

# Fulfilling the Right to Food for South Africa: Justice, Security, Sovereignty and the Politics of Malnutrition

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## Abstract

Despite South Africa's celebrated constitutional commitments that have expanded and deepened South Africa's commitment to realise socio-economic rights, limited progress in implementing right to food policies stands to compromise the country's developmental path. If not a deliberate policy choice, the persistence of hunger, food insecurity and malnutrition in all its forms is a deep policy failure. Food system transformation in South Africa requires addressing wider issues of who controls the food supply, thus influencing the food chain and the food choices of the individual and communities. This paper examines three global rights-based paradigms – 'food justice', 'food security' and 'food sovereignty' – that inform activism on the right to food globally and their relevance to food system change in South Africa; for both fulfilling the right to food and addressing all forms of malnutrition. We conclude that the emerging concept of food sovereignty has important yet largely unexplored possibilities for democratically managing food systems for better health outcomes.

**Keywords:** right to food; South Africa; malnutrition, food sovereignty, food justice, food security

## **The double burden of malnutrition calls for a rethink of the right to food**

World agriculture produces enough food to provide everyone in the world with at least 2,880 kilocalories per person per day, more than sufficient (Roser and Ritchie 2019). Yet, with all these available calories, malnutrition plagues billions all over the globe. Most low- and middle-income countries today are now facing a ‘double burden’ of malnutrition. While they continue to deal with persistent food insecurity and undernutrition, they are also experiencing a rapid increase in diet-related non-communicable diseases (NCDs), particularly in urban settings. It is now common to find undernutrition and obesity existing side by side within the same country, community or even household. There is growing recognition that food system challenges, embedded in politico-economic challenges, are key drivers of this global burden of malnutrition--in particular, a global industrial system that spurs homogeneity in production and consumption, externalises harms to health, social cohesion, the environment, and prizes cheap food (Swinburn et al. 2019).

The South African experience represents an extreme example of these global trends. The country is considered food secure at a national level, but large numbers of households within the country are food insecure (Hendriks 2005; Aliber 2009). As a whole, the country faces a structural household food insecurity problem, which is largely caused by widespread poverty and unemployment. An estimated 56% of South Africa’s population lives in poverty (Statistics South Africa 2017) and almost 28% in extreme poverty, below the government validated food poverty line of R585 per month (Statistics South Africa 2017, 14). Thus food insecurity within South Africa is not a short term phenomena, but rather a long-term, chronic threat that is grounded within various economic, political, social and institutional aspects of South African society. Almost two

in five South Africans do not have enough money to purchase adequate food and essential non-food items. Statistics South Africa's General Household Survey reported that in 2014, 5.9% of South African households faced serious problems finding enough to eat, while 16.6% struggled to find enough to eat every day, and 13.1% of households reportedly experienced hunger (Statistics South Africa 2014).

The aim of this paper is to explore the 'right to food', in order to identify insights into achieving a just food system in which food insecurity and all forms of malnutrition can be effectively addressed in South Africa. Addressing the double-burden of malnutrition requires an integrated food system and a rights-based approach. Specifically, this paper analyses the relevance of three global rights-based paradigms for food policy-making in furtherance of the realisation of the right to access sufficient food and basic nutrition in the context of the double burden of malnutrition in South Africa: "food justice", "food security" and "food sovereignty". The realisation of the right to food requires multi-scalar action. Critical institutional engagements within legitimate national and international governance spaces are essential, so as to reclaim the public interest, redirect development strategies and promote policy change geared towards the realisation of the right to food and nutrition. Through this analysis, we hope to support policy practitioners, activist-scholars and human rights defenders to deepen their understanding of the dynamic and intricate nature of food systems and the conceptual basis for action on the right to food, in order to realise the right to food as premised on the South African Constitution in the context of the double burden of malnutrition.

## **Power and injustice in South Africa's food system**

As supported by the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights and the UN's Committee on Economic, Social and Cultural Rights

(CESCR), socioeconomic rights impose three types of obligations on states<sup>1</sup>. These include the obligation to respect, to refrain from interfering with the enjoyment of socioeconomic rights; the obligation to protect, to prevent violations of such rights by third parties; and the obligation to fulfil, to take appropriate legislative, administrative, budgetary, judicial and other measures towards the full realisation of such rights. The CESCR has interpreted the obligation to fulfil to incorporate the obligation to facilitate, provide and promote (General Comment No.3). General Comment No.12 and the FAO's Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food in the Context of National Food Security seek to clarify the right to food. Generally speaking, statutes regarding food security and other food issues usually state public policy goals and principles, but rarely enunciate an individual (or collective) right to food. Similarly, it is difficult to see the value-add of the right to food guidelines in a context of a deep divide between the market-led agriculture trade liberalisation model on the one hand and calls for a human-rights based model on the other - which continue to characterize most food policy spaces. Increased corporate control over these spaces has further cemented this divide.

In the South African Constitution, the obligation to promote is not stated as a subset of the obligation to fulfil, but as a distinct obligation. In particular, the principles of universality, inalienability, indivisibility and interdependence are critical components of the human rights approach which proposes that different rights are inseparable.

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<sup>1</sup> The 1997 Maastricht Guidelines on Violations of Economic, Social and Cultural Rights built on the 1987 Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights and identify the legal implications of acts and omissions which are violations of economic, social and cultural rights.

Although recognised as being multi-dimensional, the right to food is not usually conceptualised in this way and, instead, different components are usually independently measured, analysed or targeted by policy. Because of this, nutrition professionals in particular need to have an understanding of their countries' obligations – Constitutional or otherwise – for the fulfilment of human rights. More specifically they need to understand the meaning of a human rights perspective in the promotion of good nutrition and health.

The Committee on World Food Security (CFS) identifies four dimensions relevant to the right to food in policy formulation, namely – availability, access, utilisation and stability (De Schutter 2014). These are hierarchical in nature: Food availability is necessary but not sufficient for access; access is necessary but not sufficient for utilisation; stability is necessary but not sufficient for utilisation (May 2020). As such, responding to food insecurity is complex in that some aspects, such as food itself, are economic goods that are privately produced and consumed, while other aspects, such as food safety, are public goods. While measures that delay the attainment of the right to food could be acceptable if these measures form part of a “progressive realisation<sup>2</sup>”, measures that result in a regression would not. Aligning policy with a human rights approach requires that possible negative outcomes that follow from growth-promoting policies be assessed in terms of their consequences on the existing rights of citizens.

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<sup>2</sup> The concept of “progressive realisation” describes a central aspect of States' obligations in connection with economic, social and cultural rights under international human rights treaties. Article 2 (1) of the International, Covenant on Economic, Social and Cultural Rights recognises that economic, social and cultural rights are not always immediately realisable.

The late Professor David Sanders, a renowned African health activist, asserted that “malnutrition in particular is not a clinical condition, it is a political outcome which is rooted in global economic, political and social structures” (Sanders 2018). The causes of food insecurity and malnutrition in South Africa are rooted in inter-connected economic, social, environmental and political system failures (Drimie and McLachlan 2013). They are both causes and consequences of poverty, inequality and unemployment (Misselhorn and Hendriks 2017). Therefore, overcoming food insecurity requires a systematic approach and political will to challenge “vested interests, dominant ideologies, bureaucratic traditions, political cultures, and distribution problems in the food system” (Termeer et al. 2018).

The South African food system is highly concentrated and food retail in particular is dominated by a handful of powerful corporations closely aligned to global capital interests (Cherry-Chandler 2009; Hunt 2016). These powerful players in the formal and informal food economy are able to wield disproportionate influence and market power, effectively shaping the playing field in their favour (Greenberg et al. 2017). Rising food prices, globally and nationally, combined with the uncovering of alleged collusive behaviour (Staff Reporter 2018) by companies in the bread, milling, dairy and poultry sectors, has increased suspicions about possible abuse of dominance and other anti-competitive behaviour in South Africa’s entire food value chain. Research by the Centre for Competition Regulation and Economic Development at the University of Johannesburg in 2017 showed that the food manufacturing sector is concentrated by stating that:

RCL Foods and Astral have a combined 46% market share in the broiler meat production market (poultry); Rhodes Food group has a 66.3% market share in canned meats; and Tiger Brands has 48.6% market share of the retail value in the sugar confectionery market... Pioneer’s White Star super maize meal brand has 25.3% of the

market, and Tiger Brands' Ace super maize meal holds 22.5% in white maize milling.

Pioneer Foods and Tiger Brands together held 56% of the breakfast cereal market in 2015-6, and 54.9% in baked goods (Mathe 2019).

At the beginning of 2020 the Competition Commission made public its Grocery Retail Inquiry Report which found a combination of features “that may prevent, distort, or restrict competition. In particular, there are three principal areas of concern that warrant remedial action, namely long term exclusive lease agreements and buyer power; competitiveness of small and independent retailers; and the regulatory landscape (Competition Commission 2019).” Market distortions restrict consumer choice and present significant barriers to economic participation by small and independent retailers. The South African food system is highly concentrated, and food retail dominated by a handful of powerful corporations closely aligned with the interests of property developers and global capital. The uncovering of several cartels by the Competition Commission in the food and agro-processing sector has shown that the liberalisation of the sector post-1994 has not served the purpose of increased competition and benefit to consumers as envisaged at the time. Instead, South Africa's transformation post-apartheid into a more neoliberal state and its re-entry into the global market ushered in the deregulation of agriculture and a more conducive environment for corporate control of agricultural land. This has transformed the relationship between the state and corporations, with the latter holding increasing influence. Generally speaking, this corporate power is less pronounced in agricultural production and tends to manifest more in control of the supply chain.

## **South Africa in a global context**

The current global food and agricultural system is heavily influenced by the visions and interests of international financial institutions, transnational corporations, and government agencies who collectively produce what scholars have called a “corporate



food regime” (McMichael 2009). This corporate food regime has ushered in an increasingly undemocratic and unjust food system in the country, where one in four South Africans go to bed hungry (Oxfam 2014). The current nutrition situation points to a failed food system that is unhealthy for the population (Termeer et al. 2018). At present, there is no cohesive food system strategy for health in the country. And while momentum for change is growing in activist circles, academia, and among some policy practitioners, thus far the politicking is yet to effect the necessary changes at the national-government level that would lead to a nourishing food system for all. Following the global food and financial crises of 2007-2010, desperate calls for food system reform have sprung up worldwide<sup>3</sup>. Similarly, global recommendations for addressing the complex burden of malnutrition globally have coalesced around a food systems framework (HLPE 2017) which explicitly links nutrition with the processes through which we produce, collect, store, transport, transform and ensure access to foods (Belotti et al. 2018).

However, in South Africa, “few substantive reforms have been forthcoming, and most government and multilateral solutions simply call for more of the same policies that brought about the crisis to begin with: extending liberal (“free”) markets, privatising common resources, and protecting monopoly concentration while mediating the corporate food regime’s collateral damage on food systems and the environment” (Holt-Gimenez and Shattuck 2011). This is the food security vector--it masks the racialized, gendered, and class practices that produce and enable not only food insecurity, but massive indigence and death. For the authors of the present paper, the dominant ‘food

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<sup>3</sup> For example, the EAT-Lancet Commission, a platform of scientists, suggests a radical dietary shift that would prove beneficial to both human health and the environment in the world. See: <https://eatforum.org/eat-lancet-commission/>

security' discourse when discussing the political economy of food has become considerably implicated in the entrenchment of hegemonic notions about the causes and solutions to food insecurity.

South Africa's current challenge, to realise the right to food while also tackling a complex burden of malnutrition, has no simple solution. Some actors within the growing global food movement have a radical critique of the corporate food regime, calling for food sovereignty and structural, redistributive reforms, including land, water and markets, while others advance a progressive, food justice agenda calling for access to healthy food by marginalized groups defined by race, gender and economic status (Holt-Gimenez and Shattuck 2011). While progressives focus more on localizing production and improving access to good, healthy food, radicals direct their energy at changing regime structures and creating politically enabling conditions for more equitable and sustainable food systems. These groups overlap significantly in their approaches. In the following sections, we examine these three main rights-based paradigms and draw lessons for fulfilling the right to food and addressing all forms of malnutrition in South Africa.

## Paradigm 1: Food Justice

Food justice scholarship straddles orientations of both reform and transformation while challenging the global food movement<sup>4</sup> to better centre power, history, and positionality

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<sup>4</sup> The definition used for what I refer to as the 'food movement' (also known as the 'dominant food movement) is borrowed from Alkon and Agyeman (2011) who further expand on 'alternative food networks' (AFNs). These terms refer to a constellation of individuals, NGOs, alliances,

in their advocacy. 'Food justice' as a concept focuses on the fact that injustices within the food system continue to disproportionately impact poor and working-class communities, particularly people of colour who have been traditionally marginalized and prejudiced (Werkheiser and Peso 2017). Further, when considering food justice from a global perspective, it is important to recognise that millions of subsistence producers all over the world still grow a significant portion of what they eat today. These practices are coming under pressure not only from the physical expansion of commercial production and its environmental spill-overs, but also through colonization of our very conception of governance itself. We must trace the ways in which institutions of "global governance" produce and circulate particular assumptions and ideas about food and agricultural issues - especially about the causes of food insecurity and malnutrition, the necessity of capitalist markets, and the roles of biotechnology and commercial agriculture. The presumption that all human relations can and should be optimised through mechanisms of competitive markets and commodity exchange has become a pervasive theme in contemporary thinking on governance.

Currently, the North American food movement has increasingly been at the forefront of using the term "food justice" in a discourse that aims to distinguish between an industrial food system and a more equitable, ecologically viable alternative. Food justice, which emerges from the environmental justice movement, has been successful as a concept that has guided the activist work of movements that work to "address injustices within the United States (US) food system" (Holt-Gimenez 2015). In particular, by confronting the structural problems--such as race, class, and gender relations--that limit

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initiatives, companies, and government entities arranged in affiliations of different intensities and scales to support food security efforts and sustainable farming.

access to food, food-producing resources (like land), and self-determination (Holt-Gimenez and Wang 2011), the concept also shares many goals of the international food sovereignty movement. However, food justice does not cancel the structural power of capital or challenge the very premise on which corporate personhood is made. Instead, it enables a discursive strategy that can help constitute resistance to the rule of capital.

The suggestion herein is that when we go beyond the confines of the US food justice movement and we look at ‘food justice’ in a global context it becomes subsumed within the food sovereignty narrative. The underlying rationale being the idea that ‘food sovereignty’ activists make justice demands which must be addressed by the wider society and global community insofar as food supply chain systems structure food provisioning and/or undermine local farming systems, and also that if food justice is to be achieved, food sovereignty must be at the centre of any discussion of what a just food system must look like or how to get there. Food sovereignty insists on a non-hierarchical and participatory democratic control of food that locates control in local lived realities. This insistence of food sovereignty on participatory democratic control is significant. Essentially, it reflects the work of global justice movements to reformulate the concept of ‘sovereignty’.

Similar to the food sovereignty struggle, the food justice movement invokes a commitment to communities exercising their right to grow, sell, and eat healthy food that is fresh, nutritious, affordable, culturally-appropriate, and grown locally with care for the well-being of land, workers, and animals (IATP 2012), it also emphasizes that these tenets should be led by the peoples most marginalised in the food system. In other words, demands and talk of a right to shape food policy by those at the bottom of the pyramid can unveil the dynamics and incentives that are central to the schemes of the corporate food regime that has designed the modern food system.

Over the past decade, the production and consumption of locally grown foods have become the clarion call for food movement advocates in Europe and North America, and also in countries such as Brazil, where the city of Belo Horizonte became famous for being “the city that ended hunger” thanks to pioneering “food as a right” policies and local farm-to-school programs (Gerster-Bentaya, Rocha, and Barth 2011), (Rocha and Lessa 2009). The policies and programmes piloted in Belo Horizonte and eventually adopted throughout Brazil, have demonstrated, over the past 25 years, the potential for significant gains in healthy food access and in farmer livelihoods, at relatively low cost (about 2% of the municipal budget is spent on food programmes) (World Future Council 2019). Yet, even so, it’s been noted elsewhere that in Brazil smallholder farmers are actually being criticized as unproductive due to the efficiency-of-scale paradigm that has been embraced by the government (hiding contradictions deriving from land concentration) (Paulino 2014). This means that beyond the success-story of the Belo Horizonte model, smallholder farmers are in need of stable land rights to produce food.

The food system characterising countries like South Africa has changed drastically as a result of the introduction of the globalised distribution of technology related to food production, transportation and marketing, mass media, and the flow of capital and services. Access to many new empty calorie and ultra-processed foods and beverages relates to current economic and social development. Contextually, a key factor on this issue is the modern systems of food distribution and sales, which reflect the enormous penetration of supermarkets throughout South Africa.

Street vendors play an integral role in the realisation of the right to nourishing food for urban South Africans, even in areas where modern food retail abounds (Battersby and Watson 2018). The informal food value chain which used to be responsible for the provision of food to the majority of the country’s citizens is disappearing as the major

source of food due to markets being replaced by domestic food value chains that function and look like the super predatory global chains. Countries in economic transition from undeveloped to developed, such as the BRICS<sup>5</sup> countries, are particularly affected and have an increased rate of obesity across all economic levels and age groups (Popkin 1994).

Generating food justice is not about a 'yes' or a 'no' to free markets. Instead, regulated markets are ethically desirable if they increase the possibilities for those small agents to develop their own economic potential (Bedford-Strohm 2012). In other words, liberalisation is ethically questionable if it is only an ideological symbol for protecting the interests of the powerful nations of the Global North. Poignantly, how market relations came to be and are maintained is seldom questioned. For the present authors, this is not inconsequential, for the assumptions of the food-security paradigm are deeply implicated in the perpetuation of relations of domination. Markets organise food systems according to exchange value at the expense of all other social, cultural and environmental values. They are procedurally unjust because they give actors say over economic decision-making in proportion to their purchasing power and access to capital for investment. This allots power to the wealthy warping food systems, and entire economies for the benefit of a privileged few.

Generally speaking, and juxtaposed with the abovementioned it must be noted that a concern for the present authors with the food justice paradigm is that it mostly seeks to expand access to and inclusion in a food culture whose basic claims and premises it has failed to credibly question. A food justice movement that takes seriously the problems

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<sup>5</sup> BRICS is the acronym coined for an association of five major emerging economies in the world:

Brazil, Russia, India, China and South Africa.

of equity, health, and sustainability will need to start asking harder questions about what counts as good nutritious food, and who should get to define what counts as goodness and justice when it comes to food for low-income communities. All the same, a ‘food justice’ paradigm is becoming evident in South Africa, as seen through the equity-based approach adopted by the Healthy Living Alliance (HEALA)—an alliance of non-governmental organisations (NGO’s) with a mission to improve the health of an increasingly obese South Africa. HEALA currently has eleven member organisations, namely the Health Promotion and Development Foundation; Khulisa Social Solutions; Rural Health Advocacy Project, Section 27; South African Dentist Association; SA Paediatric Association; Society for Endocrinology, Metabolism and Diabetes of SA; Motse’s Bone Vitality Centre; Treatment Action Campaign; Amandla.mobi; and the Dietetic Association. HEALA is calling for social and political will to back up advocacy efforts towards food justice and equity (Mbalati 2019). The alliance has undertaken to empower all South Africans to make healthy food and lifestyle choices to prevent obesity and non-communicable diseases. Campaigns revolve around advocacy for progressive policies and regulations that promote and protect health, dignity and lives of all people living in South Africa. These include, for example, campaigning for an increase in the Health Promotion Levy on sugary drinks, from 11% to 20% as recommended by WHO (Stacey et al. 2019).

The lack of access to healthy food is both a cause and a symptom of the structural inequalities that exist in South Africa. To decrease the rate at which people are dying of non-communicable diseases will take more than these approaches to tackling the double burden of malnutrition. Food equity is part of the struggle to realise social justice for all South Africans. We have a food inequality problem in this country and the lack of effective food policy and regulation of the food and beverage industry is one of the

primary drivers. But this is not so much a problem of lack--rather, it is one of poor regulation, presided over by a government that refuses to act decisively on behalf of its citizens.

## Paradigm 2: Food Security

The 1943 United Nations Conference on Food, which would later become the United Nation's Food and Agricultural Organization (FAO), is the one that began to enunciate what we now recognise as the concept of food security. At the time, FAO endeavoured to secure a new world order characterized by "freedom from want of food, suitable and adequate for the health and strength of all people" (Stacey et al. 2019). After the Second World War, a new international food order emerged, led by the USA (Friedman 1982). In this period, the issue of food became a central component of US foreign policy. However, by the time the globe was faced with the 1973 'food crisis' (precipitated in large part by a spike in global oil prices), demands for a new international food order in which food as a weapon of war and politics had become less prominent. This new order was now influenced by rapid technological change, such as the development of Green Revolution technologies that promised high yielding seeds.

As a concept, food security has "evolved, developed, multiplied, and diversified," since the 1974 World Food Conference (Maxwell 1996). Today, the definition of food security most commonly used is the one advanced at the 1996 World Food Summit which states that "food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life" (FAO 2006). This definition stresses the right of access to food as the primary characteristic of just food systems but is neutral regarding the power relations that define systems that regulate access to food. In terms of food



security, for example, food systems that are predicated on hierarchical and exploitative relationships between individuals, private companies and the state, is not explicitly identified as problematic.<sup>6</sup>

This understanding of food security has been criticised as serving primarily states, institutions, classes, and individuals who stand to gain materially from capitalist agrarian restructuring (Amir 2013). It is this hegemonic notion that links the realisation of the right to food with the extension of capitalist markets that are increasingly being rejected by social justice movements. This hegemonic understanding is advanced by dominant states like the USA and international capitalist institutions such as the World Bank and the World Trade Organisation (WTO). For this reason, food security has been criticised as unable to provide a transformative framework for the global food system (Holt-Gimenez 2011). If anything, it is as a result of the aforementioned that the food sovereignty movement achieved a great milestone at the Food Summit in Rome in 1996 when it gave a militant critique of the liberalisation which has enabled ‘food security’ on a world scale, thereby linking food security and food sovereignty as slogans of ‘each side’. The food sovereignty movement has a directly political agenda, to roll back the corporate assault on our food and farming systems, and to challenge the concentration of corporate power over food production and sales.

Both the development discourse in which ‘food security’ is located and the neoliberal orthodoxy that governs our present are artefacts of modernity/coloniality. Food

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<sup>6</sup> Raj Patel (2009) points out, for example, that food security can exist even in coercive circumstances, e.g. in a prison, a dictatorial regime, or a patriarchal state. Thus, “[u]nder food security, the question of power in the food system never comes up--as long as access is guaranteed under some system or other, there’s no problem”.

security is ostensibly concerned with securing populations that are at risk of death from hunger, but it repeatedly succeeds in failing. Food security distils the humanitarian impulse and desire to save the “other” but it is vitally important to acknowledge how “save” and “securing” are inextricably linked within this narrative. "Saving" the other is often intertwined with securing one's own position (of dominance) and saving (safeguarding) asymmetrical relations that often rely on securing subordination--usually through political technologies of securitisation. Therefore, the notion of securing the hungry is also meant to signal the presence of a "security" discourse that identifies hunger and the hungry as a threat to the political economy of food. Food security is the favoured approach of international organisations to ensure adequate food for populations, by focusing on the stability of the availability and accessibility of food. It is important, however, to be cautious about accepting uncritically the discourse/s of food security and to probe its effects and politics. Theoretically speaking, the word “security” is used in international discourses around war and crime as a reasonable-sounding cover for policies to which citizens might otherwise object. The food security narrative has not prevented the consolidation of the prerogatives of (racialized and gendered) capital, yet it has been successful in facilitating a place for agricultural corporations in providing “solutions” to the problem of hunger. FAO’s estimations that as many as 25,000 people (Holmes 2008) lose their lives every day as a result of hunger and the millions more who remain significantly malnourished must be then seen as "collateral damage".

Despite South Africa’s National Policy on Food and Nutrition Security, which was gazetted in 2014 (and is led by the Departments of Social Development and Agriculture, Forestry and Fisheries, housed within the Ministry of Planning, Monitoring and Evaluation within the Presidency), food insecurity is almost never one of the key issues in political debate, even during the election cycle (Ledger 2016, 32). Nowhere in

the popular media or around middle-class dinner tables or in the supermarket aisles will you find any indication that hunger is a real issue in South Africa, that it is everywhere and threatens the hopes that we have for our society, particularly through its impact on children (Ledger 2016). Significantly, while journalists and academics can document violations of the social contract between governments and their people, impacts fall most heavily on civil society and thus they have the strongest case for demanding accountability (McKeon 2017).

On average the cost of a healthy diet is 69% more than the unhealthy alternative in the country and as a result, a healthy, nutritious diet is unaffordable for most South Africans (Temple and Steyn 2011). The principal policy focus for food thus far has been to increase agricultural productivity and to liberalize markets allowing globalised trade. This focus has led to huge growth in the supply of agricultural produce, more calories becoming available, and prices declining for certain foods. “The availability of cheaper calories increasingly underpins diets creating malnourishment through obesity, and global competition incentivizes producers who can produce the most, cheaply, typically with environmental damage” (Benton and Bailey 2019). Eighty-five percent of all plantings of transgenic crops are soybean, maize and cotton, modified to reduce input and labour costs for large-scale production systems, but not designed to feed the world or increase food quality (Fresco 2003). No serious investments have been made in any of the five most important crops of the poorest countries--millet, sorghum, chickpea, groundnut and pigeon pea. Only 1 percent of research and development budgets for multinational corporations are spent on crops that might be useful for the developing world, especially in arid regions (Pingali and Traxler 2002).

All the same, while the right to food has been advanced in South Africa by inter alia, the South African Human Rights Commission, it must be acknowledged that it has

not gone far enough to make linkages with farmers' rights. Internationally, the right to food and farmers' rights have, to a large extent, also lived rather separate lives, even if there are obvious links between them (Haugen 2014). Interestingly, Oxfam South Africa points out that in under five days, a top executive at South African supermarket chain Shoprite will earn more than a temporary farm worker on an average South African vineyard will earn in their entire working life (Patel 2018). Massive inequality such as this is only made possible through the exploitation of workers whose labour makes food possible.

A myopic focus on growth and jobs has provided corporations with undue influence on food supply policies, which often reflect a view that food security and nutrition issues will be naturally addressed by increased employment and GDP. Such policies often conflate food security with calories rather than a nutritious diet (Joubert 2013). Stakeholders working in agriculture and in health are disadvantaged in policy development due to their relatively low political influence compared to stakeholders driving an economic growth agenda. Addressing the power disparity between corporate interests and sustainable development and health agendas will require building civil society capacity and political will for health and right to food stakeholders, and planning for how to transition agricultural capacity away from products that contribute to the country's health burdens.

### **Paradigm 3: Food Sovereignty**

The concept of food sovereignty has its roots in nationalist food politics of the 1980s (Edelman 2014), but globally (particularly in the South), food sovereignty emerged in the aftermath of structural adjustment programmes. In the early to mid-1990s activists were forced to grapple with a wave of free trade agreements as a result of which cheap

commodities flooded most countries of the Global South and the consolidation of the agricultural sector (Anderson 2010). The call to sovereignty was and remains a conscious effort to bring power back to the state from deregulated markets and free trade regimes and as such, to bolster the rights and livelihoods of people. Food sovereignty can be understood as:

... the right of peoples, communities, and countries to define their own agricultural, labour, fishing, food and land policies which are ecologically, socially, economically and culturally appropriate to their unique circumstances. It includes the true right to food and to produce food, which means that all people have the right to safe, nutritious and culturally appropriate food and to food-producing resources and the ability to sustain themselves and their societies (Via Campesina 2000).

*La Via Campesina* argues that the state is required to actualize higher order values held in the polity. This is similar to what Reus-Smit (1999) calls the "moral purpose of the state<sup>7</sup>." And if we accept, as he argues, that "different hegemonic ideas about the moral purpose of the state has given sovereignty different meanings in different historical contexts" (Reus-Smit 1999, 161), then we can come to an understanding of why *La Via Campesina* seeks to usher-in a normative foundation that differs fundamentally from what currently exists. As a critical social movement, *La Via Campesina* is aware that the modern state is constantly drawing from "culturally and historically specific beliefs" to inform its institutional choices (ibid.). The task of social movements like *La Via Campesina* then becomes the (re)constructing and the (re)creating of egalitarian

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<sup>7</sup> Reus-Smit argues that societies are shaped by deep constitutional structures that are based on prevailing beliefs about the moral purpose of the state, the organizing principle of sovereignty, and the norm of procedural justice.

imaginaries<sup>8</sup> through discursive strategies that enable justice and the ethical values of our society. This is particularly important for peasant movements. Because peasants' ways of being were not totally colonized by the rise of modernity, their deep-seated cultural values of reciprocity still remain.

As a result, a food sovereignty lens is attentive to the ways in which the concentration of corporate power in the global food system has generated contemporary health crises. Such crises include the chronic hunger experienced by one in eight people worldwide, the majority of whom live in 'developing' countries (FAO 2018), the growing prevalence of non-communicable diseases associated with the spread of unhealthy western diets, as well as the health impacts of intensive pesticide use and agro-industrial production technologies on agricultural producers and affected communities amongst others. Pointedly, while there is a growing body of evidence related to trade, food systems and malnutrition, what remains absent from the literature is the ways in which the technical and political aspects of the global food value chain interact with domestic food systems to affect malnutrition and climate change.

Food issues are defined and framed through beliefs, ideas and knowledge about what is and/or what should be--in the context of the realisation of the right to food. Framing and messaging are now widely recognised as ideational strategies used by human rights defenders and food system actors to focus attention on particular issues (Benford

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<sup>8</sup> It is fair to say that dominant global imaginaries - by which we mean the "common-sense" of state officials, NGO professionals, and general publics in the Global North – is crucial in constructing the imaginaries that govern our images of the hungry. The representation of the non-European *Other* as a violator of human rights and/or victim of human rights abuse remains dominant, and works against more nuanced understandings of injustice.

and Snow 2000). Successful framing is “adopted as talking about the new ways of understanding issues” (Finnemore and Sikkink 1998). This is the promise of food sovereignty, as it offers new insights for the double burden of malnutrition. On the other hand, regrettably, dominant framings such as neoliberalism often become so widely accepted that they are taken for granted as self-evident truths.

In South Africa, the food sovereignty concept has been embraced and is gaining sway. Evidence for this is the establishment of the South African Food Sovereignty Campaign (SAFSC) which is attempting to initiate a campaign to bring about greater awareness, create farmer networks, and fight for a fundamentally different food system--one that is more just, democratic and anti-capitalist. The SAFSC is a grassroots campaign that emerged in early 2015 in response to injustices prevalent in the country’s food system and the need to further agrarian reform more broadly. That year, representatives from over 60 organisations met in Johannesburg to officially launch SAFSC at the Food Sovereignty Campaign Assembly (Cherry 2016). The gathering was spearheaded by the Solidarity Economy Movement and a grassroots NGO, the Cooperative and Policy Alternative Centre. It is an active, nascent campaign that is operating at a national level. The clearly articulated objectives of the campaign were first, to tackle the systemic roots of hunger and the climate crisis; second, to confront the state, capital and false solutions in South Africa; third, to advance food sovereignty alternatives from below to sustain life and survive the climate crisis; and lastly, to provide a unified platform for all sectors, movements, communities and organisations championing food sovereignty (SAFSC 2015).

Although there are many plausible avenues for connecting food sovereignty to human health, the empirical evidence based in support of this hypothesis is weak at the moment. A 2014 review of nearly 1500 articles speaking to food security, food

sovereignty and health equity identified fewer than 20 reports involving food sovereignty (Weiler et al. 2014). This dearth of active scholarship may be due, in part, to the opposition that the food sovereignty narrative poses to existing institutions, food sovereignty complements the longer-term socio-political restructuring processes that health equity requires (Weiler et al. 2014). Alternatively, we also posit that South Africa has too small of a peasantry, due to the continuous processes of dispossession associated with long histories of land dispossession and the forms of farming and agriculture that have evolved during the different phases of a distinctly racialized form of capitalism and its legacies post-1994. Food sovereignty is about promoting the commons and advancing a value system that embodies solidarity and Ubuntu<sup>9</sup>. It's a missed opportunity in the fight against the double burden of malnutrition that the magnitude of importance of these pathways in different contexts has not been fully understood or embraced by scholars.

The above is particularly relevant given the growing attention paid to social determinants of health that go beyond a narrow set of views on the individual and encompass the health of communities and populations (WHO 2018). If supported by a credible evidence-base, these pathways could be important in linking aspects of food sovereignty to human health. If anything, food sovereignty analyses that examine the right to food and the double burden of malnutrition should place greater emphasis on the entire food supply chain. According to scholars “agriculture production is only the most distal locus in an increasingly complex food supply chain that includes postharvest storage and home processing; industrial processing; distribution, transport and trade; food retailing,

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<sup>9</sup> Ubuntu is a Bantu-Nguni term meaning “humanity.” It is often translated as "I am because we are," or "humanity towards others," but is often used in a more philosophical sense to mean "the belief in a universal bond of sharing that connects all humanity.”



marketing and promotion; and food preparation and consumption” (McClafferty and Zuckerman 2014) The increasing dependence on agriculture not as a source of food for direct consumption, but as source of inputs for the food processing industry (Pinstrup-Andersen 2013), means that the raw commodities produced by agriculture will have a diminishing potential to directly impact human health as compared to the processes that reshape and transform these commodities postharvest.

The growing domination in diets around the world of ultra-processed foods has undoubtedly had far reaching ramifications for human health. Efforts by the food sovereignty movement to restructure food supply chains may actually turn out to be more effective at improving human health than efforts to reform agricultural production practices or implement individual dietary behaviour change programs. Developing a law to ensure and safeguard the right to food and nutrition in South Africa has been a core proposal of the food sovereignty movement, and rests on the belief that the state should be taking up its responsibility to ensure its citizens have access to appropriate, affordable, nutritious food.

The South African government has bought into the corporate food regime’s myths, believing that without corporate agriculture, there would be inadequate food to meet the growing population’s needs. However, the fact that one third of our food is wasted, that increased dependence on corporate agriculture is linked to the climate crisis, that the state of hunger in South Africa is not improving, and that most of the food that is consumed has poor nutritional quality, is reason enough to reconsider the current model in South Africa (Cherry 2016, 105).

Following on Amartya Sen’s ground-breaking work, food sovereignty foregrounds entitlements and the fundamental redistribution of wealth and power through transformational political campaigns. This is why food sovereignty activists are not mere

consumers but citizens demanding that their right to food be safeguarded from capital interests and their promotion of corporate profits at the expense of societal welfare. Sovereignty, like hegemony, is built and contested within state institutions, within market conditions, within the institutions of civil society, popular culture, and the language with which people understand their daily lives. In her study of Venezuela, where food sovereignty is enshrined in national law and is the focus of a national effort by both state and societal actors, Schiavoni (2015) found that diverse attempts to implement food sovereignty are happening both from above, by the national government, and from below, via citizen-led social institutions known as ‘comunas’, with dynamic interaction between the two. While this interaction is often tension filled, as a result of competing paradigms, approaches, and interests, the tension is the key to meaningful and sustained advancement of food sovereignty over the long term. Thus, building upon the work of Phillip McMichael, Schiavoni (2015) finds it helpful to conceive of food sovereignty not as a singular sovereignty, but in terms of ‘multiple’ or ‘competing sovereignties’, and looks at how these multiple sovereignties are interacting with one another across different scales, jurisdictions, and geographies. As Schiavoni (2015) puts it, “constructing food sovereignty is less about building silos and more about building relationships.” Through this conception of Ubuntu, food sovereignty contributes to the debate of political philosophy to which justice is central. As a living ethics, Ubuntu demands an activism of solidarity and decolonisation in the face of what Vishwas Satgar calls an “imperial ecocide” (Terreblanche 2018). Ubuntu cannot be compatible with purely capitalist relations and the commodification of nature or inequality.

Nonetheless, amidst the above, we must acknowledge that in urbanising middle-income countries like South Africa, information needs for policymaking in the arena of food insecurity are particularly complex. While hunger and undernutrition persist in both

rural and urban areas, the prevalence of overweight and obesity, and diet-related chronic diseases is also increasing in both. The ongoing debate in global policy circles on using the term ‘food and nutrition security’ to more adequately reflect the focus on nutrition that is implicit in the widely-used term ‘food security’ resonates in this context, where diet quality is an important dimension of food security. Features of the South African agro-food system, such as the dualistic nature of agriculture (well-developed commercial farmers alongside resource-poor smallholder farmers) and the deep penetration of supermarkets need to be taken into account as well. There are also divergent perspectives on the relative contribution of structural and behavioural factors to the food security situation in the country.

Food sovereignty recognises the right of consumers and countries to refuse technologies deemed inappropriate and to be able to decide what they consume, how and by whom it is produced. This means communities and populations must be free to decide on food produced in their own countries, without this being opposed as a restraint on trade. The concept demands the protection of consumer interests, including regulation for food safety and the accurate labelling of food and animal feed products for information about content and origins. Interestingly, for the South African case, what we seem to be calling food fraud in many cases is simply an outcome of lack of standards or enforcement of standards. Emphatically, following the listeriosis outbreak in the country, questions have now been raised about what is meant by “safe”? It appears that the government’s interface and engagement with our food value-chain only revolves around production concerns and turns a blind eye to other junctions of the value-chain. Many of the issues that have prompted the emergence of the food sovereignty alternative internationally are deeply felt in South Africa too; evident in the inequalities, injustices and brutalities present in our food system. Global financial flows, land grabs, climate change and

urbanisation have left millions with little access to food, livelihoods, or political recourse. A food sovereignty paradigm offers an emancipatory stream in human rights discourse to guide the realisation of the right to food in South Africa.

## **Realising the Right to Food in South Africa**

The right to food is enshrined in the South African constitution, and the approach that has been adopted by the ruling regime is one that attempts to work towards conventional definitions of ‘food security’. Because of this, the call for explicit linkages between nutrition and health goals has largely been located within food security frameworks. A food system governance approach that would usher in a just and nourishing food system in South Africa remains elusive (Hendriks 2014). The state is currently funding multiple overlapping and duplicative programmes to address food insecurity in many different government departments. However, food insecurity statistics are stagnant, and the double burden of malnutrition continues to rise.

The historical differences between the “food sovereignty” and “food justice” movements have shaped the scale, depth and context of their message in today’s world. Food sovereignty, founded by peasant and subsistence farmers in the Global South, has grown to be an international rallying cry for equal, democratised food systems. Food justice, founded to confront structural racism and access to resources, has focussed on the distribution of food among the marginalised and poor and is yet to challenge the larger politics of food production. Interestingly, the many food justice movements largely located in the United States of America formed by actors excluded and marginalised from the modern food system mirror similar experiences of peasant farmers in the Global South, from where the food sovereignty movement emerged (Schiavoni 2009). In South Africa, there is an opportunity for both of these movements to build on the common

ground they share, with food justice spurring short-term action and rights in domestic contexts, while food sovereignty movements support long-term national, regional and international networks and political action.

Although food access, policy reform, and both ethical and equitable consumption have taken centre-stage as important food system concerns globally, the question of justice and the food system reminds us not to approach these issues in a vacuum (Duffield 2007). We also suggest that the current conceptualization of food security can mask the systematic undermining of the capacity for self-reliance by the appropriation of the means of existence. In resisting food security because it is a technology of development, food sovereignty attempts to reclaim democratic politics. Rather than accept the technologizing of hunger and the assertion of a "responsibility to intervene" by NGOs and western governments, *La Via Campesina* member organisations claim their right to determine their own future. Food sovereignty activists argue that without a shared political stake in the food system, both producers and consumers remain passive recipients of policy, aid and subsidy (Pimbert 2009). Food sovereignty activists see the state as impeding knowledge, action and choice in the food system (Patel 2011), and thus the paradigm of food sovereignty has emerged to directly address, rather than obfuscate these inequitable relations.

Of significance, Patel and McMichael observe that food sovereignty presents an understanding of rights "whose content is not necessarily preordained by the state" (Patel and McMichael 2009). They add that the conception of rights advanced by *La Via Campesina* is "explicitly without content--the right is a right to self-determination" (Patel and McMichael 2009). This, of course, is not how we have come to understand rights. Normally, the state is seen as author and guarantor of rights. *La Via Campesina* suggests an alternative possibility. They accept the state's role as the guarantor of rights, but

demand that the authorship of rights resides in communities (Patel and McMichael 2009). If the ultimate goal is the transformation of the South African economy to one that is inclusive, sustainable, and focused on true food security, limiting the activities of global corporations domestically offers an opportunity for the country to better align its agricultural production with the needs of its people while increasing participation of those traditionally marginalized. Planning should begin with a wide spectrum of stakeholders on ways to transition the use of agricultural land and produce to promote healthier nutrition.

Among the three global rights-based paradigms for food policy making discussed in this paper, only food sovereignty directly challenges the inequitable and unjust food system that exists in South Africa by pairing local and regional ecological agriculture with the large-scale organisation of campaigns to challenge the corporate food regime. In this way, food becomes a topic for expression of political agency - another capability that has been noted by Sen (1991). Agency's capabilities connote capacity to meet nutritional requirements, to be educated, to be sheltered and to be clothed; all these are needed for human rights at a general level. The right to food discourse in South Africa would benefit from further contextualization and adaptation of key tenets of food security, food justice and food sovereignty. However, with the co-option of the term "food security", it is becoming a concept of diminishing value for justice projects.

Examining the current discourse in South Africa has highlighted that food sovereignty has different meanings. For some, such as grassroots movements and civil society organisations, it is primarily for environmentally sound and sustainable food production; whilst for other activist-scholars, it is primarily a vehicle to social justice whose point-of-departure is a way to support food producers' individual autonomy. As Marisela Chavez rightly points out, these are real differences but for all of them

It's about justice--for people and the environment. They believe that looking at agriculture through a different lens helps connect people to the understanding that it's not just about people respecting the environment, but also about people having a different relationship with each other (Werkheiser and Piso 2017).

This is the promise of food justice in general and food sovereignty in particular--to bring together people working in different places on different particular injustices primarily to build solidarity networks of aiding one another. However, as Gottlieb and Joshi (2010) suggest,

...putting together the two words food and justice does not by itself accomplish the goal of facilitating the expansion and linkages of groups and issues. Nor does it necessarily create a clear path to advocating for changes to the food system to address all forms of malnutrition or point to ways to bring about more just policies, economic change, or the restructuring of global, national, and community pathways.

Like other empty signifiers, for food justice to have intellectual and political value, it must both take advantage of the robust history of food politics and then move these politics forward toward more emancipatory goals. In particular, there is an opportunity in South Africa to more explicitly link these conceptions of justice and rights to access (and capabilities) related to 'nourishing' food, rather than simply production.

Current activism around food in South Africa can be described as still emerging. However, the public health community in the country is recognizing that food and food policies are major influences on health and health disparities, which suggests there is a window of opportunity for broadening human rights-based activism around food systems to include nutrition. Recent food advocacy has helped reframe public dialogue on the country's food system and public pressure is slowly triggering modest changes though not yet in food-related health outcomes. For example, at the time of writing the Competition Commission has recently concluded its Grocery Retail Market Inquiry

which has resulted in major retailers agreeing to drop exclusivity clauses in shopping mall leases against small and speciality retailers with immediate effect (Dludla 2020). Public health history (de Camargo 2017) suggests that strong movements can play an essential role in achieving the transformation necessary to make healthy and affordable food available to all.

## Conclusions

The elements of a human rights approach are already interwoven into many areas of food and nutrition policy research and analysis in South Africa. Issues of agricultural sustainability, property rights, hunger, malnutrition and information are all examples of where a human rights approach already has had an influence on thinking and perceptions. However, the dominant policy approach has been one underpinned by a food security paradigm. In the face of ongoing and increasingly evident injustices in the food system, and a growing double burden of malnutrition, it is clear that the realization of the right to food will require a paradigm shift in the production, distribution and consumption of food driven by a broader political, economic and social transformation. The core argument of this paper is that 'food security', while ostensibly grounded in a human rights discourse, simultaneously tends to be understood as realizable almost exclusively through capitalist markets - this is regressive for the right to food. The concept of food sovereignty offers an opportunity to extend and integrate action on the right to food and nutrition in South Africa. We borrow from the words of Raj Patel (2009) to conclude: food sovereignty consistently means a 'right to act'. Food sovereignty, even more than food justice, emphasizes autonomy and democratic control.



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