

Thematic Session
Right to Food

Right to Food and the Rights of Peasants in
the Context of COVID-19 and Other Crisis

Michael Fakhri
[Special Rapporteur on Right to Food of United Nations]

Background Note

This Note provides the background to my remarks that I will make at the 11th World Human Rights Cities Forum hosted in Gwangju, Republic of Korea. I was honored by the invitation to speak on 9 October 2021 because not too many places in the world are discussing the COVID-19 pandemic in a way that focuses on people's dignity and human rights. What makes this forum inspiring is that it identifies local and regional governments as key actors in fostering solidarity and bringing civil society together. This forum recognizes the fact that local and regional governments can use human rights to create a new social contract between people and governments.

The COVID-19 pandemic highlighted how once again the problem with our food systems today is not a question of producing more food (availability), but a question of accessibility and entitlement. As many have known for decades – hunger, malnutrition and famine are not caused by inadequate amounts of food. The problem is that people need better access to adequate food and the limitations are because of political failure and shortcomings in governance. Even at the peak of the pandemic, the greatest threat to food security and nutrition was not because food was unavailable, but because people could not access adequate food because they lost their livelihood or home.

As a matter of process, human rights require the people who have the most at stake to lead the process. In that regard, peasants, fishers, pastoralists, workers, women, trade unions, and Indigenous people of the world have already made many clear demands.¹ At the core of their demands is not just the right to food but also human rights instruments, including, and the UN Declaration on the Rights of Peasants and other People Working in Rural Areas (UNDROP), the relevant International Labour Organization treaties, and the UN Declaration on the Rights of Indigenous Peoples.

The High-Level Panel of Experts for the Committee on World Food Security – the UN's leading science-policy panel on food security and

nutrition – has recently provided guidance on how to tackle the food crisis triggered by the pandemic. The Panel’s report is based on the most recent scientific knowledge and human rights rules.² Drawing from

¹ Civil Society and Indigenous Peoples Mechanism for the Committee on World Food Security:

http://www.csm4cfs.org/wp-content/uploads/2020/12/EN-COVID_FULL_REPORT-2020.pdf

² UN Committee on World Food Security

High-Level Panel of Experts:

<http://www.fao.org/cfs/cfs-hlpe/issues-paper-covid19/en/>

the people's demands and scientifically-informed policy reports, it is possible to transform the food system in a way that fulfils everyone's human rights.

Human rights are universal, indivisible, and interrelated. To me, this means that we can use human rights to understand food as part of a system. Food is a matter of dignity, it's about our relationship with the land and water, and it is about relationship with each other. In other words, food is at the heart of how people define their own culture. In legal terms, that also means that food is at the heart of how people express their sovereign power.

In this note, I provide some background on what the right to food means in general. I also explain how local and regional governments can support and create territorial markets in a way that fulfill people's right to food.

The Right to Food

The right to food is not just the right to be free from hunger. It is the right for everyone to celebrate life through their meals with each other in communion.

The right to food means that everyone is entitled for their food to always be adequate, available, and accessible.

Food must be adequate means that people must have good food. People must have good food. And they have the right to determine what is good food. This means that people must be able to decide for themselves what is culturally, nutritionally, socially and ecologically appropriate food, based on their particular conditions. Their key value here is: dignity.

Food must be available means that people must have a reliable source of food. This can either be through directly feeding oneself by working the land and having access to natural resources. It can also be about ensuring that food is available in shops and markets. The key value here is fairness – people's access to natural resources must be equitable; and markets should be fair markets.

Food must be accessible means that governments must ensure that food everyone is always economically accessible to everyone – institutions must ensure that people should always be able to get a good meal. This may be through free school meals, fair markets, or a social system ensuring that people have the time and resources

necessary to cook at home and feed their communities. Food must also be physically accessible. This means that governments must ensure that all food systems and institutions are universally inclusive.

The key value again, is inclusivity. And here I like to think about access as a matter of access to a kitchen (broadly defined). Regardless of a person's physical abilities, state of health, legal status or housing condition, States must support everyone's ability to get to a kitchen in order to obtain or make a good meal.

The right to food binds people and governments into a relationship based on obligations and accountability. To only think in terms of food security is to leave the matter in the hands of in the hand of civil servants, experts, and politicians – not with the people. It places emphasis on maintaining political stability. Food security policies often focus on ensuring that people have the sufficient amount of food they need to live and survive (i.e., subsistence).

In sum, the right to food is about:

- good relations between the government and the people, based on accountability and dignity;
 - good relations between people and the land and waterways; and
 - good food that makes people stronger and ecosystems flourish.

Territorial Markers

In my remarks, I will outline how local and regional governments can connect peasants, fisherfolk and other small-scale producers to markets and contribute to fulfilling producers' and consumers' human rights.

In my reports to the UN General Assembly, I have detailed how trade a key element of any food policy. I also described the limits of the World Trade Organization's Agreement on Agriculture and call for its end. Moreover, I provided specific legal guidance on how the trade rules can then be blended with human rights obligations to support and create territorial markets.³

Here I introduce what I mean by territorial markets –

Thinking of the world in terms of territorial markets helps better understand how most people actually buy, sell and share their food. The term “territorial” market allows people to overcome the limitations of only thinking in terms of global versus local. Territorial markets can be local, national, or transboundary. They can also be rural, peri-urban, or urban.

During the pandemic, people are relying even more on their local food systems. But

part of the problem is that smallholders find it relatively difficult accessing and benefiting from local, national and regional markets because of barriers to finance, infrastructure and appropriate technology. One of the most popular demands from local governments, social movements, advocacy groups, experts and some national governments is a call to promote local food production, short supply chains, and a greater degree of self-sufficiency. This also includes promoting sectoral cooperation among local departments,

³ A/75/219; A/76/237.

vertical cooperation between municipal and subnational/national governments, and horizontal coordination with other local governments.

The following points outline the characteristics of territorial markets:

1. Bounded: Territorial markets are directly linked to particular local, national and/or regional food systems. Food concerned is produced, processed, sold or distributed and consumed within a given territory. The gap between producers and end users is narrowed; and the length of the distribution chain is significantly shortened or even direct. This can be contrasted to food systems that are at the mercy of global markets, food that is the result of opaque global value chains, or processed foods that are sourced from a variety of places.
2. Diverse: They are inclusive and diversified with a wide variety of agricultural and local food products to the marketplace, reflecting the diversity of the food system(s) of the territory.
3. Holistic: They perform multiple economic, social, cultural and ecological functions within their given territories – starting with but not limited to food provision.
4. Remunerative: They are the most profitable for smallholders since they provide them with more control over conditions of access and prices than mainstream value chains and more autonomy in negotiating them.
5. Circular: They contribute to structuring the territorial economy since they enable a greater share of the wealth created to be retained and redistributed within the territory.
6. Legal: They may be informal, formal, or somewhere in between. Informal means not taxed or licensed, it does not mean illegal. Being more formal does not necessarily suggest that a market is better functioning. To varying degrees, all have some links with the relevant public bodies and the state through tax collection or through public investments.
7. Embedded: They include embedded governance systems meaning that they operate according to a set of commonly shared rules that are negotiated between

producers, consumers and the different authorities of the territory concerned (what some also call “nested markets”).

8. Solidaristic: In addition to serving as spaces in which buyers and sellers are matched up, they are places where political, social and cultural relations are made and expressed, and where all people involved interact according to varying degrees of interdependence and solidarity. The power relationship amongst producers, processors, traders and consumers is more horizontal. This means that markets are constituted by long-standing relationships of trust.