

Rights Approach to Food and Nutrition Security

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Abstract: *This paper aims to contribute to greater awareness, better understanding on the right to food and highlighting new sights, different approaches, make the right to food more applicable in court and of greater use for policymakers and governmental organization. This paper also studies the concepts of right based approach to address food and nutrition insecurity, focus on food and nutrition security from the human rights perspective and explain the framework used in rights based approach. The paper concludes that the rights based approach help to hold those who have a duty to act accountable, ensuring effective remedies where rights are violated and build capacities to realize the right to adequate food. The approach helps to make the policy formation process more transparent, and build capacities of people and communities.*

Keywords: Poverty, Food security, Right of food, Sudan

1. Introduction

Rights based approach to food and nutrition security is a different way to address food and nutrition insecurity. It is based on human rights standards and principles found in international human rights law [1]. The right to food was formally recognized with the adaption of Universal Declaration of Human Rights (UDHR) in 1948 but official reporting on the implementation of this human right is still generally very poor. International Covenant on Economic, Social and Cultural Rights (ICESCR), involved the right to adequate food in 1966 article 11/1.

Declaration of the World Summit on Food Security, Rome 16-18 November 2009 state that we must collectively accelerate steps.....to set the world on path to achieving the progressive realization of right to adequate food in the context of national food security [15]. The right to food is one of the basic human rights. The right to adequate food is realized when people have access to food that provides sufficient nutritional value for a person to live a healthy and active life, free from hazardous substances, and acceptable within a given culture. The right to adequate food implies the availability of food in a quantity and quality and the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights [4].

The right to adequate food is not the same as the right to fed. Some people when they hear about the right to adequate food assume that it means that the governments have the obligation to handout free food everyone who wants it. The right to adequate food is in fact primary to right to feed oneself in dignity. Governments should create an environment to enable people obtain adequate food. Also Governments need to devise a national strategy to take care that the right to adequate food will be ensured for the people [2]. Rights based approach to food and nutrition security illustrated the food and nutrition insecurity and it's based on human rights.

Human rights based approach helps to formulate policy, legislation, regulations and budget that clearly determine the particular human rights to be addressed, that must be done and to what standard, who is accountable and ensures the availability of needed capacities [3]. Rights-based approaches are grounded in international human rights standards and directed to respecting, protecting and fulfilling human rights. They incorporate principles referring first to rights themselves; human rights are

universal, inalienable, indivisible, interdependent and interrelated. The principles of rights-based guide how programs should be implemented, they must respect equality and non discrimination, be participatory and inclusive, and be accountable and compliant with the rule of law.

- Rights-based approaches entail the following practices and perspectives:
- People as key actors in their own development.
- Participation in programs and policy making as both a means and goal.
- Strategies that empower the people they are meant to serve.
- Programs that focus on marginalized, disadvantaged and excluded group, and that aim to reduce disparities between these groups and others.
- Measurable goals and targets.
- Accountability to all stakeholders.

In 2010 the global situation of right to food and nutrition is dire. The consequences of the climate, energy, financial and food price crises have been felt around the world. The number of undernourished people surpassed the one billion. This situation cannot achieve the First Millennium Development Goal 2015 (MDG's) without pro change in national and global policies and governance [8].

Rights based approaches explicitly recognize the power dynamics involved in hunger and poverty and allow people whose human rights are being violated to gain control of their lives and destinies. This requires a strong role for the government and regulation on investment. FAO, defined Food security is a condition when all people, at all time, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life [4], and Nutrition security is a balance between biological energy and nutrient requirements and the quantity and quality of food consumed (needs food, care and health). So food and nutrition security are very important component to safe the health of the people and to reduced the nutrition problems all over the world [4].

2. The right to adequate food

The term "Right to adequate food" is drive from the International Covenant on Economic Social and Cultural Rights (ICESCR). On 2002 UN defined right to adequate food as follows:

Right to adequate food is a human right, inherent in all people, to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of people which the consumer belong, and which ensures a physical and mental, individual and collective fulfilling and dignified life free of fear [12]. This is realized when every man, woman, and child, alone or in community with others, have the physical and economic access at all times to adequate food or means for its procurement [12].

3. A Rights-based approach

The premise of a right-based approach to ensuring adequate food is empowering poor people and those who are food insecure. Food security is a condition when all people, at all time, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life [4]. Empowering is integral to any strategy that moves away from the benevolence model of food aid and instead emphasizes enabling environments that support people in feeding themselves. Empowerment also removes the full burden of providing food from states [4] [11]. In the event that people are unable to feed themselves the states must accept the responsibility to assist, through different programs and policies that protect vulnerable group from [10].

A rights-based approach would provide a basis in law from which claimants could seek administrative and or legal resource. The framework law makes the right justifiable. The Universal Declaration of Human Rights of 1948 makes a strong call for judicial remedies. Article 8 states that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or law. The right to adequate food has a privileged place among human rights, because without food and nutrition, human survival and development are at risk.

A right-based approach to ensuring adequate food is advantageous on many levels. It introduces the well-established principles in international human right law of nondiscrimination and equality; it supports a number of other basic human dignity and democracy [6] [7]. The approach requires a perspective that addresses not only the consequences of food insecurity but also its causes. A rights-based approach identifies the poorest of the poor, seeks people's participation, and promotes good governance; it empowers local communities to participate in decision making and in holding the state accountable for its obligations; and it facilitates people in taking direct responsibility for them so that they resort to state assistance only where necessary. Rights-based approach enables people to become part of the solution. It is most effective way of building food security. Rights-based approach allows claimants to assert and claim their rights, making the critical shift from treating hunger and food insecurity to recognizing adequate food as a right that must be protected by law.

4. Framework used in rights-based approach

The right to adequate food, like any other human right, imposes three types or levels of obligations on states parties:

- The obligation to respect existing access to adequate food requires states parties not to take any measures that result in preventing such access.
- The obligation to protect requires measures by the States to ensure that enterprises or individuals do not deprive individuals of their access to adequate food.
- The obligation to fulfill (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security [1].

From the above level of obligations we can distinguished three human rights based approach as the following:

- Making the right to food practical for policymaking.
- In 2004 the FAO council adopted 19 voluntary guidelines meant as a practical tool to help member states to achieve the progressive realization on the right to adequate food in the context of national food security called the Right to Food Guidelines [13].
- Make the right to food more applicable in court through legal innovation.
- Make the right to food a tool for social struggles (on behalf) of victims.

5. The important of Food and Nutrition Security

1. Only a healthy and well-nourished population has the capability and capacity, both physically and mentally to develop to his/her full potential and help develop the nation
2. Facts and figures on Malnutrition
 - 1 billion hungry people
 - 1.6 billion People over weight
 - 75% of the world's poor depend on agriculture
 - 40% of food wasted
3. Causes of Malnutrition

The global food systems changing due to increasing world population, changing food consumption patterns, functioning of global markets, climate change, Bio-based economy and competing claims [8]. Hunger is part of the nutritional problems.

Table 1: Causes of Malnutrition [14]

Type	Causes	People affected
Hunger	Deficiency of Calories & protein	0.9 billion
Children under weight	Inadequate intake of food and frequent disease	128 million
Micro-nutrient deficiency	Deficiency of Vitamins & Minerals	More than 2 billion
Over weight to chronic disease	Unhealthy diets, life style	1.6 billion of which 400M obese

4. Type of Malnutrition
 - Under Nutrition
 - Protein-energy malnutrition
 - Low birth weight
 - Vitamin A deficiency
 - Iron deficiency
 - Iodine deficiency
 - Growing insight that other micronutrient deficiency like Zinc, Folic Acid, Calcium, and Selenium are also serious.
 - Over Nutrition
 - Over-weight and Obesity [2]

5. Old Human rights-based approach to food

- The human rights-based approach to food recognizes access to food and social services as a human right (legal dimension).
- Empower people (Individual & Communities) as they are rights-holders. Right-holders is every individual (alone or in community with other) irrespective age, sex, ethnicity.
- Holds States accountable
- Eradication of hunger and Malnutrition is a duty of the states and the society, not a matter of choice.
- States and other stakeholders have to comply with their obligations and responsibilities. States refer to the Government and its Ministries, Legislative and judicial bodies, State institutions (responsible for the implementation of policies and programs), State representative in multilateral (financial) institutions: UN, FAO, World Bank, IMF and national human rights institutions [5].
- Analysis monitors and evaluates State action.

6. State Obligations

1. The obligation to respect: States must respect existing access to adequate food and health and must not take any measures preventing or destroying such access.
2. The obligation to protect: States must take necessary measures to ensure that a third party does not deprive people of their access to adequate food or health.
3. The obligation to fulfill: State must guarantee each person's access to food and food production resources.

The States can fail to meet those obligations by implementing policies and programs that cause violation of the rights to food, or not implementing specific policies and programs for the rights to food. Not targeting the poorest and most vulnerable of society or cutting down budgets for services and programs also concedes as one of the ways the State cannot meet their obligation. The State can fail on their obligation through discrimination and not protecting the rights of specific group [5].

7. New rights based approach to food and nutrition security

1. Make the right to food practical for policy maker.

2. Make the right to food more applicable in court through legal innovation.
3. Make the right to food a tool for social struggles (on behalf) of victims [8].

4. Guidelines for State Report on the Right to Adequate Food

The States should write a report about the fulfillment of their obligations concerning rights to adequate food and nutrition security. The report should include the implementing policies and programs that can meet their obligation.

Each report should tackle these measurements:

- Measures taken to ensure the availability of food in quantity and quality sufficient to satisfy the dietary need of ever one, free from adverse substances, and culturally acceptable.
- Measures taken to disseminate the nutrition information
- Measures taken to promote equality of access by the disadvantaged and marginalized individuals and groups; Landless peasants and person belonging to minorities, to food, land, credit, natural resources and technology for food production
- Measures taken progressive realization of the right to adequate food in the context of national food security, if not, explain the reasons.

5. Conclusions

The right to food is human right. Every human-being is a right-holder; a common misunderstanding of right to food is similar to right to be feed by the government. Another misunderstanding is that right-holders have no responsibility or capacities to access food and simply have to keep up their hands for their rights to materialize. The human right based approach to food is not an alternative but a promise of all nation states that slowly disappears from their list. The right to food implies restrictions in actions regarding food accessibility and availability. Incorporation in national legislation is very important to ensure implementation in policies.

6. Recommendation

- Governments must recognize their obligations to respect, protect, and support the fulfillment of the right to food in their countries.
- The State must guarantee each person's access to food and food resources through:
 - Facilitate people abilities to meet their needs.
 - Provide good or services for those who cannot able to provide it themselves.
 - Empower people to recognize their rights to food and nutrition security.
- Building of Government-Civil Society partnership in the field of human rights, food and nutrition security is much recommended.

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