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**US Farm Bill: Policy, Politics  
and Potential: Forum**

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**Author for correspondence:**Anne C. Bellows, E-mail: [acbellow@syr.edu](mailto:acbellow@syr.edu)**Abstract**

Molly Anderson's vision of making US federal food assistance rights-based is a powerful and strategic call for justice. Let us expand it to a call for human rights-based sustainable food system development at the national and local level. International human rights frameworks provide strategic and still-evolving tools to support social justice as well as experienced global networks and partners. To advance that potential, we need to fire up broad-scale human rights and human right to adequate food and nutrition education and training.

**A human rights approach to federal food assistance**

With this brave and outspoken editorial, Molly Anderson has thrown down the gauntlet. It is time that the USA moves toward a human rights-based framework approach to food and nutrition. She calls for federal food assistance to be rights-based and for government bodies at diverse scales in the USA, and for US civil society—especially those individuals and groups that experience human rights violations, to collaborate on the crafting, implementation and monitoring of food and nutrition public policy.

Professor Anderson makes this demand at a contentious time. At this moment, the US government displays particularly rampant aggression toward international human rights institutions. On 19 June 2018, the USA pulled out of the United Nations (UN) Human Rights Council, 'undermining the role of the US as a champion and supporter of democracy on the world stage' according to the British Foreign Secretary Boris Johnson (Al Jazeera, 2018) and underscoring US ambiguity with regard to its commitment to human rights writ large. At the same time, US civil society has begun to articulate its social and economic aspirations for food, health, education, housing, etc., i.e., an adequate standard of living, in terms of human rights.

**Understanding human rights**

What we need, is broad, popular education about the existing institutional frameworks that support the realization of human rights at the national and local scale. These institutions, based in treaty law, essentially promote, prioritize and demand open and transparent dialogue driven by human rights holders, i.e., 'the people' and the governments they elect. Notably, *the people* are meant to negotiate the blueprint of social goals, not the corporate business sector. Human rights are not just a good idea. They comprise strategic tools that can benefit grass-roots activists. These tools are young, forged in the post-World War II era, their potential still much to be explored. Anderson—herself a founding member of the International Panel of Experts on Sustainable Food Systems established in 2015 by former UN Special Rapporteur for the Right to Food, Olivier de Schutter—reminds us that global human rights activists have amassed much experience to share on employing human rights-based strategies to address food and nutrition justice.

The subject of human rights in general, and the human right to adequate food and nutrition in particular is complex because it is still very new in historical and developmental terms, but also because its revolutionary potential prompts fear and thus remains largely ignored (Bellows *et al.*, 2016). For purposes here, suffice it to summarize that the *vision* of human rights was hammered into creation in 1948 across Cold War ideologies and in a war exhausted and colonially divided world as the Universal Declaration of Human Rights<sup>1</sup>. Fourteen years later, two *legally binding international treaties*, together representing a universal bill of rights but divided by Cold War Allegiance were signed onto by the international drafting commissions and accepted by the United Nations General Assembly: the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>2</sup> and the 1966 International Covenant on

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<sup>1</sup>Universal Declaration of Human Rights (UDHR). 1948. <http://www.un.org/en/documents/udhr/>

<sup>2</sup>International Covenant on Economic Social and Cultural Rights (ICESCR). 1966. <http://www2.ohchr.org/english/law/cescr.htm>

Civil and Political Rights (ICCPR)<sup>3</sup>. While the USA signed these treaties, it has only ratified the ICCPR and that, not until 1992. Only four countries have not ratified the ICESCR wherein Article 11 lays the foundation for the right to adequate food: Comoros, Cuba, Palau and the USA.

The USA has taken an 'exceptionalism' approach to human rights. The country participates in the development of human rights instruments from legally binding conventions, to aspirational declarations, to frameworks that support the progressive realization of human rights. But while we in the USA are quick to identify human rights failings in other countries, we tend to avoid ratifying human rights treaty commitments in the USA and to reject monitoring by external bodies. And, while some argue that this reflects US character, I would suggest that the US education system disregards teaching critical and practical aspects of international affairs, especially those concerning governance, law and democracy, being therefore much to blame for the blind eye we have turned to the potential of human rights as a powerful tool and agent of change.

There are, as Anderson indicates, international human rights instruments and resources available to leverage the right to adequate food and nutrition in the USA (Anderson, 2013). These entail procedures of formal government, civil society shadow and official ombudsperson monitoring and reporting on the status of the right to food and nutrition. They include, but are not limited to: the 1948 UDHR; the 2004 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security<sup>4</sup>; the 2012 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.<sup>5</sup> Further, there exist formal and informal avenues through which individuals and organizations can have a voice to make use of UN institutions to advance their human rights agendas. Among the informal venues are the Global Network on the Right to Food and Nutrition (GNRtFN)<sup>6</sup> and FIAN International<sup>7</sup>; among the formal UN mechanisms are the Universal Periodic Review and the Special Procedures of the Human Rights Council<sup>8</sup> which are independent human rights experts who operate as a kind of ombudsperson such as past Special Rapporteur Olivier de Schutter mentioned above and the present Special Rapporteur for the Right to Food, Hilal Elver<sup>9</sup>.

<sup>3</sup>International Covenant on Civil and Political Rights (ICCPR). 1966. <http://www2.ohchr.org/english/law/ccpr.htm>

<sup>4</sup>FAO. 2004. Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. <http://www.fao.org/3/a-y7937e.pdf>

<sup>5</sup>FAO. 2012. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

<sup>6</sup>Global Network on the Right to Food and Nutrition (GNRtFN). <https://www.righttofoodandnutrition.org/>. See for example its annual publication, the Right to Food and Nutrition Watch. <https://www.righttofoodandnutrition.org/watch>

<sup>7</sup>FIAN International. <https://www.fian.org/>. Note for example two sample publications co-published by FIAN that support civil society organizing using UN instruments mentioned in this article, the 2004 Right to Food Guidelines and the 2012 Land Tenure Guidelines. Those support documents are, respectively: Suarez-Franco, A.-M., Ratjen S. 2007. Screen State Action Against Hunger! How to Use the Voluntary Guidelines on the Right to Food to Monitor Public Policies? Welthungerhilfe and FIAN International. [http://www.rtfn-watch.org/uploads/media/screen\\_state.pdf](http://www.rtfn-watch.org/uploads/media/screen_state.pdf); and Seufert P., Monsalve Suárez S. 2012. Monitoring the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests: A Civil Society Perspective. Land Tenure Working Paper 22. [https://www.fian.org/fileadmin/media/publications\\_2015/2012.06\\_-\\_Monitoring\\_the\\_Voluntary\\_Guidelines\\_on\\_Land.pdf](https://www.fian.org/fileadmin/media/publications_2015/2012.06_-_Monitoring_the_Voluntary_Guidelines_on_Land.pdf)

<sup>8</sup>Special Procedures of the Human Rights Council. <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcompage.aspx>

## A systems-based human rights approach to a National Food Plan

The right to adequate food and nutrition encompasses much more than guaranteeing healthy food for the poor. The Supplemental Nutrition Assistance Program is under attack, and as Professor Anderson describes, should be enshrined as a practice of social protection not subject to the political whims of successive administrations or the corporate lobbyists whose interests veer away from economic, social and environmental justice. Nevertheless, it is in her call for the development of a democratically constructed national food plan that the progressive realization of a holistic and systems-based approach to the right to adequate food and nutrition can unfold. The right to food and nutrition includes not only food security, but the construction of healthy, just and sustainable food economies over which communities, regions and nations exert control. This is the essence of food sovereignty, an international social movement that places the right to food at its heart. Food systems and food economies must be created through democratic governance instead of corporate dominance.<sup>10</sup>

In Anderson's proposal to include a national food plan in the Farm Bill it is important to emphasize that such a plan must have a systems-wide approach to the human right to adequate food and nutrition. The national food plan is in accordance with the 1999 UN Committee on Economic Social and Cultural Rights' (CESCR) interpretation of Article 11 (General Comment 12, The Right to Adequate Food, known as, General Comment 12<sup>11</sup>) (Bittman *et al.*, 2014). Countries need to create national food policy that moves toward the progressive realization of the human right to adequate food and nutrition including, universal and non-discriminatory access to food, 'protect[ion of] people's resource base for food,' and assurance that civil society and private sector activities be undertaken in conformity with right to food (paragraphs 21–28)<sup>12</sup>.

The most appropriate ways and means of implementing the right to adequate food will inevitably vary significantly from one State party to another. Every State will have a margin of discretion in choosing its own approaches, but the Covenant clearly requires that each State party take whatever steps are necessary to ensure that everyone is free from hunger and as soon as possible can enjoy the right to adequate food. This will require the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks. It should also identify the resources available to meet the objectives and the most cost effective way of using them (CESCR 1999, paragraph 21<sup>13</sup>).

The configuration of a national food plan that respects a systems-wide right to food and nutrition can include everything from protection against discriminatory and unjust labor conditions that give rise to the economic insecurity that results in food insecurity; to protection against public policies that prioritize speedy development or monopolistic acquisition of agricultural land, forests and fisheries, especially to the detriment of existing

<sup>9</sup>UN Special Rapporteur Right to Food, Hilal Elver, <https://www.ohchr.org/en/issues/food/pages/hilalerver.aspx>

<sup>10</sup>Declaration of Nyéléni. 2007. Sélingué, Mali. <https://nyeleni.org/spip.php?article290>

<sup>11</sup>UN Committee on Economic, Social and Cultural Rights (CESCR). 1999. General Comment 12. Right to Adequate Food (Article 11). E/C.12/1999/5. <http://www.refworld.org/pdfid/4538838c11.pdf>

<sup>12</sup>*ibid.*

<sup>13</sup>*ibid.*

small and medium-sized farms; or to support for universal free school lunch and breakfast that avoids stigma and maximizes nutrition education and attainment. The progressive realization of the right to adequate food and nutrition responds to the differing demands of *the people* in their different locations, which is another way to articulate food sovereignty.

### International human rights build cross-national strategic partnerships

At the heart of human rights is a universal recognition of dignity, equality and non-discrimination. The US alternative and sustainable food movement have made huge contributions in terms of the development of strategies to engage in support of healthy local and regional food systems that build towards socially just food economies and healthier, more ecologically sound and biologically diversified environments. Local food policy councils, community supported agriculture and local farmers markets linked to federal food assistance programs serve as examples of what has been called civic agriculture and civic dietetics.

But with few exceptions, perhaps notably from those who have adopted a food sovereignty approach, the US food movement has not followed, learned from and participated in the international grassroots-based right to food and nutrition work that leverages universal human rights claims. This is unfortunate because it denies US activists from accessing human rights tools and partners. Further, US insularity has delayed the world learning from the US experience, especially the social justice-oriented activism.

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