

Dr Jane Battersby, African Centre for
Cities, University of Cape Town

Right to Food and the Right to the City – Local and international advocacy challenges



Constitutional Right to Food

- Section 27(1)(b) of the Constitution of the Republic of South Africa states that, “everyone has the right to have access to sufficient food and water.”
- Section 27(2), according to which “the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.”
- Section 35(2)(e) of the Constitution prisoners and detainees also have a right to sufficient food.
- Section 28(1)(c) states that every child has the right to “basic nutrition, shelter, basic health care services and social services.”

A blur of concepts

- Right to food: Legal concept
- Food security: Technical concept
- Food sovereignty: Political concept

- Right to the city: “Right to urban life” (Lefebvre, 1996) – combining the “practical needs of everyday life with a substantive rather than abstract conception of modern citizenship” (Gandy 2006)

Expanding the concept of food security for the urban

- Availability
- Accessibility
- Utilization
- Stability



Availability

- Not about 'enough'
- But about the relative balance of types of food being made available within the food system, and why certain types of food are more available than others.



Accessibility

- Not just Economic and Physical access (though these are key)
- But other modes of access too: Nature of urban-rural linkages, sacrificing food security to meet other needs, social networks, community poverty



Utilization

- Food utilization considers the ability of individuals and households to utilize food through “adequate diet, clean water, sanitation and health care to reach a state of nutritional well-being where all physiological needs are met” (FAO 2006).
- Refrigeration, storage, water, sanitation (household and food system actors), travel times/urban planning



Stability

- “They should not risk losing access to food as a consequence of sudden shocks (e.g. an economic or climatic crisis) or cyclical events (e.g. seasonal food insecurity). The concept of stability can therefore refer to both the availability and access dimensions of food security” (FAO 2006).
- Urban hungry seasons, price fluctuations and need for diversity of options to enable households to obtain stability

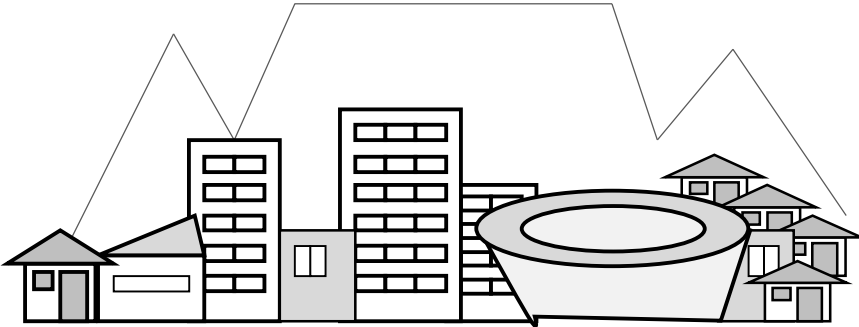
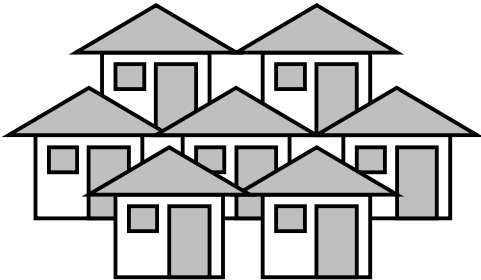


Individual

Household

Community/Neighbourhood

City





NUWE-HOOP-
PROJEK

Consequences of current framing

- Policy framings of food security locate it as a production issue, therefore not a municipal function
- Creates not just policy gaps and funding, but also critical data gaps, and abdicates municipal responsibility
- Cities are unable to plan with food security as an intended outcome
- “Second class” & poorly monitored interventions
- No “progressive realization” of the right to food

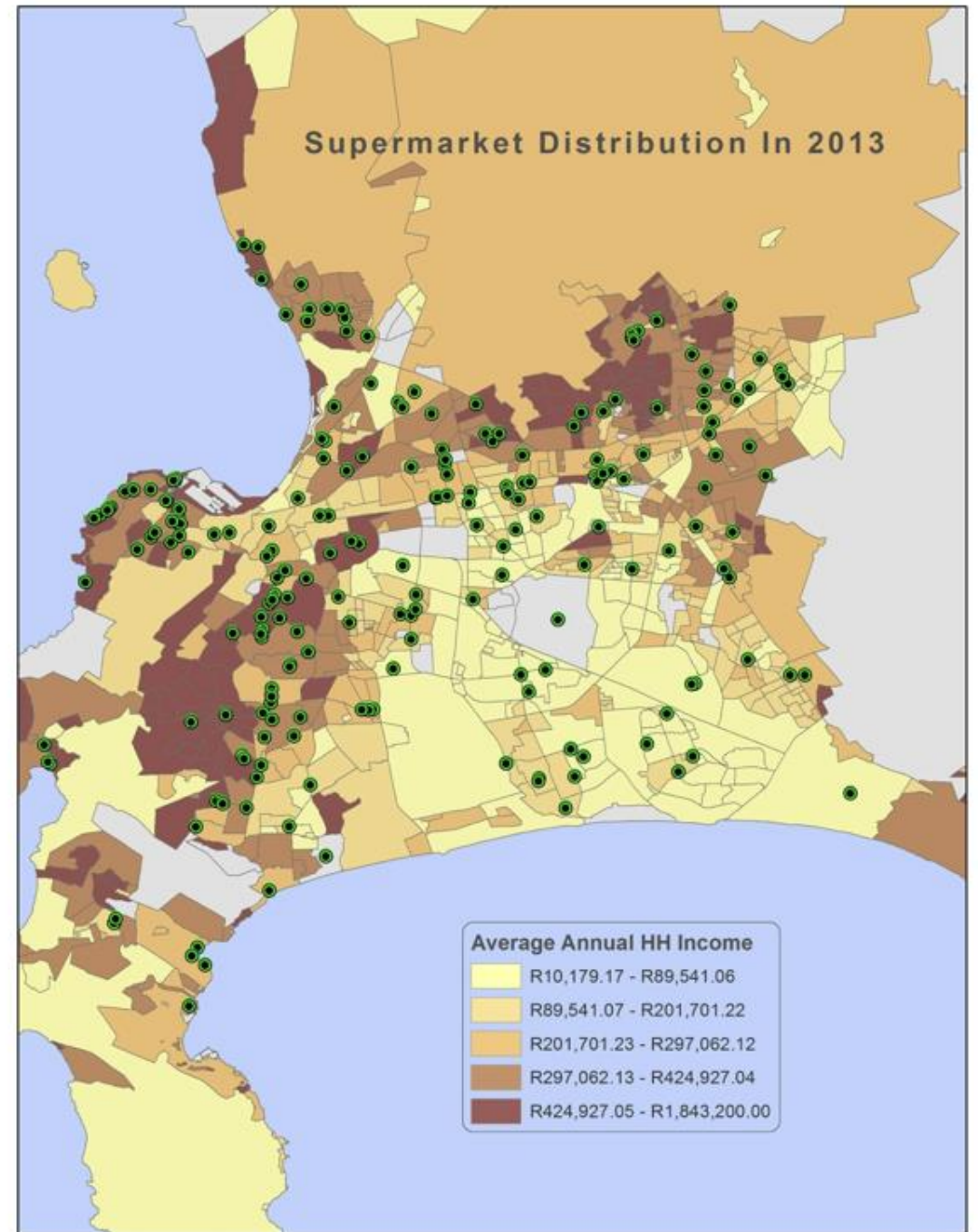
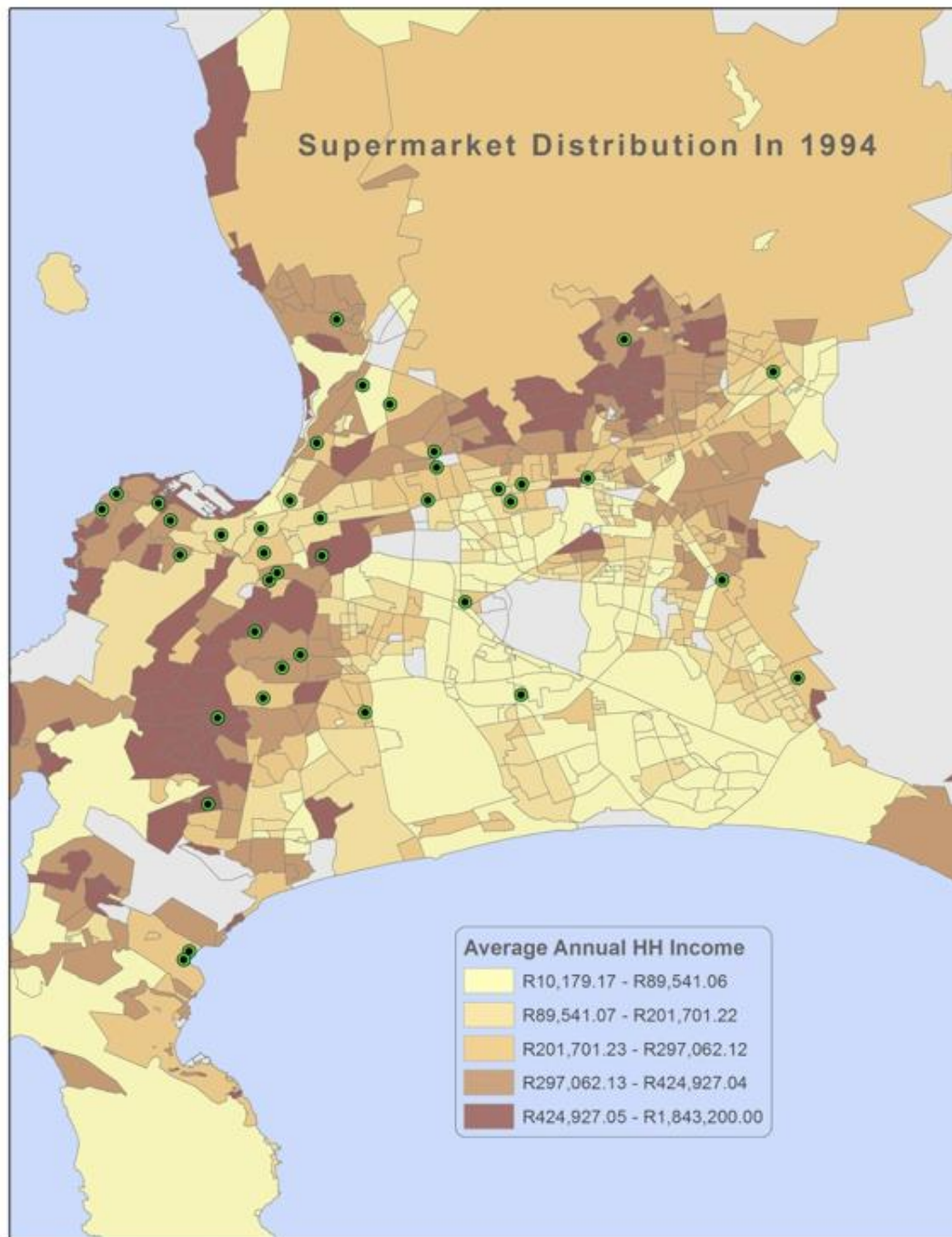
- While the Right to Food is constitutionally guaranteed, in order for the right to become law it will require a court (usually Constitutional Court) to provide a judgment. Consequence??

Four obligations of the State

- Respect
 - Protect
 - Fulfil (facilitate)
 - Fulfil (provide)
-
- The State has arguably done well on Fulfilling through provision, but poorly on respecting and protecting the right

Finding an urban mandate for food

- Municipal functions: Licensing and control of undertakings that sell food to the public; local amenities; markets; municipal abattoirs; municipal parks and recreation; public places; refuse removal; street trading
- Concurrent functions: : Agriculture; consumer protection; disaster management; education at all levels, excluding tertiary education; environment; health services; housing; industrial promotion; pollution control; population development; public transport; public works only in respect of the needs of provincial government departments in the discharge of their responsibilities to administer functions specifically assigned to them in terms of the Constitution or any other law; regional planning and development; soil conservation; trade; urban and rural development; welfare services





- In 2012 a new single zoning scheme was introduced , which has been argued to be anti-poor and could render 70% of spaza stores illegal.
- “The most harmful of these provisions is section 5.2.3 which require that there should be a separate structure for trading, and that no area used for trading should open into a bedroom or toilet. These provisions clearly targets the most vulnerable of subsistence traders who reside in one roomed RDP houses and one roomed shacks in informal settlements and are therefore automatically disqualified from trading.”

(Western Cape Informal Traders Coalition, the Somali Association of South Africa, COSATU Western Cape, PASSOP, the National Consumer Forum, the South African Council of Churches, the Scalibrini Foundation and the Legal Resources Centre. <http://www.streetnet.org.za/show.php?id=491>)



Does a Right to Food framing help us to work towards food security for all?

Is the Right to Food compatible with a systems approach?