

# AGRICULTURE AND FOOD SECURITY

## A RIGHTS-BASED ANALYSIS

*CIAT - International Day of Forests research seminar, 28 March 2014*

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# Overview

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- The background of the slide features a silhouette of two children standing on a dark, rounded mound, possibly a hill or a large sandcastle. They are both holding shallow bowls and pouring a substance, likely sand, from them. The sand is captured mid-air, creating a misty, textured spray that rises between the two children. The background is a soft, hazy sky with a gradient from light yellow at the horizon to a darker, overcast grey at the top, suggesting a sunset or sunrise scene.
- **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**

# 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.....



# 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

# 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

# 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



# 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

# 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

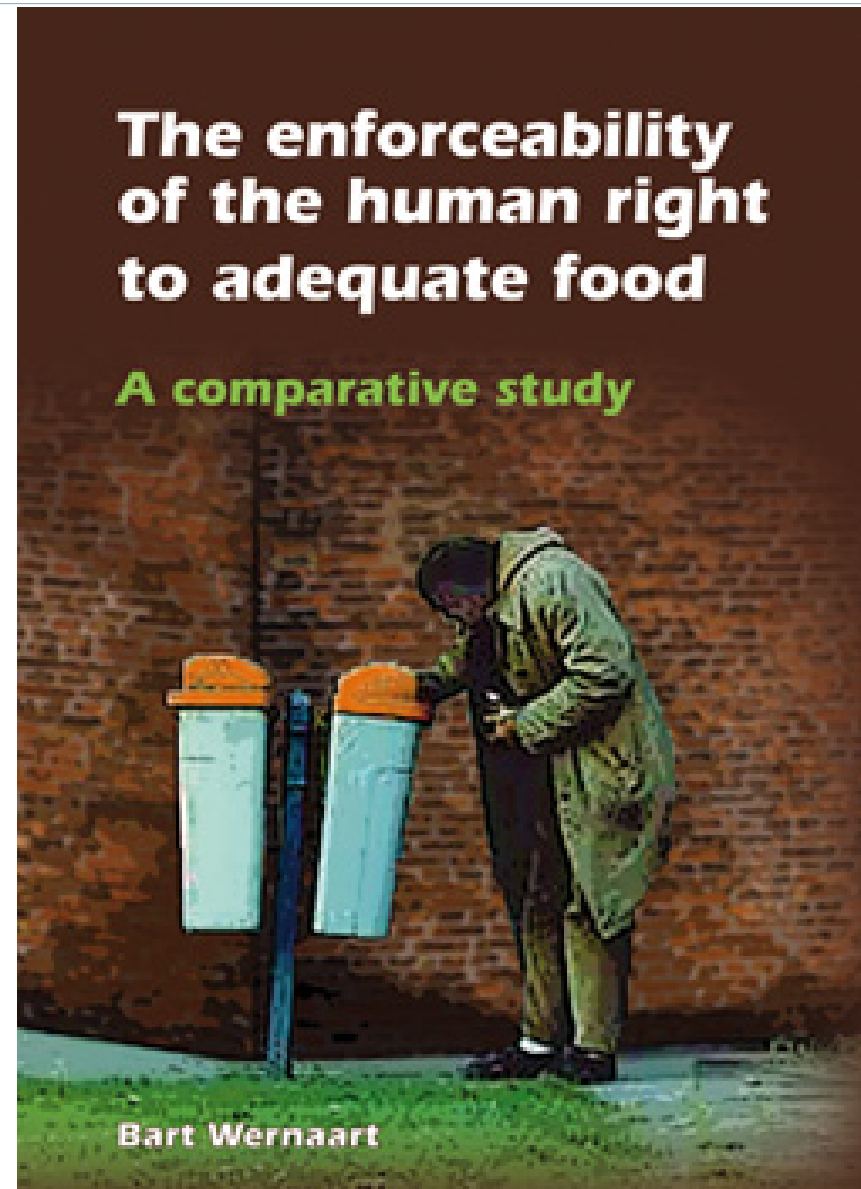
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- Long standing tradition in application of human rights
  - Explicit rejection of Social, Economic & Cultural Rights
  - No Constitutional authority for a right to food/housing
    - Historical resistance to “free riders” and government interference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





# The Netherlands / Belgium

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



# Countries perspectives

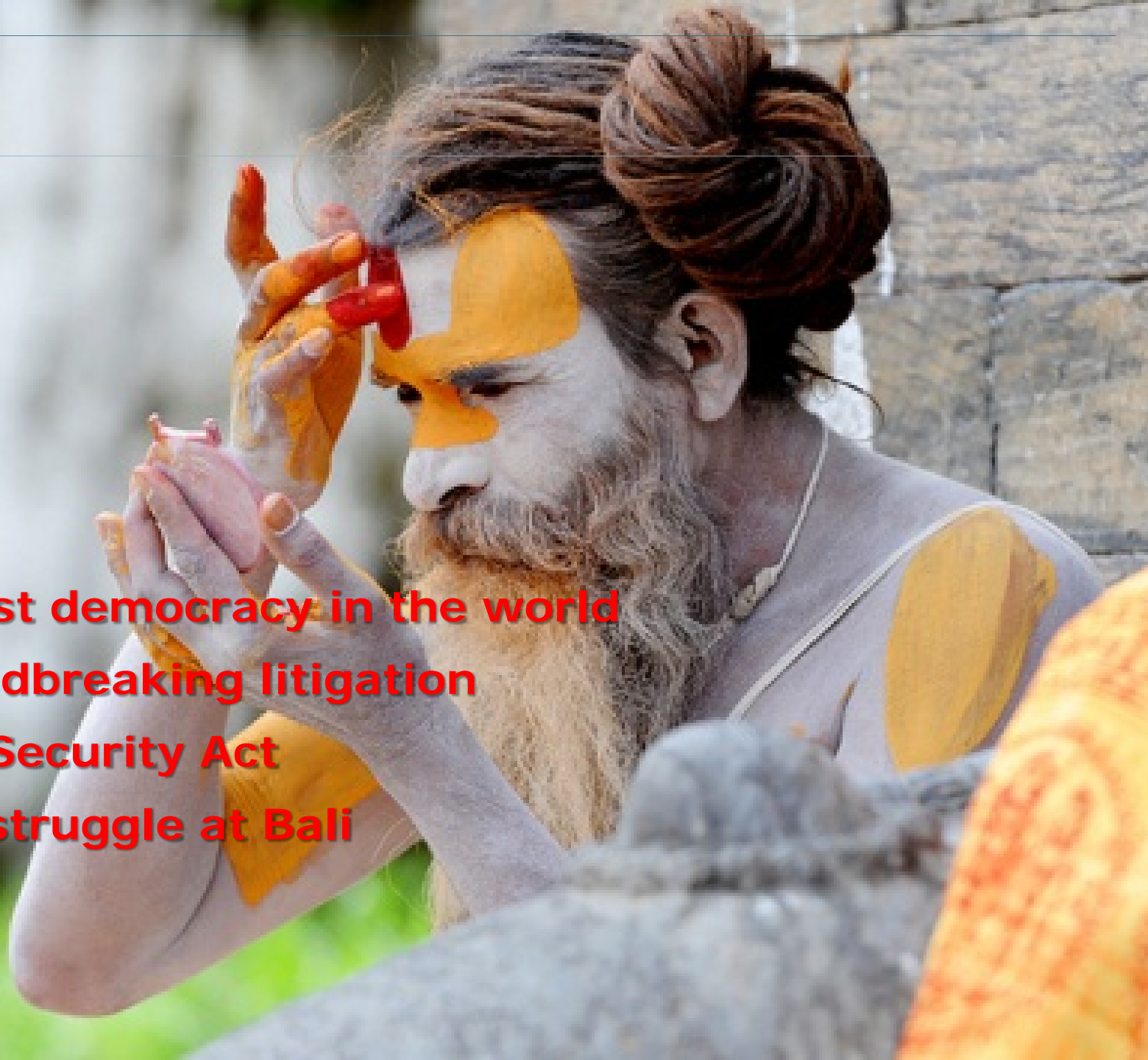
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- Individual dimension
- Switzerland: rare example
  - Changed constitution to ensure enforceability
- South Africa
  - Promising



# India

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



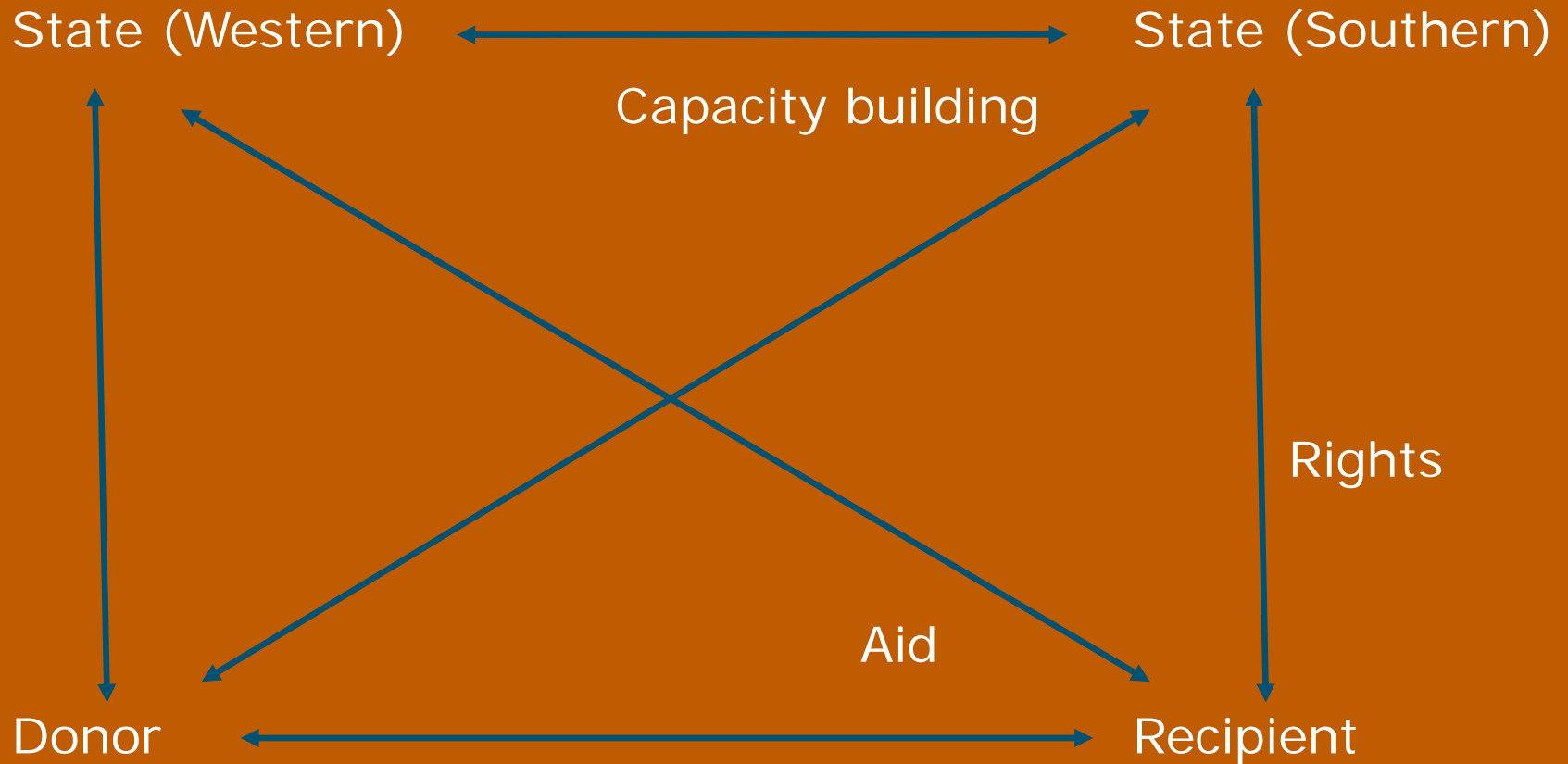
# Rights-based approach

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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



# 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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