RIGHT TO ADEQUATE FOOD AND NUTRITION, AND TO FOOD SOVEREIGNTY
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In the UN Declaration on the Rights of Peasants and other People Working in Rural Areas

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (hereinafter, UNDRO) was adopted by the United Nations General Assembly on 17 December 2018. This briefing note on the right to adequate food and nutrition, and to food sovereignty is part of a series of briefings published by FIAN International to better explain the content adopted in UNDRO.

The first series of briefings covered the following topics: the right to sovereignty over natural resources, development and food sovereignty; the right to land and other natural resources; the right to seeds and the right to biological diversity; states obligations; rural women’s rights; right to a decent income and livelihood; collective rights; and the right to water.

The second series of briefings cover: rights of women in rural areas; right to water; the right to adequate food and nutrition, and to food sovereignty; right to seeds; interlinkages between UNDRO and UNDRIP; climate justice; agroecology; business and human rights; the right to land; and digitalization.

All briefings are available on our website http://www.fian.org/
1. HOW DOES UNDROP RECOGNIZE THE RIGHT TO ADEQUATE FOOD AND NUTRITION, AND TO FOOD SOVEREIGNTY?

Article 15 recognizes two related but different rights - the right to adequate food and nutrition, and to food sovereignty.

--- The right to adequate food and nutrition

Article 15 draws from the contemporary concept of the right to adequate food and nutrition that may be defined as the right, alone or in community with others, to be free from hunger and malnutrition,² to have physical and economic access at all times to adequate food (in quality and quantity) that is nutritious and culturally acceptable or means for its procurement³ in a sustainable and dignified manner, while ensuring the highest level of physical, emotional and intellectual development. Moreover, all these dimensions are inseparable from nutritional well-being and health and must be interpreted in the context of food sovereignty, gender equality and women’s rights.

Article 15 should be interpreted in a holistic and sustainable manner and take into account all stages of production in the food system from seed to finished food product that is fit for consumption, through the various stages of the food chain.⁴

In practice, this means that it is not enough to guarantee that the food produced by peasants or to which they have access is nutritionally rich, but that the production process must be considered as a whole. If we focus

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separately either on the croplands that feed us or on our human bodies that eat the food, we risk limiting the realisation of the right to adequate food and nutrition to either simply increasing food production or developing compensatory food or financial assistance programmes. In the context of the indivisibility and interdependence of human rights, the right to food requires us to consider all stages of production from the perspective of human rights, as well as the various sectors that impact on the realisation of the right to food, particularly: economy, trade, finance, health, and social protection and investment policies.

Paragraph 1 includes the right to produce food as part of the right to adequate food and nutrition and paragraph 2 recognizes that food is intrinsically linked to an individual’s practices, customs and traditions. Therefore, dietary and eating habits must be culturally acceptable while preserving sustainable access to food for future generations.

Article 15.2 also captures that this right is an individual right that may be exercised collectively. Every peasant or person working in rural areas must be able to fully enjoy it in a manner that is intrinsically linked to their dignity as a human. At the same time, this right may be asserted collectively by a particular social group or community. This collective dimension is all the more relevant from a holistic approach to the right to adequate food and nutrition for peasants and other people working in rural areas.

Even though Article 15.3 covers ad hoc medical interventions to combat malnutrition, it should be interpreted in a way of guaranteeing a global approach to nutrition through national strategies, in consultation with peasants, that enable them to overcome hunger and malnutrition through their own production and consumption of their own food as well as by strengthening their own food systems in the framework of food sovereignty. The diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity, that is in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation, including ensuring adequate nutrition for women during pregnancy and lactation. Even more, Article 15.3 lacks a clear gender approach and restricts women to a reproductive role. However, the right to food should be read together with the non-discrimination principle formulated in Article 4 of UNDROP. As well as be interpreted according to the holistic nature of the right to food applied to the concept of nutrition.

This interpretation recognizes that firstly, the impact of hunger and malnutrition is higher among women and girls, and secondly, the contribution of women to realising the right to food for their families, their community and society in general must be recognised, protected and strengthened. As Olivier De Schutter points out in his report “Women’s rights and the right to food”,

5 Paragraph 2.
6 Holistic Approach to the Human Right to Adequate Food and Nutrition, Global Network for the Right to Food and Nutrition. Briefs series of the GNRTFN.
discrimination against women as food producers is not only a violation of their rights, it also has society-wide consequences, because of the considerable productivity losses entailed.\(^8\) Indeed, violations of the right to adequate food and nutrition are intrinsically linked to gender-based violence and discrimination, to the lack of attention paid to the role of women in the food system and violations of women’s rights throughout their lives.

—— The right to food sovereignty (Article 15.4)

Even though paragraph 4 that recognizes food sovereignty as a human right is non-exhaustive, it reflects a broader struggle based on a broad multidimensional concept of food sovereignty that covers various aspects of our food system. At its heart is the right of people to define and build their own food systems, from the ground up. It is an emerging new collective right that has been defined by peoples’ movements and civil society as: “the right of people to healthy and culturally appropriate food produced through socially just and ecologically sensitive methods. It entails peoples’ right to participate in decision-making, and to define their own food and agriculture systems”\(^9\).

—— Normative content of these rights

The different components of the right to adequate food and nutrition for peasants and other people working in rural areas are: adequacy (in quantity and quality, cultural and nutritional), availability, accessibility (physical and economic) and sustainability. In the context of this briefing note, we will only consider in detail some of these components.

The availability of food implies that it must be possible either to obtain food directly from the land, fisheries or forests or other natural resources,\(^10\) or for there to be distribution, processing and functioning market systems to which the peasants and those working in rural areas have access. To meet their specific needs, Article 15 explicitly reaffirm their right to produce food to guarantee its availability.\(^11\) This dimension is closely linked to other rights in UNDROP, including the rights to sovereignty over natural resources (Article 5) –, the right to land and other natural resources (Article 17) and the right to the means of production (Article 21) and to seeds (Article 19). If they cannot produce their food, or in order to guarantee a balanced diet, peasants must have access to food offered for sale in markets or in shops.

Access (Article 15.2) to adequate, healthy, nutritious and culturally acceptable food must be both physically and economically guaranteed.\(^12\) Firstly, particular attention must be paid to the physically marginalised, such as children, the sick, the disabled or the elderly, who may have difficulty leaving their homes to stock up on food, but also to peasants and geographically isolated rural people. Secondly, spending on food must not hinder the exercise
of other fundamental rights. The most marginalised or disadvantaged peasants and rural people must, where necessary, have access to social security programmes or other public programmes that guarantee this economic accessibility. It is also important to ensure that budgets allocated to these public programmes are not reduced irrationally, disproportionately, or contrary to the law, when for example, budget cuts are imposed.

The issue of sustainability, in the case of peasants’ right to food, takes on particular importance, both for the holders of that right (peasants and other people working in rural areas) and other members of society. The content of Guideline 8E of the Guidelines on the Right to Food is highly relevant here: states should consider specific national policies, legal instruments and supporting mechanisms to protect ecological sustainability and the carrying capacity of ecosystems to ensure the possibility for increased sustainable food production for present and future generations, prevent water pollution, protect the fertility of the soil and promote the sustainable management of fisheries and forestry.13 This component refers directly to the choice of agrifood model and the need to promote those models that correspond to the sustainability criterion.

Finally, in the context of UNDROP, and in order to reflect a holistic approach to the right to food, each of these dimensions must be considered in the context of food sovereignty, gender equality and women’s rights. The food sovereignty perspective implies special attention to social and political processes, which must be participatory at all stages (development, adoption, implementation and monitoring). The gender equality and women’s rights perspective implies the elimination of gender-based violence and discrimination, increased attention to the role of women in the food system, and the cessation of violations of women’s rights throughout their lifetime (including in connection with their right to education and their right to self-determination in matters of sexuality, pregnancy and maternity).

The right to food sovereignty has both and individual and collective component that encompass self-determination that it is related to the right to decide on people´s food and agricultural system. Food sovereignty has been conceptualized as resting on 6 pillars, covering various dimensions of our food system. The 6 pillars can be described as follows:

1. Food sovereignty puts the right to sufficient, healthy and culturally appropriate food for all individuals, peoples and communities and rejects food as commodity.

2. Food sovereignty values food providers and respects their rights, in particular the rights of women and marginalized people and rejects policies that threaten their livelihoods.

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13 | Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security, FAO (2004), Guideline 8E.
3. Food sovereignty localises food systems.

4. Food sovereignty puts control locally, notably over natural resources.

5. Food sovereignty builds knowledge and skills.

6. Food sovereignty works with nature.

Many of these dimensions are covered by specific new rights that are elaborated upon in UNDROP, among others the right to land and the right to dispose of natural resources, the right to seeds, the right to biodiversity, the rights of rural women, and the right to remunerative prices.
2. WHAT ARE STATES’ OBLIGATIONS UNDER THESE RIGHTS?

The national and global agriculture and food governance contexts have evolved considerably since the adoption of the fundamental interpretative sources of the right to food (in particular General Comment No. 12 of the CESCR\textsuperscript{14} and the Guidelines on the Right to Food\textsuperscript{15}). The inclusion and definition of the right to food in UNDROP is another significant step in the right direction and represents an opportunity to shape how this right is interpreted in a contemporary context.

State obligations to realise the right to adequate food are well known and have been clarified on many occasions by the CESCR and interpretative texts which have followed General Comment No. 12: states must respect, protect and fulfil (facilitate and provide) this right. Some aspects, however, need to be reinforced in the application of this right to peasants and other rural workers.

In view of the obligation of states to respect peasants’ right to food, they must refrain from interfering in or limiting the access of peasants to resources needed for food production. States must, for example, choose policies that do not threaten local food production and quality. They must also refrain from discriminating against small food producers by promoting an agro-industrial export model. In order for the right to food to be respected for peasants and other people working in rural areas, they should be consulted and be able to participate not only in the development of legislation and programmes that impact on the realisation of their right to food, but also in the implementation

\textsuperscript{14} Committee on Economic, Social and Cultural Rights, General Comment 12 on the right to adequate food (art. 11), May 12, 1999, E/C.12/1999/5.

\textsuperscript{15} Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security, FAO (2004).
thereof. Programmes combating hunger or targeting nutrition should not be disconnected from the adopted model of production and consumption and must take into account local realities and contribute to the realisation of other rights (right to food sovereignty, right to land, right to seeds, etc.).

The obligation to protect calls on states to ensure that non-state actors (individuals or corporations) do not deprive peasants of access to adequate food. In practice, the most common examples are those situations requiring states to protect local peasant communities faced with a company intent on investing in land occupied by the peasants to support the community (see brief on business and UNDROP). Today, particular attention must be paid to negotiated clauses in trade treaties that grant rights to non-state actors that run counter to the realisation of the right to food for rural populations; an example of this are bans imposed on the protection of local production in the face of cheap food imports. Moreover, this new right will have to take into account the particular reality of other people working in rural areas, such as agricultural workers, whose right to food must be protected by states when they are subject to illegal actions by their employers, actions that are still too often ignored.

The obligation to fulfil the right to adequate food and nutrition for peasants and other people working in rural areas may be subdivided into two distinct obligations: the obligation to facilitate and the obligation to provide. First, the obligation to facilitate means that the State must pro-actively engage in activities intended to strengthen peasants’ access to and utilisation of resources and means to ensure their livelihood, including food security. In the context of UNDROP, this obligation is consistent with other rights in UNDROP. It also refers to several aspects such as the peasants’ need for technical assistance to realise their right to produce quality food, or the public support necessary to deliver local fisherfolk and pastoralists’ produce to local markets. The Guidelines on the Right to Food, particularly Guidelines 4 (Market systems) and 8 (Access to resources and assets) are useful in determining this obligation.

Moreover, State compliance with this obligation is likely to have a positive impact not only on the realisation of the right to adequate food and nutrition for peasants, but more importantly, for the entire population, who will gain easier access to local, healthy, high quality and sustainable food. This obligation should also lead states to introduce land reforms where necessary for the realisation of this right (see Note on Article 19). Secondly, the obligation to provide is defined by the CESCR as the State’s obligation to take steps to fulfil this right directly whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal. In times of climatic and economic crises, rural communities are often more affected than others, a fact which justifies the State having to
act and adopt non-discriminatory social security policies that are accessible to them. Food aid programmes also fall within this category and should give priority to food products that promote peasant farming, artisanal fisheries and local food production.

Along with these three levels of obligation, states must take care to abide by applicable general human rights principles and particularly, in this context, the **principles of participation and non-discrimination**.

In this situation, the **principle of participation** of marginalised groups in political and decision-making processes should be highlighted and strengthened for peasants and other people working in rural areas. Implementation of this principle at the international (e.g. within the framework of the CFS, via the CSM)\(^\text{18}\) or national level (e.g. local food policy councils) are examples of the fulfilment of this obligation.\(^\text{19}\) This principle has to be linked with other rights in UNDROP, such as the freedom of thought, opinion and expression (Article 10) or the right to participation and information (Article 11).

The **principle of non-discrimination** must also be given particular consideration in defining State obligations inherent in the realisation of the right to food\(^\text{20}\). Firstly, this principle is the basis of the need to adopt UNDROP to protect the rights of peasants, a group that has always been marginalised and systematically discriminated against. Secondly, this principle should guide states in the implementation of their obligations, particularly regarding the rights of rural women (see Note on Article 6 – Rural women’s rights), while repealing and prohibiting any discriminatory measures against them.

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18 | CFS: Committee on World Food Security; CSM: Civil Society Mechanism.
20 | Article 3.
3. WHY IS IT IMPORTANT THAT UNDROP RECOGNIZED THESE RIGHTS?

Food sovereignty is not only a right enshrined in UNDROP but its corner stone. It is part of the objective and purpose and its preamble. Despite of the fact, that states challenged it during the negotiations. 21

—— 80 percent of people suffering from hunger live in rural areas 22 and 50 percent of people suffering from hunger are smallholder farmers; 23

—— State support for small farmers, fishing communities and local enterprises is a key element of food security and the provision of the right to food; 24

—— Around 500 million small farms in developing countries feed nearly 2 billion people – representing one third of humanity; 25

—— Family farming produces over 70% of world food. And protecting the rights of these small farmers is crucial for the eradication of hunger for all; 26

—— Only peasant farming, artisanal fisheries and sustainable food production methods will stop the meteoric rise of obesity and malnutrition, while adequately feeding humanity. 27

—— It is the first international human rights instrument to recognize food sovereignty as an individual and collective human right.
Peasants and other people working in rural areas have the right to adequate food and the fundamental right to be free from hunger. This includes the right to produce food and the right to adequate nutrition, which guarantee the possibility of enjoying the highest degree of physical, emotional and intellectual development.

States shall ensure that peasants and other people working in rural areas enjoy physical and economic access at all times to sufficient and adequate food that is produced and consumed sustainably and equitably, respecting their cultures, preserving access to food for future generations, and that ensures a physically and mentally fulfilling and dignified life for them, individually and/or collectively, responding to their needs.

States shall take appropriate measures to combat malnutrition in rural children, including within the framework of primary health care through, inter alia, the application of readily available technology and the provision of adequate nutritious food and by ensuring that women have adequate nutrition during pregnancy and lactation. States shall also ensure that all segments of society, in particular parents and children, are informed, have access to nutritional education and are supported in the use of basic knowledge on child nutrition and the advantages of breastfeeding.

Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

States shall formulate, in partnership with peasants and other people working in rural areas, public policies at the local, national, regional and international levels to advance and protect the right to adequate food, food security and food sovereignty and sustainable and equitable food systems that promote and protect the rights contained in the present Declaration. States shall establish mechanisms to ensure the coherence of their agricultural, economic, social, cultural and development policies with the realization of the rights contained in the present Declaration.