



THE RIGHT TO ACCESS TO NUTRITIOUS FOOD IN SOUTH AFRICA

2016 - 2017



The Right to Access to Nutritious Food in South Africa¹

¹ This brief was prepared by Yuri Ramkissoo: Senior Researcher (Economic and Social Rights)

Executive Summary

This research brief on the *Right to Access Nutritious Food in South Africa* was developed to assess whether the National Policy on Food and Nutrition Security (NFNSP) is adequate to ensure food security at a household level and to identify problems with current policies and the implementation, which might result in a lack of real access to nutritious food for families, particularly children, in South Africa. The brief dealt solely with aspects of access to food, including the quality of food insofar as its extension to access nutritious food.

Following a literature review, including an appraisal of the South African Human Rights Commission's 2014 strategic focus area report on the right to food and the NFNSP, an interview guide for discussions with relevant State departments and civil society organisations, was developed (see annexure). Interviews were conducted between January and February 2017.

According to the South African National Health and Nutrition Examination Survey (SANHANES-1) study conducted by the Human Science Research Council (HSRC)², approximately 26% of all South Africans are food vulnerable, which amounts to just under 14 million, mainly black people living in rural formal households or urban informal households. Access to food was closely linked to poverty and unemployment, and those lacking in access to a disposable income, employment or social grants, were more likely to be food insecure. Due to both a proliferation of fast food outlets or easy access to healthy food in South Africa; and the lack of sufficient funds to purchase healthy food, people were making unhealthy food choices. This impacted on their health and wellbeing and overburdened the public health system in South Africa. Household agriculture in South Africa had decreased and a lack of awareness on healthy and nutritious eating, also affected food choices. It was recommended that the State rethink the food systems in its entirety through:

- Development of comprehensive legislation, which speaks to the entire food system.
- Limited media and advertising on unhealthy food, while space for advertising must be given to State departments for social, apolitical messaging.
- The menu of the school nutrition programme must be designed by the DoH and implemented by the Department of Basic Education.
- Household agriculture must be encouraged and supported through social development programmes.

² Shisana, O., Labadarios, D., Rehle, T., Simbayi, L., Zuma, K., Dhansay, A., Reddy, P., Parker, W., Hoosain, E., Naidoo, P., Hongoro, C., Mchiza, Z., Steyn, N.P., Dwane, N., Makoae, M., Maluleke, T., Ramlagan, S., Zungu, N., Evans, M.G., Jacobs, L., Faber, M., & the SANHANES-1 Team (2014) South African National Health and Nutrition Examination Survey (SANHANES-1), Cape Town: HSRC Press.

Table of Contents

1. Introduction	6
2. Background	8
2.1. The Commission's Mandate	8
2.2. Legislative Framework	8
2.3. Methodology.....	10
3. The Right to Food in South Africa.....	13
3.1. The State of the Right to Food	13
3.2. Poverty, Unemployment and Social Security	15
3.3. Nutrition and Culture	16
3.4. The Role of the Private Sector in Relation to Nutrition	18
3.5. Household Agriculture	20
3.6. Media and Advocacy	21
4. Conclusion.....	23
5. Recommendations.....	26



1. Introduction

This research brief was developed with two key objectives in mind. Firstly, to assess if the National Policy on Food and Nutrition Security is adequate to ensure food security at a household level. Secondly, the brief aims to identify problems with current policies and the implementation, which might result in a lack of real access to nutritious food for families, particularly children, in South Africa. While there are various adjuncts to the realisation of the right to food that combine to constitute the entire food system, this brief is limited to a discussion around access to food for individuals and households.

Following a literature review, including an appraisal of the Commission's 2014 strategic focus area report on the right to food, an interview guide for discussions with relevant State departments and civil society organisations, was developed. Interviews were conducted between January and February 2017. The results of the interview and desktop research informed the research brief. The brief presents a background to the problem of access to the right to food, findings and recommendations.

The findings are presented as themes in relation to access to food in South Africa, highlighting both the positive developments to date and the challenges or barriers to the realisation of the right that persist. It is important to note that this brief focuses just on food access; and quality only in terms of nutrition. Broader associated issues relating to the right to food such as agriculture, land redistribution, food distribution and logistics and the political economy fall outside the scope of this brief.



2. Background

This section provides a background on the mandate of the Commission and the methodology used for information collection for the Research Brief.

2.1. The Commission's Mandate

Section 184 (3) is specific in respect of the Commission's requirement to monitor and assess the realisation of economic and social rights. It states that:

Each year the Human Rights Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights, concerning housing, health care, food, water, social security, education and the environment.

It is important to note that collection of information on the realisation of economic and social rights is not conducted to just fulfil the Commission's constitutional mandate. It is also to ensure that the Commission is able to effectively contribute to the monitoring and enhancement of rights in the country and ultimately assist in the reduction of poverty and inequality.

2.2. Legislative Framework

The right to food is a human right recognised under international and national law, which protects the right of people to access food and feed themselves. Food can be accessed via production or by purchase.³ The right to food is intrinsically linked to one's right to life and dignity and requires that food be available, accessible, appropriate and adequate for everyone without discrimination.

The realisation of the right to food is dependent on the realisation of associated rights such as water, land and social security, and is an enabling right for other additional rights such as the right to health, education and affects people's potential or capabilities. It is essential that people have access to nutritious food to ensure that their individual or household right to food is realised. Failing this, people might consume food, which does not benefit the human body nutritionally and can lead to associated illnesses either due to the lack of food or an excess of unwanted additives such as salt, sugar and fat.

South Africa has a broad constitutional framework protecting various rights and has signed many international agreements, which means that it has to ensure the following:⁴

- a) **Respect:** for existing access to adequate food. Government cannot take any measures that result in the prevention of such access;

³ <http://www.righttofood.org/work-of-jean-ziegler-at-the-un/what-is-the-right-to-food/>.
⁴ <http://www.righttofood.org/work-of-jean-ziegler-at-the-un/what-is-the-right-to-food/>.

- b) **Protect:** requires measures by government to ensure that no one deprives others of their access to adequate food;
- c) **Fulfil:** means that government must pro-actively engage in activities intended to strengthen people's access to resources that can be used in securing their right to food. If anyone is unable, for reasons beyond their control, to enjoy the right to adequate food, government must directly provide access to that right.

This means that government must provide an enabling environment in which people can produce or procure adequate food for themselves and their families. In order to purchase food, a person must have access to an income, and government must ensure access to social security for those people and families that do not have an income.

Section 27(1) (b) of the constitution states that "everyone has the right to have access to sufficient food and water." This obligation is extended in Section 27(2), which provides that, "the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of these rights."

Section 28(1) (c) expands the right to food as a right to basic nutrition for children and in section 35(2) (e) as a right for detainees and sentenced prisoners. Section 25(4) (a) speaks of a commitment to land reform and initiatives to bring about equitable access to all South Africa's natural resources, while determining that fair compensation must be paid in the event of land being expropriated for a public purpose. Where the state appropriates land that is used to produce food, the constitutional right to food will be relevant in determining what would be fair compensation to the original landowner.

Important policies affecting the realisation of the right to food since 1994 include the following:

- a) The Reconstruction and Development Programme (RDP), which identified food security as a basic human need and mainstreamed food security as a priority policy objective.
- b) The Integrated Food Security Strategy (2002) (IFSS). The IFSS coordinates the inputs of the "Social Sector Cluster"⁵ into a comprehensive programme affecting virtually all spheres of government. Its vision is to eradicate hunger, malnutrition and food insecurity by 2015.⁶
- c) The 2009 ANC manifesto, which mentions food security as an important policy issue.⁷

In 2008, development began on a new National Policy on Food and Nutrition Security for the Republic of South Africa (NFNSP).⁸ According to the NFNSP, there was a need to replace the IFSS with a common conceptual interpretation and measure of food and nutrition security between "government, the international community, research institutions and society."⁹ The NFNSP was also needed to synergise the different strategies and programmes that were being implemented by the State and civil society.

This plan to unify the food system is articulated in a document, which provides a list of food security challenges and a vision of a new food system. An official from the Department of Agriculture,

⁵ The Social Sector Cluster includes at least the following: The Departments of Health; Social Development; Public Works; Water Affairs and Forestry; Transport; Education; Housing; Provincial and Local Government; Land Affairs; Environment and Tourism; Arts, Culture, Science and Technology.

⁶ <http://www.info.gov.za/view/DownloadFileAction?id=70243>.

⁷ <http://www.anc.org.za/elections/2009/manifesto/manifesto.html>.

⁸ The National Policy on Food and Nutrition Security for the Republic of South Africa, no. 837, 22 August 2014

⁹ Ibid, p 3.

Forestry and Fisheries indicated that current policies are not being linked explicitly to the fact that there is a positive duty on the state and others to provide food for those who cannot provide it for themselves and that is something that made the discussion of a food and nutrition strategy so important.

However, the NFNSP is missing essential components of the food system and is very limited in terms of the ways in which the policy will be implemented and the vision achieved. Subsequently, an implementation plan was developed, frequently referred to by the Department of Health (DoH), but which has yet to be finalised.¹⁰ The NFNSP clearly articulates the problems associated with accessibility, availability, stability of the food supply and other factors, and provides a broad approach to dealing with these issues. The NFNSP is a high level vision for the food system in South Africa, but falls short on concrete strategies to address problems with the food system.

In addition, there was little or no engagement around the NFNSP, a complaint made by all civil society organisations (CSO) that were interviewed for this brief. SPII indicated that they had to lobby the State over a long period for engagement around the policy, which included a march to the Department of Agriculture, Forestry and Fisheries (DAFF), written petitions and various other strategies. The FHR confirmed this and indicated that when they were eventually invited to a roundtable discussion, they were asked to sign various non-disclosure agreements. This was the experience of the Commission as well. This view was further iterated by Pereira and Drimie who explain that “although it is too early to reflect critically on the FNS policy, the inadequate engagement with non-state actors is not promising in terms of responding to the needs of affected people and tackling systemic inadequacies.”¹¹

It is important to note that policies should ideally respond to problems being faced by rights-holders, especially the needs of those directly affected by such policies. A lack of consultation means that such policies are likely not to adequately respond to the problems and practical realities associated with the right or associated issues. In this sense the lack of participation is fatal to the relevance and utility of the policy to achieve desired objectives.

There remains confusion around the NFNSP, particularly whether or not it is currently being implemented, and which state department is the custodian of the NFNSP and the implementation process. When questioned on this, the DAFF provided conflicting responses. At first DAFF indicated that the Deputy President’s office was leading the food task team and then later indicated that it was the DAFF. When questioned for clarity, he indicated that the DAFF was leading a task team and that the Deputy President was required for political buy-in to the process.

The DoH believed that the Presidency was leading the process with assistance from DAFF. The NFNSP states that “overall leadership will be provided by government, advised by a National Food and Nutrition Advisory Committee, comprised of recognised experts from organised agriculture, food security and consumer bodies, as well as climate change and environmental practitioners and representatives of organised communities. The Committee would be chaired by the Deputy

¹⁰ However, the implementation plan was extremely difficult to obtain and when it was eventually obtained, was also difficult to understand and further engagement with the DAFF might be required. Also, with essential elements missing from the actual NFNSP, naturally these aspects are also missing from the implementation plan. The NFNSP will be discussed further under the “Findings” section.

¹¹ Pereira, L. & Drimie, S. (2016). Governance Arrangements for the Future Food System: Addressing Complexity in South Africa, *Environment: Science and Policy for Sustainable Development*, 58:4, p 26.

President.”¹² This lack of clarity on custodianship sets a worrying tone for the implementation of the NFNSP and the ability of civil society to hold the State accountable via engagement, state lobbying or litigation.

According to SPII, “the right to food is so multidimensional and hunger and malnutrition are so interlinked with so many other developmental challenges that the notion that a few bureaucrats in a room could write up a policy which would solve all of these problems is obviously ludicrous.” It was added that “[the policy] is not something that most people know about. And if nobody knows about the policy that policy is as good as non-existing because if people do not know about it they cannot hold people accountable for its implementation.”¹³

Importantly, the NFNSP calls the development of a bill on the right to food. It states that “the approval of this National Food and Nutrition Security policy could be an initial step towards a Food and Nutrition Security Act for South Africa, which would give statutory force to such structures. A Green and White Paper process is envisaged to prepare for this.”¹⁴

2.3. Methodology

Following a review of the NFNSP and other relevant literature in late 2016 to provide a background information on the issues of access to food in South Africa, an interview guide was developed for discussions with relevant State departments and CSOs. The interview guide was slightly different for the two groups with one asking about the State department’s specific mandate in realisation to the right to food and the other requesting information on the CSO’s activities in relation to food. Other questions were asked differently to ensure that they were framed according to the department or CSO being questioned.

Interviewees in state departments were chosen based on their contribution with food-related issues and had some involvement with the national food task team. Civil society representatives were chosen based on their experience, research, advocacy and activism in relation to the right to food. Interviews were held in late January and early February 2017.¹⁵ The table below list the interviews that were undertaken.

¹² Note 8, p 18.

¹³ D. McLaren (SPII), personal communication, 17 January 2017.

¹⁴ Note 8, p 18.

¹⁵ There was some difficulty securing a date with the Department of Health (DoH) and the Department of Rural Development and Land Reform. The former was eventually completed on 02 March, while the latter was not done do a lack of response from the department.

Table 1: List of Interviewees on the Right to Food

Daniel McLaren	Senior Researcher	Studies in Poverty and Inequality Institute (SPII)	17/01/2017
Zane Dangor ¹⁶	Director-General	Department of Social Development (DSD)	18/01/2017
Mamashoabathe Noko & Sarah Motha	Programme Managers	Foundation for Human Rights (FHR)	23/01/2017
Roger Tuckeldoe	Acting Director: Smallholder Development	Department of Agriculture, Fisheries and Forestry (DAFF)	25/01/2017
Vishwas Satgar	Executive Director	Cooperative and Policy Alternative Centre (COPAC)	06/02/2017
Lynn Moeng	Cluster Manager: Health Promotion and Nutrition	Department of Health (DoH)	02/03/2017

In addition, an email conversation with Dr, Scott Drimie, Senior Research on Food Systems at Stellenbosch University and Director of the Southern African Food Lab was conducted. He provided a paper which he indicated would provide a response to the main questions around the food problem (see note 11 above).

The findings of the above data collection process were analysed and synthesised to provide a context and recommendation on the right to food in South Africa.

¹⁶ Note that Mr. Zane Dangor resigned from his position as Director-General on 3 March 2017.

3. The Right to Food in South Africa

“While South Africa is food secure at the national level, at the household level there is high prevalence of hunger in both urban and rural areas, and evidence of stunting, wasting, and micronutrient deficiencies among children.”¹⁷ This section deals with issues relating to the right to access food in South Africa based on a review of relevant literature and responses from interviewees from State department and CSOs.

3.1. The State of the Right to Food

As mentioned above, the right to food is a human right recognised under national and international law, which protects the right of people to access food and feed themselves, either by producing their own food or by purchasing it.¹⁸

It is important to understand that the full realisation of the right to food must encompass not just access to food, but should begin with sustainable and environmentally friendly agricultural practices, must ensure peoples’ access to sufficient **nutritious**¹⁹ food and that access to food must be sustained, particularly for people living in poverty, children and other vulnerable groups.

According to the Food and Agriculture Organisation, “About 870 million people are estimated to have been undernourished (in terms of dietary energy supply) in the period 2010–12. This figure represents 12.5% of the global population, or one in eight people.”²⁰ Of those that are undernourished, the vast majority live in developing countries and over one quarter are from sub-Saharan Africa, where the prevalence of undernourishment is estimated at 14.9% of the population.²¹ Nearly six million children die every year from malnutrition or related diseases, amounting to about half of all preventable deaths. The majority of those suffering from hunger and malnutrition are smallholders or landless people, mostly women and girls living in rural areas without access to productive resources.²²

The scale of the food problem was shared by Dr. Vishwas Satgar from COPAC, who explained that “where you are talking about 1 billion people hungry, 2 billion food insecure, and over 2 billion obese, I mean you are talking about a food system that is, if you like, highly destructive. It is what some of us would call ‘ecocidal’. It is ecocidal in two senses, one it is destroying human life as it is an extremely unhealthy anti-people food system. On the other hand it is ecocidal in how it relates to eco-systems.”²³

17 Pereira & Drimie (note 11).

18 <http://www.righttofood.org/work-of-jean-ziegler-at-the-un/what-is-the-right-to-food/>.

19 Nutrition entails access to food that meets basic dietary requirements that includes not just healthy calories, proteins and other nutrients, but allows the consumer to lead a healthy and active life. The opposite would include unhealthy or empty calories that lead to stunting, malnutrition, obesity while not fulfilling healthy dietary requirements.

20 FAO (2012). *The State of Food Insecurity in the World: Economic growth is necessary but not sufficient to accelerate reduction of hunger and malnutrition*, United Nations, Rome.

21 www.fao.org/docrep/016/i3027e/i3027e.pdf.

22 Millennium Project, *Halving Hunger: It Can Be Done* (United Nations publication, Sales No. 05.III.B.5), pp. 2–4.

23 V. Satgar (COPAC), personal communication, 6 February 2017.

South Africa is a food-secure country at a national level, meaning that it produces or imports sufficient food to feed its population. And while hunger has decreased steadily in South Africa since 2002, the SANHANES-1 study indicated that half the country’s population lives in hunger (26%) and a further 28.3% are at risk of experiencing hunger.²⁴ Most food insecure participants were either from rural formal households (37%) or urban informal households (32.4%), while 36.1% of informal urban dwellers were at risk of hunger.

According to SANHANES-1, hunger was highest in the Eastern Cape and Limpopo provinces, the only two provinces with a rate of hunger over 30%. Black Africans experience the highest rate of hunger (30.3%) followed by Coloured people (13.1%) and are the two race groups that were also at highest risk of experiencing hunger. A large proportion of the Indian race group were also in danger of experiencing hunger with 28.5% in the high-risk category.

The General Household Survey (GHS)²⁵ conducted by Statistics South Africa (StatsSA) showed similar trends in relation to food security.

Figure 1: Percentage of Households Experiencing Food Adequacy or Inadequacy, by Province (2015)²⁶

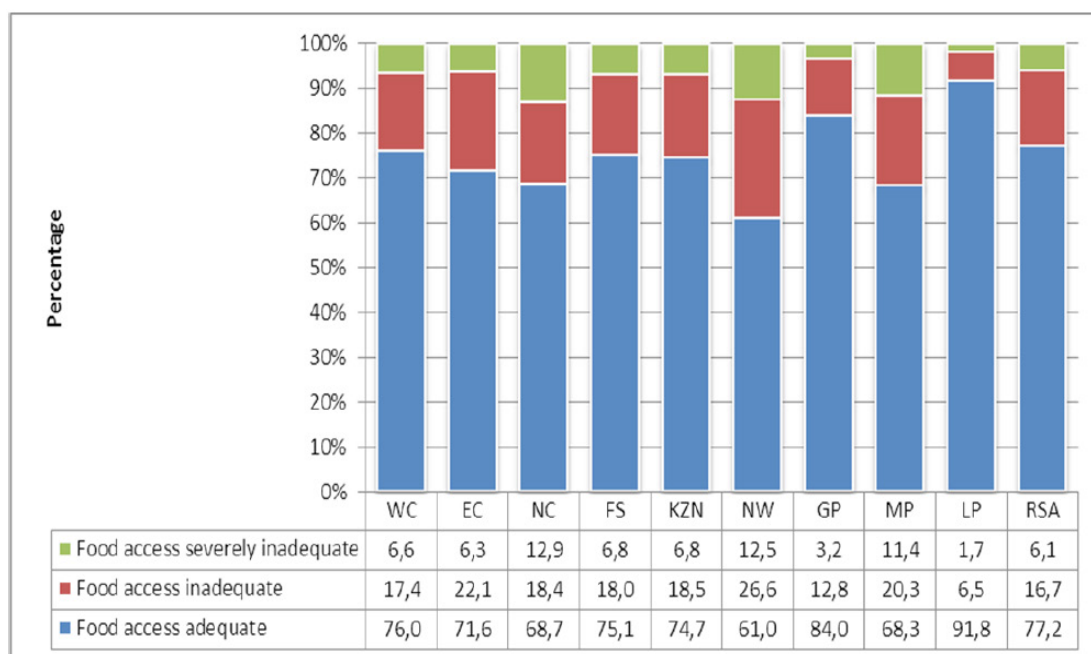


Figure 1 provides the percentage of households where food access is severely inadequate, inadequate or adequate, by province and nationally. Nationally, 22.8% of households either have inadequate or severely inadequate access to food. In contrast to provincial results presented in the SANHANES-1 study, the GHS survey indicates that the provinces with the lowest access to food are the Northern Cape, North West and Mpumalanga. All three provinces have populations of over 10% that are experiencing severe inadequate access. Surprisingly, Limpopo is the most

²⁴ SANHANES-1 (note 2).

²⁵ Statistics South Africa. (2015). *General Household Survey*, Statistical Release PO3018, Pretoria.

²⁶ Ibid, p 66.

food secure province in the country, despite being one of the most food insecure provinces in the SANHANES-1 study. The discrepancies in figures between the SANHANES-1 and GHS results might be attributable to the fact that the GHS measures only severe forms of hunger at one point in time.

South Africans have a poor diet diversity rate. The SANHANES-1 study indicated that the “mean dietary diversity score (DDS) across all age categories at the national level was 4.2, which is close to the cut-off level (> 4.0) for dietary adequacy,” and that 59.7% of participants in rural informal areas had a low DDS. Further, the North West and Limpopo provinces had the highest number of respondents with a DDS under 4 (indicating poor DDS).²⁷ A low dietary diversity is linked to poor nutrition.

3.2. Poverty, Unemployment and Social Security

When asked why there are approximately 14 million food-vulnerable²⁸ people in South Africa, most respondents indicated that it was a consequence of low employment and high poverty. This means that people and families did not have a disposable income for the purchase of food and are not or unable to produce their own food. Further, people with little or no income for food make cheap and often unhealthy food choices out of necessity and / or a lack of education on healthy eating habits.

SPII explains that “the number of people going hungry in South Africa corresponds quite closely to the number of people living in poverty. By poverty I mean based on the usual most commonly used matrix of income and poverty. So it is a lack of income obviously, which is also linked to unemployment, low wages and structural inequality. Which means that there is a portion of the population of approximately one quarter on an expanded version as much as half of the population which are structurally excluded from the main stream economy.”²⁹

The HSRC’s SANHANES-1 survey found that the “majority of respondents surveyed in urban formal (27.7%), urban informal (38.0%) and rural informal (41.9%) households, reported that they had no formal income. Within the nine provinces, Mpumalanga (46.8%) followed by North West (43.8%), Eastern Cape (42.6%) and Northern Cape (41.4%) had the most people reporting no income.”³⁰

According to StatsSA, as at the fourth quarter of 2016, 26.6% of South Africans were unemployed.³¹ And although the proportion of people actively seeking work had decreased by 92 000 people, this could be attributed to people who were no longer seeking work because they could not find work over a long period and were disillusioned. Using the expanded definition of unemployment, which includes those who wanted to work but did not look for work, unemployment sits at 35.6%.

Given the high rates of unemployment and poverty in South Africa, it is important to note that access to food remains difficult unless food is grown or there is a supplement to lack of income with a social grant. As COPAC states “with food price inflation, I mean if you look at the packs of

²⁷ Ibid, p 13.

²⁸ The different between hungry and vulnerable is one question versus a few questions combined to form an index.

²⁹ SPII (note 1).

³⁰ Statistics South Africa (note 25).

³¹ Statistics South Africa. (2017). *Quarterly Labour Force Survey – QLFS Q4: 2016*, Pretoria: <http://www.statssa.gov.za/?p=9561>.

food barometer and so on and the cost of basics essentials for households, I mean I go to bed wondering how people survive in this country okay. When wages are stagnating, unemployment is going up in this country, we are sitting with a deep crisis of social reproduction and food is at the heart of it. This society is unviable when you look at it through the lens of the food crisis as is."³²

It is important to note that unemployed people older than 18 years and younger than 60, have no relief in the form of access to social security, which remains a huge gap in terms of poverty alleviation and service delivery. The DSD explained that "able bodied adults between the ages of 18 and 59 have access to no form of social assistance whatsoever. So people in that category can access food through community nutrition development centres, but [these are] few and far between. It is not really enough. They have no access to a monetary form of social security that they can use to purchase." He goes on to explain that a decade or so ago, there was proposal for the introduction of a "job seekers" grant for those between 18 and 35 years that are actively seeking work. The policy was approved by the governing party, but not the government. And even if a child or children in a family are able to access the Child Support Grant, it is not uncommon for the child to be fed using that money, but for the family to go hungry.

Ultimately, there is an inextricable link between a lack of income and access to food. Plainly, with no disposable income or access to social security, persons without the means to subsist, will not be able to purchase food. And unless that person or family is growing their own food, they will not have access to food. It is therefore essential that the issue of the right to food be assessed in relation to poverty, unemployment and social security.

The DSD has also proposed the development of "drop in centres" in future, which are restaurants where anyone may dine, but importantly, where grant recipients are given free, nutritious meals, in a dignified, non-discriminative or stigmatised setting.

It seems that the government since 1994 has not taken a proactive stance towards the increasing access to nutritious food for the majority of South Africans, but believed that the encouragement of economic growth would lead to the creation of employment and ultimately ensure access to economic and social rights, particularly food. However, even during the time of high economic growth, wealth did not trickle down and poverty and inequality were not alleviated in relation to the extent of food insecurity.

3.3. Nutrition and Culture

It was argued by all respondents and recorded in corresponding literature that there is a great focus on food production in South Africa, but not enough on nutrition and cultural practices. Of those people within the country that do have access to food, many are consuming nutrient empty food, which contributes greatly to non-communicable diseases such as obesity, hypertension and diabetes. Further, rates of malnutrition and stunting in South Africa are of great concern.

³² Salgar (note 23).

This view was shared by the former Special Rapporteur on the Right to Food, Olivier De Schutter, who stated in his country report that “South Africa, like many other middle-income countries today, is experiencing what is referred to as a nutrition transition, characterised by a shift to more processed foods, generally higher in saturated fats, sugars and salt, and to diets low in fruits and vegetables.”³³

One State respondent believed that diversity was merely required in relation to agriculture (i.e. planting different crops). He stated that “we should become nutrition sensitive in terms of our food production and we should be nutrition access available in terms of our production. So when we produce food we should know that it must be high in iron or we should grow crops that is beneficial economically as well as socially and have more than one benefit than economics.”³⁴

Other respondents were very candid with their views on the influx of corporations such as fast food outlets in South Africa, a lack of education campaigns on nutrition and market ownership by a few supermarket chains (discussed below). These factors along with a lack of access to nutritional produce were cited as reasons for poor nutrition intake in the country.

SPII indicated that “there is no regulation or any kind of involvement of the government to regulate or promote access to healthier food. And in fact massive corporations many from America have been given free licence and actually encouraged to open up in every single corner of the land. So you can go to anywhere in South Africa and you will find a KFC or a McDonalds or a Burger King or Steers.”³⁵

The DSD added that “[the State] would rather give people money to purchase primarily food and other goods and services they need to survive. But the money is so little that people would obviously spend it on food. But we worry because the money is so little that people make rational choices. So they are going to buy cheap food which is not nutritious food.”³⁶

The DoH was consistent in its insistence on the need for revised national standards and more focus on nutrition as a whole. The DoH stated unequivocally that “we should see how nutrition links to development and that link has to be very clear and I do not think it is clear enough. For example, we have stunting rates at 25%, which is a public health program. If you classify it according to the public health programs ranking, it is severe, it is a severe public health program, but it is not seen as a priority.”³⁷ The DoH further indicated that nutrition was not prioritised or budgeted for adequately by the State, but the costs being incurred through poor nutrition were immeasurable, considering the burden on the public health system or costs incurred from early retirement or medical boarding.

It is also important to note that food nutrition and culture are inextricably linked. SPII explains that “food is very much tied up with culture and when people’s culture is systematically destroyed bit by bit and said to be inferior and almost taken away from them. And then they are told the exact opposite, which is that their way of doing things is terrible, then people [lose] their culture and I think that is particularly true around food.”³⁸

33 de Schutter, O. (2012). Report of the Special Rapporteur on the Right to Food: Mission to South Africa: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-59-Add3_en.pdf

34 R. Tuckeldoe (DAFF), personal communication, 25 January 2017.

35 McLaren (note 13).

36 Z. Dangor (DSD), personal communication, 18 January 2017.

37 L. Moeng (DoH), personal communication, 02 March 2017.

38 McLaren (note 13).

Proper nutritional habits are essential for a healthy, developing society. Importantly, the nutritional intake of pregnant and lactating mothers, and babies and toddlers, is vital to the proper health and development of future generations. Conversely, a lack of access to proper food and nutrition during pregnancy and the a child’s developmental stages, can lead to mental and physical health problems. In South African, it is not uncommon for mother or parents that are already living in poverty, to lack access to sufficient nutritious food for their infants and toddlers, which leads to myriad health and social problems for that child, exacerbating existing levels of impoverishment and ensuring that the cycle of poverty remains,

The National School Nutrition Programme (NSNP) was highlighted as a positive programme by all respondents, feeding approximately 13 million children daily. Some schools have also expanded their NSNP over the schools holidays to ensure that children do not go without food while away from school. However, the meals provided have not always been nutritious and healthy enough for growing children. The DoH indicated that the DSD is advised on the type of meals that should be provided to children, but the meal type would be dependent on the budget available to the DSD, and the DSD is not obliged to take on the DoH’s advice.

Despite that fact that the NFNSP indicates the need for nutritious food, unless the food system is assessed holistically and the triggers of unhealthy eating are identified, nutritious eating will remain at a significant remove for most South Africans.

3.4. The Role of the Private Sector in Relation to Nutrition

The role of the private sector is linked at one of many levels to health and nutrition. While the NFNSP recognises the need for proper nutrition, government decisions and programmes to date do not seem to resonate with objective. Not only does South Africa allow about four or five large supermarket chains to dominate the food retail sector, it also does not limit to the development of fast food outlets in urban or rural areas and or the advertising of these fast food chains. Essentially, the proliferation of fast food chains in residential areas should be mapped in local integrated development plans and other planning documents, to ensure that access to such food is limited – if the State in fact serious about reducing unhealthy consumption in South Africa.

DSD explains that “that [South Africa] has five or six companies multinationals or whatever you want to call them that own the food market from seed development right up until distribution. So it is vertically integrated food markets, big farms. Johannesburg should have the biggest food market in Africa, it is not.”³⁹

You have big farms [that produce food in] rural areas, employ people at very low wages. But nonetheless the produce is given to a middle person at a company who often does not even pay the farmers the prices that they need to be giving. But still not near to the prices that

³⁹ Dangor (note 36).

they are paying for it once it gets to shelves. It then gets put on trucks - they have a whole logistics economy around moving the food from point of production to a market and a whole set of logistics of people coming to buy the big market packaging and distributing it. So the food economy is structured more along the logistics of moving food from production to consumption. It lends itself to big farms, it lends itself to big business, it lends itself to mass production which brings with your [genetically modified organisms] and your degradation of the soil. The only way we are going to change that is by deliberately passing policies that states that food needs to be consumed within a 100 kilometre radius of where it is produced.⁴⁰

Dr. Satgar from COPAC argued that the current South African food system reduces the right to food to just an “access” issue. However, the right to food must encompass much more than access. It should include access to affordable, nutritious food and should ensure people and their needs should be at the centre of the food system. Dr. Satgar explains that western food corporations are reaching further and further into the global south:

“the problem with it as the basis for the right to food is that firstly it is very technocratic and so it is really about access to certain caloric levels and you know again that can be debated in policy terms and so on. And it leaves the resolution of food access to those who can supply that food. So in other words it is not consistent with people’s cultures. So you could end up with a situation where you import food aid into a country to realise the right to food and that food aid is completely outside of the cultural experience of people. In addition you might have a situation where ... the emphasis on food security does not allow the recipients of food to determine what they eat. And so it is very one sided in the power relationship.”⁴¹

The DoH was also critical of the role of the private sector in the food system, especially of the media time they are able to afford to advertise. For example, prior to regulations being implemented, companies that manufacture baby formula were implying in their advertising that formula was healthier for a baby than breast milk and breastfeeding was stigmatised. As such, advertising regulations were required to ensure that the value of breastfeeding was promoted again. Similarly, large supermarkets often fill the front aisles of their stores with the cheapest, least nutritious specials, for customer appeal, which effectively encourages the consumption of unhealthy food and given the low prices, would target those with little disposable income.

The DoH was also disparaging of the wide distribution of fast food outlets. The department cited an example of a school that she visited, where a fast food outlet was allowed to build and trade next to the entrance of the school. Learners at the school would start their day by eating fried chicken from the outlet. She believed that the state was not doing enough to curb unhealthy eating and suggested that spatial planning or Integrated Development Plans should map fast food outlets and only allow a certain number to trade in each municipality or district.

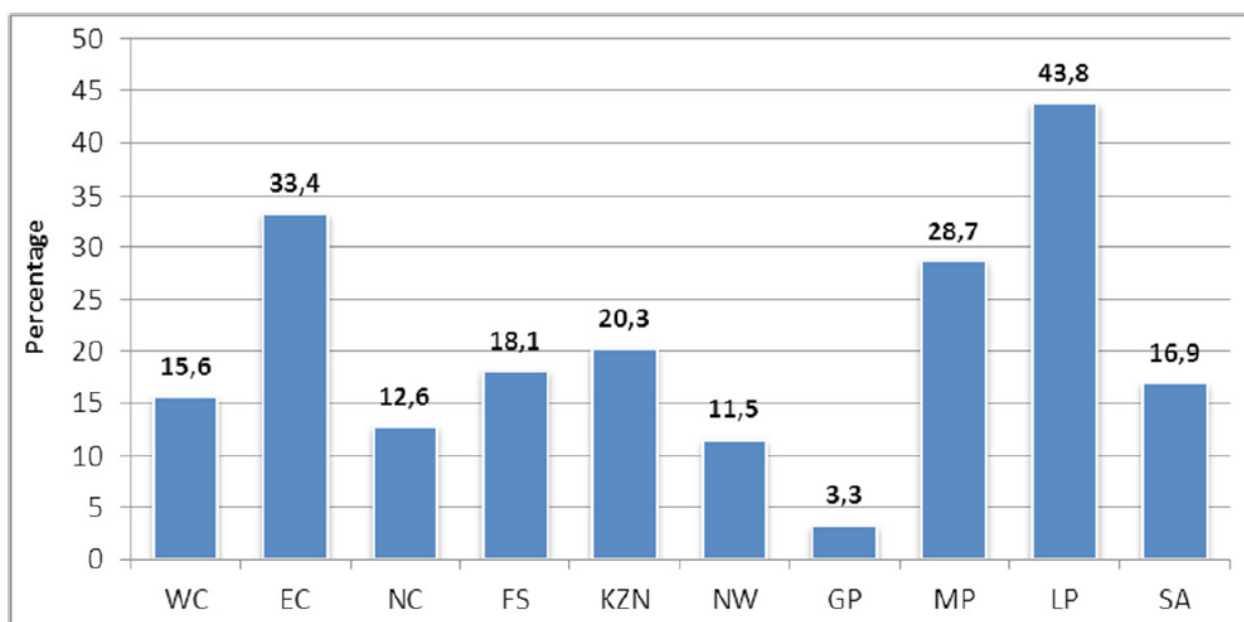
40 Ibid.

41 Satgar (note 23).

3.5. Household Agriculture

Despite the number of households that are food insecure or severely food insecure in the country, nationally, only 16.9% of all households are involved in agricultural activities. This is surprising, given the agricultural potential of even the smallest pieces of land. If one looks at the agricultural activities breakdown by province, it is surprising that the Northern Cape and North West provinces have such low proportions.

Figure 2: Percentage of Households Involved in Agricultural Activities, by Province (2015)



The importance of agriculture is explained by DAFF, who states that “somehow [agriculture] evolved where it is profit driven. But South Africa finds itself in a unique space, a developmental state. And I think as a department we need to show people the benefits in producing food and making sure citizens are fed and on the one hand farmers that need to produce. And we want them to become businesses, thriving businesses and it is up to the department to make sure we send that message. Because there is lots of benefit in growing lots of these foods. (sic)”⁴²

There were complaints by the DoH, DSD and FHR that many agricultural colleges have been closed, which means that there are no training facilities for aspirant farmers and extension officers. The FHR in particular indicated that currently, extension officers were reluctant to assist farmers with unconventional, but sustainable farming methods and that new, environmentally friendly and sustainable farming practices were required. However, with a lack of agricultural colleges, training and innovation is limited. The FHR also indicated that colleges are forums for learning and examples of best practice, was needed.

⁴² Tuckeldoe (note 34).

3.6. Media and Advocacy

The space for advertising held by the private sector and the lack of widespread media and advocacy for food and nutrition messaging is of great concern in South Africa, especially considering the rates of non-communicable diseases and concomitant burden on the public health care system.

The DoH lamented in relation to corporation advertising, “when you were talking about why unhealthy meals [are] made sexy, [it’s because most adverts are driven by industry and they put money there because they are going to increase their sales and then get money but the other problem is that the government is not really putting enough resources [into education on health and nutrition].”

The former Special Rapporteur on the Right to Food agrees and stated in the country report that “the supermarketisation of the food system in South Africa played a role in this evolution, as well as advertising by agri-food companies: 9.5 per cent of all money spent on advertising in South Africa in 2007 was for food and beverages, and Unilever, the food and household goods manufacturer, is the top advertising spender in the country.”⁴³

SP11 concurred indicating that “if all of the information that people receive about food comes from the corporate food sector through marketing then people are likely to have a very skewed view of what food is. So governments have to play a role in regulating and educating people about food.”⁴⁴

It is vitally important that the State increase its commitment to media and advocacy in relation to a nutritious and healthy diet. It is one of the key tools in reaching and educating the public in relation to healthier eating habits.

⁴³ de Schutter (note 33).

⁴⁴ McLaren (note 13).



1.50
1.50

1.50

1.50
1.50

4. Conclusion

The realisation of the right to access food is an incredibly complex issue, given the myriad components that fit together to form the food system. The complexity of this system can be reduced or heightened by the State's policy choices and acknowledgment of the interconnectedness of the right. The NFNSP in its current form, does not speak to the need for an interconnected system – one that ensures that State departments and other key role-players are continuously engaging on an equal level and that the rights that interconnected with the right to food, are considered.

As such, the findings on the right to food presented above are done in a somewhat fragmented manner. This is mainly because all of the corresponding pieces of the food puzzle are fragmented. While conducting interviews, it was clear, even to the State departments that a food-system overhaul is probably the best solution to a very large, complicated and devastating problem, as fixing smaller aspects of the food system, in a piecemeal fashion would be akin to putting a band aid on a gaping wound.

COPAC's model of food sovereignty is appealing in that it attempts an integrated, holistic approach to food sovereignty. Dr. Satgar of COPAC clearly outlined the main aspects of food sovereignty, which he believes are essential to creating a sustainable, well-functioning food system in South Africa. He explains that "by anchoring the right to food in food sovereignty you are literally anchoring it in a paradigm in which citizens have more power around food issues. Whether it is how they produce, how they consume, the cultural appropriateness, the health issues, etcetera. So a long story short in terms of where we are coming from, the right to food derives its meaning in a substantive way, in a meaningful way if it is married to the challenge of what [we] call un-food sovereignty."⁴⁵

The model is supported by other bodies like the FHR. It described food sovereignty as "encompassing as in the right of people to organise themselves and do food in a way that respects the environment, in a way that respects their own right to dignity and indigenous knowledge. It speaks of people really utilising agri-ecology concepts. Which means they take care or they think of the environment, they think of the people, their health you know and also they then have the right to organise their own markets you know. So they control the price, they control the distribution mechanisms. So it is just I think in essence the whole idea of the right of people to organise themselves in ensuring that they have good food."⁴⁶

It is essential to note, however, that despite the comprehensiveness of COPAC's food sovereignty strategy, such a radical transformation of the food system will require a significant and unequivocal shift by the State in relation to the right to food and related sectors such as land distribution, trade agreements and even possibly economic policy. It does not appear that the State will commit to such radical action in the short or even medium term, however short term changes toward more holistic approaches are needed.

⁴⁵ Satgar (note 23).

⁴⁶ Mamashoabathe Noko & Sarah Motha (FHR), personal communication, 23 January 2017.

Interviewees provided concrete recommendations in this respect, including but not limited to, an increase in advertising around nutritious consumption, wide consultation with the public around food policies and the development of comprehensive national legislation to govern the right to food and ensure that State departments can be held accountable in the event of a violation of rights.

The President of the Republic of South Africa spoke at length about radical transformation during his State of the Nation Address in February 2017. His focus and the major discourse since his speech has focused mainly on economic redistribution and transformation. However, unless we make a more concerted effort to ensure access to basic rights and services, and in this case, **begin** an overhaul of the food system by ensuring that participatory legislation is put in place and a new inclusive, healthy and sustainable food system replaces the old one, radical transformation will remain a rhetoric.



5. Recommendations

A rethink of the food systems in its entirety is required in order to fulfil the right to food from a human rights-based perspective. This system overhaul must be phased in with clearly articulated short, medium and long term, goals. These must include, amongst others, the following:

- a) The development of comprehensive legislation, which speaks to the entire food system. The development of such legislation must be participatory, with widespread engagement with the public and all key stakeholders. (National Coordinating Task Team overseen by the Presidency)
- b) Media and advertising of unhealthy food must be controlled or limited and space for advertising must be given to State departments for social, apolitical messaging by the public broadcaster and private radio and television stations. This can be implemented in the form of regulations governing the total airtime in proportion or time that a group of advertisers is allowed on all mediums of communication, including social media and the internet in general. (Department of Health; Department of Trade and Industry; Public Broadcaster: Private broadcasting authorities)
- c) The menu of the school nutrition programme must be designed by the DoH, properly resourced and implemented by the Department of Basic Education. (Department of Health and Department of Social Development).
- d) Household agriculture must be encouraged and supported through social development programmes (Department of Social Development, Department of Agriculture, Forestry and Fisheries and Department of Basic Education).

Ultimately, legislation on the right to food should follow a more holistic but concise plan. Only then will we begin to make inroads into the staggering levels of food deprivation in the country.

Annexure 1: Interview Guide for State Departments

1. What is your understanding of the *Right to Food*?
2. What role does the government department that you work for, have specifically in relation to the right to food?
3. There are approximately 11 million hungry people in South Africa. What, in your opinion, is the main reason for a lack of realisation of the right to food in South Africa?
4. Do you believe that the National Policy on Food and Nutrition Security (NFNSP) is adequate to address access of food to those most in need? Please elaborate.
5. To date, the NFNSP has been finalised with very little public participation. Do you have any comments in relation the “secrecy” around the policy?
6. Will there be a driving department in relation to the policy? Please explain.
7. Do the relevant departments have the skills and capacity to implement the NFNSP?
8. Do you believe that the relevant State departments are collaboration adequately to ensure the optimal realisation of the right to food?
9. There is no mention of the immediate right of access to food for children in the NFNSP. Do you have any comments in this regard?
10. In your view, what role, if any, would comprehensive legislation play in South Africa? Please elaborate.
11. In your view, what role, if any, would a Ministry of Food play in South Africa? Please elaborate.
12. Do you have any additional recommendations in relation to the food system?

Annexure 2: Interview Guide for Civil Society Organisations / Representatives

1. What is your understanding of the *Right to Food*?
2. What has been your involvement in relation to the right to food over the last five years?
3. There are approximately 11 million hungry people in South Africa. What, in your opinion, is the main reason for a lack of realisation of the right to food in South Africa?
4. In your view, what role, if any, would a Ministry of Food play in South Africa? Please elaborate.
5. In your view, what role, if any, would comprehensive legislation play in South Africa? Please elaborate.
6. Do you believe that the National Policy on Food and Nutrition Security (NFNSP) is adequate to address access of food to those most in need? Please elaborate.
7. Do the relevant departments have the skills and capacity to implement the NFNSP?
8. There is no mention of the immediate right of access to food for children in the NFNSP. Do you have any comments in this regard?
9. Do you believe that the relevant State departments are collaborating adequately to ensure the optimal realisation of the right to food?
10. Do you have any additional recommendations in relation to the food system?



south african
**human
rights**
commission

CONTACT US

Website: www.sahrc.org.za

Email: info@sahrc.org.za

Twitter: @SAHRCommission

Facebook: SA Human Rights Commission