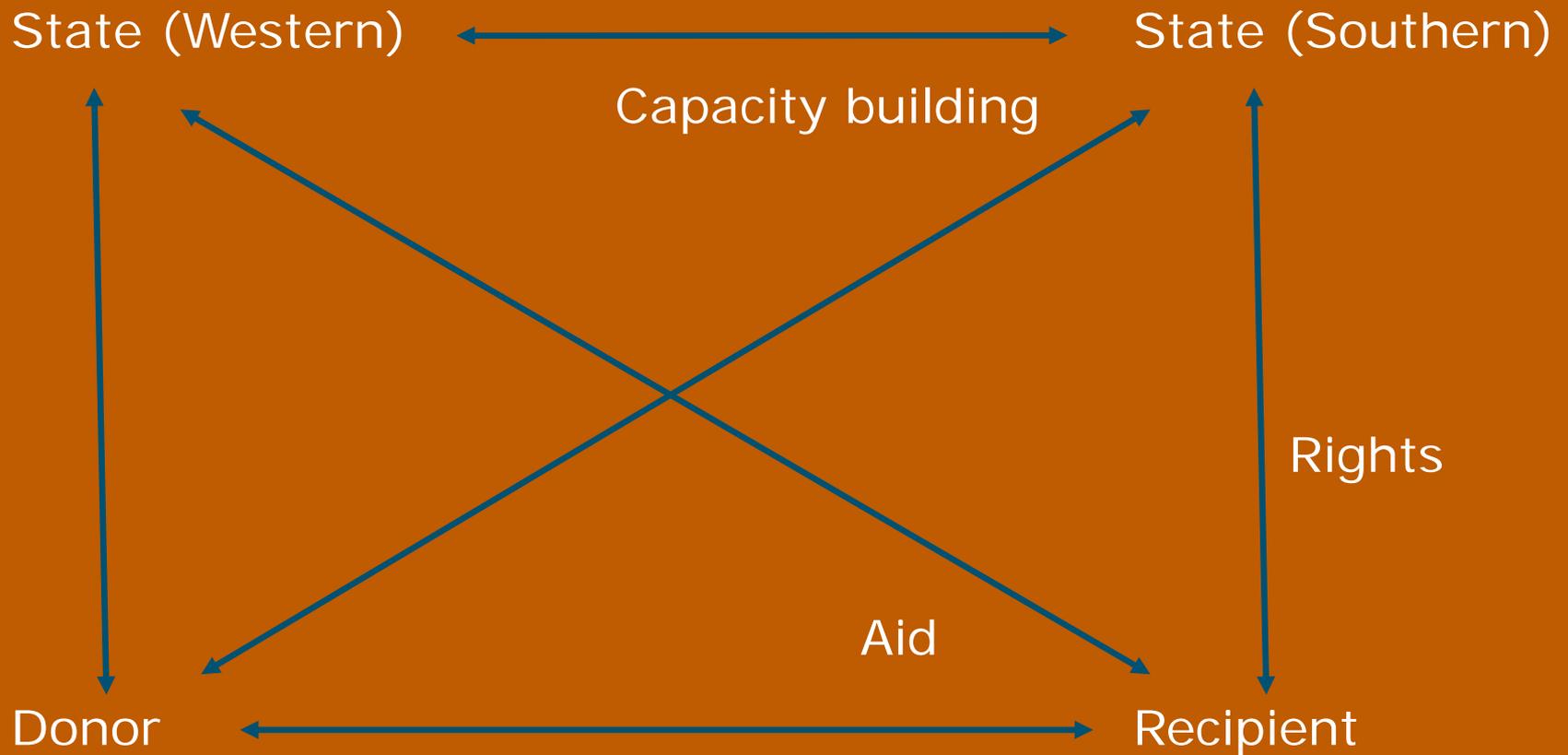


# Rights-based approach

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- Shift in relations?
- Charity: relation - donor  $\leftrightarrow$  recipient
- Rights: relation – state  $\leftrightarrow$  recipient
- Are recipients better off with a shift towards the state?

# Rights-based relations



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# Rights-based approach

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- Requires a functioning rule of law
  - Governments complying to the law
  - Courts willing to hold governments to their obligations
  - India: shining example
  - Western countries show: human rights alone do not do the trick
  - → elaborate system of national law required
  - Where were the proponents of Rights-based approach when India stood alone in Bali?

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Thank you for  
your kind  
attention

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Please cite as:

Bose and Van der Meulen,  
India's Food Security Act:  
Examining Gender and Human  
Rights, forthcoming

Q&A

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