FOOD SECURITY IN SOUTH AFRICA

Human rights and entitlement perspectives

EDITORS **SAKIKO FUKUDA-PARR** & **VIVIENE TAYLOR**

FOREWORD BY OLIVIER DE SCHUTTER, UN SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD 2008-2014

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Viviene Taylor

Food Security in South Africa: Human rights and entitlement perspectives

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Foreword

Professor Sakiko Fukuda-Parr, the lead author of a number of the Human Development Reports published by the United Nations Development Programme between 1995 and 2004, has been making major contributions to our understanding of the different facets of human development. More recently, she has established herself as a highly respected voice on the relationship between human rights and development, with particular reference to her work on measuring progress in the fulfilment of social rights. Professor Viviene Taylor has been one of the most important figures in South African social policy over the last two decades. Most recently, she played a major role as a member of the National Planning Commission (NPC). I am therefore particularly grateful to both of them for providing me with this opportunity to explain why this volume on food security in South Africa is both important and timely, and why it is destined to remain a reference for years to come.

This book relies on a comprehensive framework to describe the determinants of food security. It is therefore more ambitious, in terms of scope, than most of the other literature in this field. As Sakiko Fukuda-Parr and Viviene Taylor note in Chapter 1, access to food may be ensured by three channels:

1. *Own production*—this is for households that have access to the resources that allow them to produce their own food.

2. *Exchange*— this refers to income made through waged employment or through self-employment, that allows for purchasing of food on the market.

3. *Social transfers*—this can be provided through informal networks of support, or through the institutionalised means of social protection schemes.

Most books or reports that deal with food security focus on one of these dimensions only, mentioning the others only in passing; they do so at the risk of missing out on their inter-connectedness.

In contrast, this book examines these different channels as part of a joint effort to ensure food security for South Africans. It succeeds in showing how these channels can be complementary and mutually supportive, but also why they should be better designed to contribute to the fulfilment of the right to food—for instance, this can be achieved by aligning the minimum wage or social benefits to the rising prices of foodstuffs.

This book is ambitious on another level. It squarely addresses the questions of political economy that, to a large extent, explain the failures of governments in eradicating hunger and malnutrition. In order to ensure food security, governments in South Africa and elsewhere need to improve their accountability towards the population; they need to ensure that the rural segments are represented in decision-making— so as to avoid what Michael Lipton finally called the 'urban bias of the elites'—and there needs to be independent monitoring of the tracking of progress results.

Given her previous work on the political determinants of health, Sakiko Fukuda-Parr is particularly well placed to identify such accountability gaps, and why filling them is so essential. In the context of public health—as in the area of food security—this approach allows us to move from the symptoms to the causes—from stunted children and sky-rocketing obesity rates, to a misallocation of funds and agricultural policies that are focused on increasing exports at the expense of health and well-being. We thus transform questions that are 'apparently' technical into questions that turn out to be deeply political, as they relate to the mix of economic marginalisation and political disempowerment.

This book is important, therefore, because the South African case embodies lessons that are universal. But it is important also, of course, for the exact opposite reason: because South Africa is in the unique position of having to overcome the legacy of apartheid. Since the abolition of apartheid in 1994, South Africa has sought to move from an economic system that was exclusively serving the interests of the white minority—representing one-tenth of the population—to a much more inclusive system that could reverse the injustices of the past and close the gap between the various groups that compose its society. However, the removal of inequalities is a long and painful process, both because economic dominance and political power tend to reinforce each other, and because even in societies based on equal opportunities where wealth is unevenly shared, inequalities tend to be passed down from one generation to the next. It should therefore hardly come as a surprise that South Africa, today, has one of the most unequal societies in the world, or even perhaps the most unequal society in the world. According to the Gini coefficient, South Africa had a staggering 0.69 in 2014, and although it is classified among the middle-income countries in World Bank (WB) rankings, about 60 % of its population still lives in income poverty. Of course, this translates into troubling food security-related indicators: about one-fifth of the households in the country, and one child in three, are at risk of food insecurity, with important disparities from province to province.

This is why the notion of the 'developmental state' emerged in the South African context to describe a state that is more independent from economic interests than in other contexts, and that sees its mission explicitly as having to steer the economy in order to overcome the inertia of inequalities that are self-perpetuating. Indeed, what is typical about a strongly dual economy—such as that which South Africa inherited from the apartheid system—is that general progress does not benefit all population groups to the same extent, and that the gains for some of the population groups do not easily 'trickle down' to the others.

The worlds of farming that co-exist in South Africa are, in that sense, a condensed version of the South African society as a whole. We have in fact not two, but three worlds that co-exist in the farming sector:

1. There are about 35 000 commercial farmers—predominantly of white origin—who own very large farms with an average size of 2 500 hectares. They produce 95 % of all marketed outputs. Although their number has halved since the end of apartheid, they still own the better part of agricultural land in the country. Land concentration has, in reality, increased over the past 20 years, as only a very small fraction of the land held by the white commercial farmers has been transferred to black farmers or communities since 1994. Some of the land that had been transferred has since been returned to the former owner or to other white commercial farmers.

2. A second category of farmers consists of approximately 200 000 black farmers 'emerging' since 1994. These black entrepreneurs have benefited from post-1994 opportunities and public support, such as agrarian reform and Black Economic Empowerment policies.

3. The third category consists of over 2.7 million households—mostly residing in the former homelands—practising small-scale subsistence farming predominantly as an activity complementing other types of income sources such as temporary work-related migration, social grants, off-farm employment, remittances from relatives living in urban areas, and other subsidiary livelihood strategies such as hunting and collecting edible plants in certain regions.

Clearly, no single policy will support these very different worlds of farming all at once. Each group requires specific measures, because each faces its own challenges.

Finally, South Africa provides a perfect example of the 'nutrition transition' which other states, such as Mexico or India, have been going through, as well as the 'double burden' that follows. While under-nutrition remains a reality for many children raised in poor families, changes in lifestyle and urbanisation result in less physical activity and less time spent cooking in homes. At the same time, the rapid spread of supermarkets accelerates the shift to diets that are both more dense in energy and less nutritious. This is a toxic combination that results in a population sitting with high obesity levels.

Recent data suggests that more than 29 % of men and 56 % of women in South Africa are overweight or obese.

The challenges are therefore considerable. The authors of this book seek to address each of these challenges by examining how they are connected to one another, and by relying on a conceptual framework that combines the entitlements approach pioneered in Amartya Sen's *Brand of welfare economics and the normative components of the right to food*. At each turn, the authors take great care to ground their definition of problems—as well as their recommendations—in well-designed indicators, both as a condition for evidence-based science to emerge, and as a condition for improved accountability of the state towards the population. The overall results are impressive. I have no doubt that this volume will find the broad readership that it deserves.

Olivier De Schutter
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Acknowledgements

Many individuals contributed to this book through research, consultations, seminars and related activities. We acknowledge invaluable processes of collaboration across a wide range of government departments, the Human Rights Commission of South Africa, public interest organisations, universities and research institutions.

We acknowledge, with appreciation, the Mellon Fellowship award that provided much-needed financial support for Sakiko Fukuda-Parr's appointment as Visiting Professor at the University of Cape Town, which made our collaborative project possible. During this time, we were able to collaborate with a wide range of researchers engaged with food security, and to develop the conceptual framework for this book. At the University of Cape Town, the Department of Social Development—the host for the Mellon Fellowship—provided critical support while the New School provided Sakiko Fukuda-Parr sabbatical leave, as well as financial support through the Julien Studley Grant.

This book arose in large part from a seminar held in Cape Town in May 2012 on food security and the right to food. Food security is recognised as a multi-dimensional challenge involving multiple sectors—from agricultural production, nutrition and health, to social welfare, poverty and economic growth, food markets and human rights. Yet debates tend to be pursued by a sector in 'siloes', each with its own 'epistemic community' of theorists and practitioners defining the problem, analysing the causes and proposing appropriate policy responses. The purpose of the seminar was to take a holistic, human-centred approach to food security. It brought together scholars and practitioners from diverse fields including law, social policy, economics, political science, agrarian studies and social development. A dozen papers were presented and some 35 participants engaged in rich debates over two days. Since the seminar influenced the content of the book significantly, in acknowledging the contributions made, we share some key issues that were raised:

1. *The need for a paradigm shift:* Human Rights Commissioners Pregs Govender and Sandi Baai, and Planning Commissioner as well as UCT academic Viviene Taylor, launched the proceedings by emphasising the problem of food insecurity as one of *access,* not *supply*, and by focusing on the *indivisibility of social and economic rights*, which are dependent on the voice of people and a range of economic and social factors. They pointed out that the food industry is flourishing, yet food insecurity—which is embedded in the structures of unequal power and economic resources—is pervasive across the country. Against South Africa's history of structural inequality, they emphasised that the right to food goes beyond the individual problem of hunger (as serious as this is) to a multi-dimensional social

and economic condition affecting large parts of the country, and is driven by global and national processes.

2. *The characteristics and impacts of food insecurity*: Recent surveys of food insecurity provide insights into the characteristics of hunger in South Africa. They show the incidence of hunger to be higher amongst female- rather than male-headed households. Jane Battersby showed that it was widespread in urban areas. Amongst rural households, Peter Jacobs showed that the likelihood of experiencing hunger has been rising for farmworker households, and declined for households producing broader varieties of food, while land does not seem to be a factor. Hunger is associated with lack of employment and inadequate incomes. But the dynamics of food security are more complex and closely related to diverse social and economic conditions. Julian May showed significant declines in child malnutrition since 1993, despite the lack of improvement in income poverty. Thus improving wage incomes is far from the only means to reducing malnutrition (a component of food security); other social investments—such as in education and healthcare, as well as social transfers through cash grants—play an important role.

3. *Policy strategies and state obligations to fulfil the right to food in a market economy:* According to both the South African Constitution (Act 108 of 1996) and international human rights law, states have obligations to fulfil the right to food, defined as taking 'all appropriate measures' which would encompass a broad range of policy actions. But states may adopt different approaches to taking measures, from a minimalist response to a thick web of constitutional guarantees, incentive policies and investment.

There is little disagreement that unemployment and low wages are a major cause of hunger. Didi Ogude explained that growth has not been adequately job-creating for a number of reasons: the structure of the economy is dominated by mining and agriculture, which have been shedding jobs, and growth in finance and business services have not generated employment for the unskilled. Fostering employment creation is a key government objective, but will the new infrastructure and other initiatives create jobs for the food-insecure households, whose members are likely to be amongst the least skilled? Ben Turok called for more radical thinking on growth strategies, noting that the structure of the economy has not changed since 1994, and that jobless growth was part of the de-industrialisation trend.

Social transfers have been the principal policy measure implemented by the state to address hunger in South Africa. Many participants discussed evidence of the important role that child support and other social grants play in alleviating malnutrition, but also emphasised their limitations. South Africa does not yet have a comprehensive set of social protection measures, which leaves uncovered a large part of the black working-age population between 18 and 59 years who are

without waged employment. Social grants provide relief, but food security requires developmental strategies that address deprivations in assets and capabilities.

Though negligible from the production perspective, small-scale and subsistence agriculture are a vital part of household food security and livelihood strategies. Ben Cousins argued that post-apartheid policy has pursued two contradictory approaches: roll-back of the state in agricultural policy, and state intervention in land policies. The roll-back of the state has not stimulated a competitive agricultural sector or the emergence of a small-scale farm sector. Land reform programmes have been disconnected from agricultural development initiatives that ensure access to finance, extension, veterinary services, markets and water. Moreover, there is inadequate understanding of the small-scale farming sector and its potential; thinking about efficient small-scale farming is dominated by the large-scale model.

Randolph emphasised that the fulfilment of the right to food has important global dimensions: in an open market economy, global food prices drive national and local trends. Moreover, the structure of the global food chain is increasingly concentrated in the hands of a few corporations. The state-centric notion of obligations for human rights is highly problematic in this context.

4. *The role of social movements and litigation—for palliative, reformist or radical change:* Geoff Budlender opened the session by noting the essential role of human rights and social activism in South Africa's democracy. The rights-based Constitution opens up democratic processes towards a thick form democracy that goes beyond elections. In this process, litigation plays an important role in bringing light and media attention to violations, and contributes to social mobilisation—this is arguably the main purpose of litigation. The impacts of litigation on policy are indirect. The consequences of litigation on policy are ambiguous; courts are not able to instruct the state to take specific action, but rather to set in motion a process of review.

Danie Brand conceptualised potential for litigation in two categories. The first would be 'fairness' cases, which make claims of a 'reformist' change in policy. They concern existing access to government provisioning, based on the duties to respect. The second category would be 'distributional' cases, which make claims for policy change of a more radical nature that would challenge the inadequacies in access even when there is adequate market supply. David Bilchitz pointed out that the current situation of South Africa falls in the latter category, which presents numerous challenges that would arise in litigation. To start with, there is no agreed quantified standard for identifying who is in a situation of desperate and emergency need, and the court is not in a position to take a position. Nyembezi shared the experience of the NGO Black Sash in taking companies to court for

collusion in fixing the price of bread. This is a significant and radical measure, yet the impact of the ruling against the companies has been disappointing, as it is unclear whether this would change business practices while amendments to the Competition Act are still awaiting proclamation.

Social mobilisation around food remains limited in South Africa and contrasts with countries where hunger has greater political salience. Shareen Hertel shared her research to analyse the politics of right to food campaigns in India by mapping variations in hunger and social responses to it 'in the courts' and 'in the streets' in India's 27 states over the last two decades. While still a work in progress, her research shows that the extent of hunger does not map on well with the strength of social response, and that the demands made are reformist in nature, focusing on implementation of distribution systems rather than systemic change.

We have had the privilege of working with many committed individuals on this book and we thank them for the many different ways in which they assisted us. We acknowledge, in particular, all the contributing authors who worked tirelessly to complete their chapters, the many who provided invaluable insights on complex issues and those who provided behind-the-scenes support throughout the process of producing this book. We appreciate and acknowledge the feedback received on all chapters from the peer reviewers. In addition, special mention must be made of the administrative support provided by Marguerite Armstrong of the Department of Social Development, Crystal Kleinhans for ongoing assistance and Mary Lynn Hanley for her help with preparing the manuscript. We also acknowledge the guidance of our publisher, Sandy Shepherd, from UCT Press.

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Sakiko Fukuda-Parr is Professor of International Affairs at the New School, and in 2012 was Visiting Professor at the University of Cape Town. She is a development economist who has published widely on a broad range of development policy-related issues, and is best known for her work as director and lead author of the UNDP *Human Development Reports,* 1995 to 2004. Her current research interests focus on human rights and development policy, and on the effects of global goals on policy and norms. Her recent publications include: *Fulfilling Social and Economic Rights* (with Lawson-Remer T & Randolph S: Oxford University Press, 2015), *The MDGs, Capabilities and Human Rights: The Power of Numbers to Shape Agendas* (co-edited with Yamin A: Routledge, 2015) and *Human Rights and the Capabilities Approach, an Interdisciplinary Dialogue* (co-edited with Elson D & Vizard P: Routledge, 2012).

Shareen Hertel is Associate Professor of Political Science at the University of Connecticut and holds a joint appointment with the University's Human Rights Institute. She has served as a consultant to foundations, non-governmental organisations and United Nations agencies in the United States, Latin America and South Asia. She is the author of *Unexpected Power: Conflict and Change among Transnational Activists* (Cornell, 2006), co-editor of *Economic Rights: Conceptual, Measurement, and Policy Issues* (Cambridge, 2007), co-editor of *Human Rights in the United States: Beyond Exceptionalism* (Cambridge, 2011) and has published numerous scholarly articles. Hertel is incoming editor of *The Journal of Human Rights* (Taylor & Francis) and serves on the editorial boards of *Human Rights Review, Human Rights and Human Welfare* and the Routledge *International Studies Intensives* book series.

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Julian D May is a Professor and the Director of the Centre of Excellence in Food Security at the University of the Western Cape. He has worked on options for poverty reduction including land reform, social grants, information technology and urban agriculture. He has also worked on the development and use of systems for monitoring the impact of such policy, such as official statistics, impact assessment and action research. He has worked in southern, East and West Africa, and in the Indian Ocean Islands. In 2009 the National Research Foundation awarded him a South African Research Chair in Applied Poverty Reduction Assessment, and in 2014, a Centre of Excellence Grant in Food Security. He has edited four books, published over 60 papers in books and academic journals, and produced more than 120 working papers, research reports, and other publications.

Susan Randolph is Associate Professor in the Department of Economics and the Department of Agricultural and Resource Economics at the University of Connecticut (UConn). She is Co-Director of the Research Program on Economic & Social Rights at UConn's Human Rights Institute, and a faculty affiliate of El Instituto (the Institute of Latina/o, Caribbean and Latin American Studies) and the India Studies Program at UConn. Dr Randolph is Co-Director of the Economic and Social Rights Initiative, which created and publishes the *Social and Economic Rights Fulfilment* (*SERF) Index*, and has served as a short-term consultant to the Office of the High Commission on Human Rights, The World Bank and the United States Agency for International Development (USAID). Dr Randolph's research is situated at the intersection of economic development and human rights, and has been published in numerous refereed journals and books. Her most recent book is *Fulfilling Social and Economic Rights,* with Sakiko Fukuda-Parr and Terra Lawson-Remer (Oxford University Press).

Dr Randolph received her BA in Political Science from the University of Oregon, and her MA and PhD in Economics from Cornell University.

Viviene Taylor teaches social policy, development planning and social and economic development in the Department of Social Development at the University of Cape Town. She is Head of the Department and also a commissioner on South Africa's National Planning Commission (NPC). During her career of more than 30 years she has researched and written over 70 publications on social policy and development-related issues, recently focusing on social and economic rights and social justice. Books she has authored include *Social Mobilisation: Lessons from the Mass Democratic Movement; Gender Mainstreaming in Development Planning: A Reference Manual for Governments and other Stakeholders,* for the Commonwealth Secretariat; and *Marketisation of Governance: Critical Feminist Perspectives from the South*. She was also principal author and researcher of South Africa's first two Human Development Reports, sponsored by the United Nations Development Programme (UNDP). Between 1999 and 2002, Prof Taylor chaired the Committee of Inquiry into Comprehensive Social Security in South Africa, led the research and produced the report (referred to as the *Taylor Report*) that laid the basis for the transformation of social transfers in the country. In 2008 she completed a 50-country research study for the African Union on social protection. Her recommendations were adopted by the African Union and its member states, which now have a coherent policy approach to address national social protection deficits.

Ian M Timaeus completed a PhD at the London School of Hygiene & Tropical Medicine on the estimation of adult mortality from data on orphanhood. He now works at the school part-time as Professor of Demography and is also an Honorary Professor of the University of Cape Town, based in the Centre for Actuarial Research. He has written several papers on methods for measuring adult mortality in the developing world. His work in this area has focused on how to use survey data to measure adult mortality in populations with high AIDS mortality. He contributed sections to the IUSSP/UNFPA manual on demographic estimation, and to the UNAIDS/WHO Reference Group on Estimates, Modelling and Projections, in particular developing the methods used by UNAIDS to estimate and project numbers of AIDS orphans. His recent activities include investigating the interplay of demographic and poverty dynamics in South Africa and the transition to low fertility in Africa.

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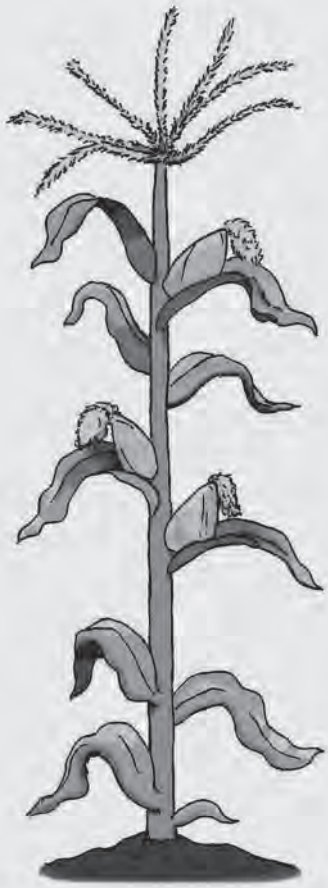
I

KEY CONCEPTS AND ISSUES



Chapter

1

Food security in South Africa:

A human rights and entitlement perspective

Sakiko Fukuda-Parr and Viviene Taylor[1]

Introduction

The South African Constitution (Act 108 of 1996) is arguably among the most progressive in recognising economic and social rights in the world (Klug, 2010). It is one of 22 Constitutions in the world that specifically includes the right to food, and one of just two where the provisions are justiciable (Knuth & Vidar, 2011). South Africa's Bill of Rights states that 'every citizen has a right to access to sufficient food and water' and that 'the State must take reasonable legislative and other measures, within its available resources, to achieve the realisation of this right' (Republic of South Africa, 1996). There is an unambiguous constitutional obligation to address food security and there is a political mandate to address hunger. The political mandate was expressed clearly by former President Nelson Mandela in his first State of the Nation Address to the National Parliament in Cape Town, when he said:

> *My Government's commitment to create a people-centred society of liberty binds us to the pursuit of the goals of freedom from want, freedom from hunger [our bolding], freedom from deprivation, freedom from ignorance, freedom from suppression and freedom from fear. These freedoms are fundamental to the guarantee of human dignity. They will therefore constitute part*

> *of the centrepiece of what this government will seek to achieve, the focal point on which our attention will be continuously focussed. (Mandela, 1994)*

Despite the strong political and constitutional mandate, South Africa's response to food security and hunger remains a huge challenge. The hard-won political and civil freedoms that so many fought for have not translated into the realisation of freedom from hunger and other social and economic deprivations.

The severity of food insecurity is troubling, particularly in the economic context of the country. The *South African National Health and Nutrition Examination Survey* (*SANHANES*) showed that 54% of households in 2012 were either experiencing hunger or at risk of hunger, while 27% of children between 0 to 3 years were stunted (Shisana et al, 2014). Whilst there has been improvement in these indicators, a new form of malnutrition—obesity—has emerged, now affecting 24.8% of women and 20.2% of men (Shisana et al, 2014). Related to an inadequate diversity of diet, obesity has been on the rise and is a significant risk factor behind 'non-communicable diseases' such as cardio-vascular ailments (Altman, Hart & Jacobs, 2009). South Africa is an outlier in comparison to other countries with similar levels of income per capita, ranking 67 out of 99 countries in the *Social and Economic Rights Fulfilment* (*SERF*) *Index*, which measures state performance in implementing the right to food (see Chapter 2 in this volume).

The central question that runs through this book in particular, is: What is the nature of policies, institutions and ideas that lead to the paradox of South Africa's strong commitments and weak outcomes for economic and social rights? The analysis conceptualises hunger and food security as human rights, and applies Amartya Sen's theory of entitlements in its analysis of the problem (Drèze & Sen, 1989; Sen, 1982).

This approach distinguishes this book within the context of the growing literature and on-going research on food security in South Africa. It is distinctive in three ways:

1. It looks at food security from the perspective of people. It identifies and links social and economic processes and policies that affect individual, household and community food security.

2. The authors not only discuss alternative methods for engaging with economic and social policy using a human rights framework, they also relate macro- and meso-policy alternatives to food security issues in South Africa to the structural conditions of poverty, income, and spatial and gender inequalities. The progressive realisation of this human right in South Africa requires policy initiatives that shift incentives, prices, productivity, incomes, employment, household food consumption behaviour and many other factors, in ways that include and bring to the centre the people currently living on the periphery of our society.

3. This book assesses public policy using human rights norms. It asks all those who are concerned about human rights to go beyond issues of procedural justice

and to critique the complementary role of economic and social policy, and distributional justice.

This chapter is broken down into three sections. The first section starts by laying out the conceptual framework of human rights and Sen's entitlement approach. The second section reviews key issues and challenges to the realisation of the right to food in South Africa. The third section introduces an overview of the chapters in the collection.

Conceptual framework: Human rights norms and Sen's entitlement analysis

Human rights as a public policy framework

When framing the problem of hunger and food security in the perspective of human rights and capabilities, we use the normative standards of human rights to evaluate the design of public policies. In doing so, we consider human rights as ethical norms (Sen, 2004), not only as a set of laws. Human rights are closely related to capabilities that enable individuals to lead lives that they can value (Sen, 2004). Human rights are fundamental entitlements necessary for a life of dignity, which should be a political priority, and guaranteeing these rights should be in every national Constitution (Nussbaum, 2011). Codified as international law, these are ethical norms that have gained legitimacy as universal values and as commitments by states that have signed and ratified the relevant treaties. As a normative framework for evaluating social situations and policy design, the human rights framework differs from conventional policy analyses. It focuses sharply on human well-being, equality and poverty, and the processes of participation and empowerment.

These concerns are subordinated to economic performance in many conventional development policy analyses, or, in the case of food security, to aggregate food supply and production—as we shall elaborate on shortly—or on national nutritional and health trends. Human rights criteria overlap considerably with the capabilities approach in their human-centred analysis, but they are more explicit in using international human rights principles and standards, and in raising issues of a state's accountability in complying with its treaty obligations and normative commitments to human rights. Applying a human rights framework to the evaluation of South Africa's social and economic policies for achieving food security is particularly useful, since the South African Constitution uses a human rights approach.

The right to food is a fundamental human right, as recognised in the SA Constitution. The right to food is also recognised as a core economic and social right in the *Universal Declaration of Human Rights* (UN, 1948) and the *International Covenant on Economic, Social and Cultural Rights* (*ICESCR*) (UN, 1966). However, law does not automatically lead to the realisation of rights, and legal enforcement is not the only measure by which rights can be implemented. Human rights cannot be implemented by dictat.

The ability of individuals to acquire food depends on a host of social and economic conditions including household incomes, food prices in the market, opportunities to produce food, availability of suppliers, the quality of accessible products, and much more. This depends in turn on the distribution of resources and opportunities in society. It also depends on the social arrangements in place to ensure that no-one goes hungry. The *ICESCR* thus identifies three elements necessary to fulfil the right to food: increasing availability, enhancing physical and economic access, and improving utilisation for effective nutrition (UN, 1966).

The state therefore has an important role in putting the necessary social arrangements in place, by elaborating and implementing appropriate food security policy measures. Ending hunger is an important policy goal in any country. But as a human right, it is not only a policy priority, but a legally defined obligation to take measures by legislative and other means. The *ICESCR* and other international legal documents provide a framework of norms regarding the rights of individuals and the duties of states. With respect to the rights, the substantive content of enjoying the right is defined as follows: 'The right to adequate food is realised when every man, woman and child, alone or in community with others, has the physical and economic access at all times to adequate food or means for its procurement' (CESCR, 1999).

With respect to the substantive content of state obligations, the international normative framework emphasises the obligations to take proactive policy measures. State obligations extend beyond 'respecting' and 'protecting' the enjoyment of rights (by not preventing enjoyment and preventing others to prevent it) to 'fulfilling' rights. The obligation of fulfilment goes beyond the duty not to violate rights. It is a positive duty that requires proactive state action to ensure that rights are realised. These positive obligation—'to fulfil' and 'to progressively realise'—are particularly relevant to South Africa, where the denial of the right to food is widespread and can only be addressed through policies and programmes that ensure development and poverty eradication. The normative framework does not prescribe a set of policies; it spells out the obligations of 'outcome' and 'conduct', emphasising that the state must take steps to carry out its duties or obligations.

These norms make it explicitly clear that the measures to be taken are not merely to distribute food, but to facilitate the acquisition of food. The right is not a right to a number of calories or a basket of commodities, but a right of individuals to the means to feed themselves (De Schutter, 2014). Food is a commodity that is acquired in the market, and the obligations would require the state to take measures to ensure that food is accessible through the market. Ensuring that food is accessible through the market depends on prices, wages, market distribution and many other factors, which are driven by market forces, but can be regulated and managed by the state. Randolph and Hertel elaborate further on the norms of state obligations in this volume.

The core principle we emphasise here is that governments have a human rights duty to promote the progressive realisation of the right to food by implementing public policies in the food sector. International law does not prescribe particular policy choices, nor policy regimes such as the level of market intervention, but imposes a duty on governments to prioritise people's food security.

Defining food security—the entitlement approach

Hunger is due to households and individuals being unable to acquire food; it is not due to inadequate supply (Sen, 1982). But for a long time, national self-sufficiency was conflated with household food security, and policies for 'food security' aimed at expanding national supply, assuming that household access would follow from assuring adequate supply. Food security was therefore conceptualised as adequacy of supply. During the 1980s, as hunger and malnutrition persisted and even grew while aggregate supplies expanded, this concept was challenged by numerous authors, generating a lively debate about the definition of food security and its drivers (see, for example, Hoddinott, 1999; Longhurst, 1986; Maxwell & Frankenberger, 1992; Sen, 1982). The work of Sen (Sen, 1982; Drèze & Sen, 1989) was particularly important in the shift of thinking, as he developed a theoretical framework for understanding hunger as a problem where individuals are unable to acquire food, due to the loss of 'entitlements'. Sen identified three categories of entitlements, namely own production, wage exchange and social transfers.

With Drèze, he further elaborated on the social and economic conditions that would enhance these entitlements within the capability framework as applied to 'endemic'—or deeply rooted and persistent—hunger and under-nutrition (Drèze & Sen, 1989). Sen and Drèze argue that being well nourished also depends on being healthy, being knowledgeable, having a say in household decision-making, and many other capabilities. Such a framework opens up an analysis of the problem and its causes by focusing on social, economic, institutional and environmental factors that determine the ability of a person to consume and utilise food.

Over the 1990s, international consensus shifted to a broader definition which focused on access. In 1975, the World Food Conference defined food security as '[a]vailability at all times of adequate world food *supplies* [emphasis added here] of basic foodstuffs' (FAO, 1975). However, the prevailing definition adopted in 1996 states: 'Food security exists when all people, at all times, have physical and economic *access* [emphasis added] to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life' (FAO, 1996).

The consensus approach identifies four components or 'pillars' of food security: physical *availability* of food, economic and physical *access* to food, the *adequacy* of nutritional food accessibility and food *utilisation*, as well as the *stability* of these dimensions over time. This concept closely overlaps with the definition of the right to food.

These conceptual definitions are important because they lead to fairly distinct policy approaches, in the way that objectives and the unit of analysis are set, as well as the indicators that are used—as shown in Table 1.1. These definitions are at the foundation of paradigms that explicitly state the problem and its solutions, and create a narrative that justifies the chosen policy response. The supply-based definition creates a narrative of food insecurity as a problem of 'feeding the population' and justifies investments that increase aggregate production, even without having to consider *who* benefits. The nutrition approach justifies nutritional interventions, without necessarily considering the causes of the inadequate intake. The human rights and access approaches overlap in justifying broad interventions that address the multi-sectoral and multi-dimensional constraints that individuals face in acquiring food.

Table 1.1 Comparing food security paradigms

	Right to food	Access approach (international consensus definition)	Supply/ production approach	Nutritional approach
Unit of analysis/ focus of attention	Individual	Individual	National aggregate	Individual
Main objective	Access (economic and physical) at all times to adequate (nutritionally and culturally) food	Access (economic and physical) at all times to adequate (nutritionally and culturally) food	Availability—adequate supply of food for the population without relying on imports	Adequacy and utilisation—dietary needs of individuals
Main outcome indicators	➢ Household hunger, nutritional status and *who* ➢ Food consumption—distribution; quality	➢ Household hunger, nutritional status and *who* ➢ Food consumption—distribution; quality	➢ National food balance ➢ Food production—national output; imports	➢ Nutritional status
Focus of policy attention	➢ Emergency shortages ➢ Long-term structural causes (poverty and inequality)	➢ Emergency shortages ➢ Long-term structural causes (poverty and inequality)	➢ Long-term and short-term shortages ➢ Production and productivity	➢ Individual consumption behaviour ➢ Local market conditions

	Right to food	Access approach (international consensus definition)	Supply/ production approach	Nutritional approach
			➢ National market conditions	
Important drivers of insecurity	➢ 'Entitlement failures'/access (income poverty; own production; social transfers) ➢ Market conditions (high prices; inadequate quality)	➢ 'Entitlement failures'/access (income poverty; own production; social transfers) ➢ Market conditions (high prices; inadequate quality)	➢ Inadequate supply ➢ Production constraints and fluctuations ➢ Instability in global markets – prices; access	➢ Inappropriate consumption ➢ Lack of income ➢ Local market conditions ➢ Lack of knowledge
Important policy responses	➢ Address entitlement failures (employment; own production; social transfer; land) ➢ Requires pro-poor growth strategies	➢ Address entitlement failures (employment; own production; social transfer; land) ➢ Requires pro-poor growth strategies	➢ Production ➢ Access to supply ➢ Storage	➢ Targeted nutritional interventions (education; school feeding; food vouchers; safety nets for vulnerable population; etc)

Although there was a shift in thinking to the human-centric concepts of food security over the 1990s, the supply-centred approach has endured among many stakeholders and shapes policy-making, including in South Africa, as we shall argue later in Chapter 13 of this volume. Moreover, the supply-centric approach has re-emerged as a dominant concept (Fukuda-Parr & Orr, 2014). Faced with rising world market prices and pressures on global production from climate change and competition from bio-fuels, food security as a global priority is motivated by the question: Can we feed the world? While rhetorically motivated by the goal of ending hunger and malnutrition, large international initiatives are often focused on increasing aggregate production—rather than on the access of vulnerable individuals and households—and

on technology and stimulating investment, without critical attention being paid to who benefits, and to the broader consequences.

Rights, entitlements and public-policy choices

The entitlement framework is particularly useful in the context of South Africa where hunger and malnutrition persist in the context of plentiful supply. Over the last decade (2003 to 2013), net per capita food production increased by 11 %, according to the Food and Agriculture Organistion (FAO) data (see Randolph and Hertel in this volume). Average dietary supply adequacy increased from 122 % of requirements to 130 % over the decade of 2004 to 2014. However, improvement in access has not followed the improvement in availability, due to worsening exchange entitlements, stagnant own production entitlements and gaps in transfers.

Exchange entitlements are access to food through exchange of wage labour or other endowments for food. In South Africa, high levels of income poverty and unemployment severely limit households' capacity to purchase food, as elaborated in later sections of this chapter. In the recent decade, exchange entitlements further deteriorated due to price increases that averaged 30 % over 2003 to 2013 (see Randolph and Hertel in this volume). The country experienced severe price hikes in basic foodstuffs in 2002 to 2003 and 2007 to 2008, and prices have not recovered to their previous levels. The retail price of maize in 2010 was more than double its price in 2000 to 2001 (Kirsten, 2012).

Governments can deploy a range of policy instruments that may be used to strengthen exchange entitlements. The wage:food price ratio can be adjusted by either an increase in wages or by a reduction in food prices. Two policy measures have been widely debated in South Africa: *expanding employment opportunities* as the principal remedy to addressing the structural causes of hunger, and *strengthening market competition*, for example by enforcing competition policy and expanding government procurement from small-scale suppliers in food retailing to ensure prices do not rise excessively.

Other options have been less actively considered, such as raising minimum wages, stabilising prices through management of food reserves, or introducing price ceilings. In particular, there was little government response to the two periods of price hikes (Kirsten, 2012) that severely eroded exchange entitlements. In this volume, Battersby highlights the importance and neglect of the operations of local markets; low-income neighbourhoods are frequently poorly served by retail stores and become 'food deserts'.

Social transfer entitlements depend on membership in a community, such as social welfare claims on governments as citizens or residents of a country. In South Africa, social grants are a primary government policy measure for food security (Altman, Hart & Jacobs, 2009). The impact of social transfers on people's ability to access food

is evident in the chapter by Taylor and Chagunda in this volume. They have become an important source of support for the poor and marginalised populations. In this volume, May shows evidence of their significant impact in improving nutritional outcomes over the last two decades, while Dugard points to gaps in effective coverage.

Own production entitlements are important in countries where hunger and malnutrition are concentrated amongst small-scale farmers who are engaged in subsistence production, as in many parts of South Asia. In South Africa, food production has been dominated by commercial farms and farming has not been the dominant source of rural livelihoods. The role of subsistence production in household food security is more complex. There are diverse views on the potential role of own production, and these are complicated by inadequate information and research on this activity. It is conventionally assumed that, in South Africa, own production cannot be a significant solution to food security, because agriculture is not only a marginal sector of the economy, but also marginal to rural livelihoods.

Traditional or subsistence agriculture has been declining for decades. The decline appears to be accelerating due to increased migration from rural areas, with those who remain in rural areas being less willing to engage in farming for their own production. Own production is only a supplementary source of household food consumption and, at best, it can be a 'coping strategy' for food-insecure households. Against these arguments, however, others (for example Altman, Hart & Jacobs, 2009) point out that agricultural production is still an important sector for the economy in terms of its impacts on the lives of people. Moreover, households straddle the urban/rural divide and are inter-connected. As growth in mining and manufacturing sectors declined, there have also been significant job losses in these sectors. Today the numbers of people employed in agriculture compare favourably with those in the mining and manufacturing sectors.

Whether part-time or marginal, own small-scale production can be a significant source of food supply for households and markets, both rural and urban. Studies have shown that household producers engage in production for additional food (Altman, Hart & Jacobs, 2009). Own food production is widely practised; according to the *General Household Survey* (*GHS*) (2011) (Statistics South Africa, 2012[a]), nearly a quarter (23 %) of all South African households produce food for own consumption, predominantly (86 %) to obtain extra sources of food. Moreover, producing and selling surplus food was reported to be one of the pathways out of poverty, according to the *National Income Dynamics Survey* (*NIDS*) wave two results (Finn, Leibbrandt & Levisohn, 2012). In order to improve food security, subsistence production is a significant activity that cannot be neglected as a component of an overall strategy.

Although production shortages are not a driver of hunger at the level of national aggregates, for households that are food insecure, production for their own consumption or for sale to earn an income could contribute to increasing the volume and reliability of consumption, dietary quality or increased household income. At the

same time, home production does not always improve food security, and much more needs to be understood about the role of production (Altman, Hart & Jacobs, 2009).

There is no consistent policy response to own production entitlement failures (see Aliber in this volume). In the context of the agricultural sector in South Africa, this activity can be categorised as falling into the 'traditional' sector, rather than the 'commercial' sector or into the 'subsistence' and to some extent 'smallholder', as opposed to 'large-scale commercial' sector. The *2002 Integrated Food Security Strategy* (*IFSS*) (DoA, 2002) identified inadequate and unstable household food production as one of the five major challenges and priority policy areas. However, agricultural programmes and strategies focus on other sectors (commercial and small-scale emerging commercial) and objectives (aggregate production, competitiveness and land reform). It is also widely acknowledged that while efforts are being made to strengthen agricultural support services, they remain very weak (Altman, Hart & Jacobs, 2009). For instance, the 2011 *GHS* found that 'only 12.3% of households involved in agriculture reported getting any agricultural-related support from the government during the year preceding the survey' (Statistics South Africa, 2012[a]). The fact that women form the majority of farmers (61%) may be a factor in this neglect, and much more needs to be known about the gendered constraints to small-scale production (Altman, Hart & Jacobs, 2009).

Although South Africa's land distribution is highly skewed, few (if any) links are made between lack of access to land as a constraint to food security, and food security is not articulated as a specific policy objective of land reform (see, for example, the discussion in Cousins & Walker, 2015). The land reform programme and associated support to emerging farmers is a major element of government policy related to production-based entitlement. However, food security is explicitly identified as a main objective of these programmes. We cannot assume that land reform and restitution would benefit food-insecure households, which are likely to be the poorest of the poor. Moreover, land may not be a constraint for the rural poor. Some argue that there is available and accessible land, but people do not wish to farm; others report that institutional constraints limit access by those who wish to increase production activities.

Important policy initiatives intended to be part of the transformation agenda for restitution of historical wrongs and pursuit of social justice include land reform, land restitution and land redistribution.

The aim to promote the 'emergence' of small-scale farmers in the mould of the commercial farmer is unlikely to benefit households that are food insecure, because the land reform programme requires financial commitments by the beneficiary.

Structural conditions of hunger and food insecurity in South Africa

This section provides a critical overview of the key structural factors that contribute to persistent or chronic experiences of food insecurity in South Africa. It focuses

on poverty, unemployment and on inequality to expose the loss of entitlements of individuals and households, and the impacts these have on hunger and food insecurity. Features that provide the lens through which to examine food security and people's right to access food in South Africa include demography, the structure of households, geographic and spatial locations, gender, occupational status and livelihoods, and household asset base.

South Africa's demography reflects the impacts of race- and class-based inequalities. Black South Africans have a lower life expectancy and higher fertility rates compared to white South Africans. Of significance is household size and the household dependency ratio, which has been increasing due to an ageing population of over 60 without work, and a younger population between the ages of 18 to 59, also without access to wage income. Indicators reveal that chronic poverty and food insecurity are most pronounced amongst children, the elderly, women, the disabled and groups living in peri-urban and remote areas. Statistics South Africa's *Social Profile of Vulnerable Groups* (Statistics South Africa, 2012[b]) found that vulnerability affects a significant proportion of the population. Recent data indicates that children are particularly vulnerable:

- At least 4 % of children are double orphans
- 10.6 % of children are paternal orphans
- 3.2 % of children are maternal orphans
- 34 % of children live with both parents
- 7.8 % of children live in skip-generation households (children living with a grandparent).

Females constitute 41.2 % of all heads-of-households, and elderly females (especially grant recipients) are more likely to live in extended households as families concentrate around those with cash-transfer income. Of particular concern is the fact that 64.5 % of children live in households in the bottom two income quintiles, which have a per capita income of less than R 765 per month. Carter and May (1999) found that, in South Africa, households that receive non-government transfers—such as remittances from families—may move in and out of extreme poverty because of the irregularity of such remittances, compared to government transfers, which are both regular and reliable.

The effects of inequalities are most visible in differences between black and white children. While 70.5 % of black children live in low-income households, only 4.4 % of white children live in such households. The *Social Profile of Vulnerable Groups* (Statistics South Africa, 2012[b]) finds that more than half of female-headed households (57 %) are poor, compared to only 36 % of male-headed households living in poverty. Low income in such households contributes significantly to insufficient access to food and people's experiences of hunger, especially among black children.

Poverty, unemployment and inequality as drivers of food insecurity

Statistics South Africa reports that the country achieves national food sufficiency because food availability is not an issue at the national level (Statistics South Africa, 2012[a]). Ironically, the same organisation reports widespread hunger, which is explained by structural and chronic unemployment, poverty and widening inequalities.

Poverty

Poverty trends indicate 45.5 % of the population living under the threshold of an upper-bound poverty line (R 620) in 2011. This equates to 23 million people who struggle to attain a decent standard of life and to access food in a country in which food availability and sufficiency is not an issue. Taking a lower-bound poverty line (R 434), 32.3 % of the population—or close to 16.3 million people—live below this threshold and are in extreme deprivation. For them, the issues are making the choice to spend their incomes on either basic food or non-food items. The most basic level of the food poverty line (R 321) shows that the number of people living below this threshold increased to 15.8 million in 2009, from 1.6 million in 2006, but dropped again to 10.2 million by 2011 (Statistics South Africa, 2014[a]).

The lower-bound poverty line and food poverty lines are calculated using the cost of basic—or the most essential—foods for a specified caloric intake, and are said to take account of prices of food and service and consumption patterns of poor households. Individuals living below this threshold are in extreme or severe poverty. Their right to food and, consequently, their rights to social and economic freedoms guaranteed in the Bill of Rights of the SA Constitution, remain deeply compromised. People experience hunger while their very survival, physical development (see Randolph and Hertel in this volume), cognitive development, as well as their access to health and educational opportunities, are undermined.

South Africa has made much progress in studying the dynamics and interactions of poverty through a range of indices and measures. Two decades of studies and research on the extent, incidence and dynamics of poverty and inequality (Leibbrandt & Woolard, 2010; Statistics South Africa, 2014[a] & 2014[b]) ensure that there is much more confidence in how we understand the multi-dimensional aspects of poverty and its interactions with development processes and outcomes. Using various measures of poverty and inequalities also provides both quantitative and qualitative data to understand the severity and extent of different dimensions of poverty and the effects on food insecurity. Statistics South Africa (2014[a]) provides credible data on various dimensions of poverty. Such data include the most commonly cited measure, a money-metric measure that determines a person's lack of income against an agreed poverty line, a multi-dimensional poverty index that includes the lack of basic services, including education, health and sanitation, and other essential aspects such as electricity and people's subjective experiences of poverty (self-perceived).

The evidence (*Project for Statistics Living Standards and Development* [*PSLSD*], 1993, and weighted *NIDS* wave two, 2010 to 2011) shows that although there are aggregate improvements—as measured using the multiple poverty index and wave two of the *NIDS*—these changes do not make a difference when it comes to the most vulnerable. Those who are the most vulnerable remain the most vulnerable no matter what dimensions of poverty are measured (Leibbrandt & Woolard, 2010). This is illustrated in the chapters later in this volume (John-Langba; May & Timaeus; Battersby; Taylor & Chagunda). These chapters reveal starkly that the human face of food insecurity in South Africa remains in the poorest households in which children live—households that are increasingly in cities and in peri-urban settlements, and households that are headed by black females. Such trends show the continuities with apartheid, race, gender, income and spatial inequalities that pre-date South Africa's democracy.

Unemployment

Extremely high levels of poverty coincide with the high incidence of unemployment, which the *Quarterly Labour Force Survey* (Statistics South Africa, 2014[b]) puts at 25.2 % when unemployment is defined narrowly,[2] and as high as 36.9 % when using the broad definition[3] of 'unemployment'. The definition of narrow and wide unemployment is important because it tells policy-makers about the degree of churn that exists in poverty and unemployment below certain thresholds. It helps to also make a distinction between transient and chronic poverty, and between short-term and long-term unemployment. McKay and Lawson (2002) also reflect the importance of understanding the links between transient and chronic poverty with a given rate of unemployment. They indicate that if the vast majority fall into short-term unemployment, then unemployment is mostly associated with movements between jobs.

However, if the vast majority is in long-term unemployment, in other words there is limited mobility in or out of unemployment, then the situation of those unemployed is more severe, especially as long-term unemployment reflects other structural constraints. Food insecurity that persists as a result of chronic poverty and long-term unemployment requires different policy responses. In this context, emergency relief and temporary food aid are unlikely to be appropriate, because they do not address the root causes of why people remain food insecure, despite the paradox of plenty (available and sufficient food).

Inequality

Income inequality, measured by the Gini coefficient as the share of expenditure, shows a very disturbing trend at aggregate and household levels. South Africa has one of the highest measures of inequality in the world. By 2011, the country's Gini coefficient was estimated at 0.69, surpassing Brazil's level of inequality (Statistics South Africa, 2014[b]). Inequities between earnings of men and women in 2001—on average—showed that the annual income in households headed by women was R 27 864,

while that of male-headed households was R 63 626. This situation has not improved, despite increases in average earnings; women-headed households are still receiving less than 50 % of the income of male-headed households. At an aggregate level, the share of national consumption between the richest and poorest persists, with the richest 20 % of the population accounting for over 61% of national consumption, and the bottom 20 % with a share of national consumption below 4.5 % (Statistics South Africa, 2014[a]).

Race-based inequalities in income still reflect pre-1994 levels, with the median earnings for a white man being six times as high as that for a black woman. These disparities are, in the main, not attributed to unequal pay for the same kinds of work, but rather to the reality that black women and men are more likely to be employed in unskilled and low-skilled work, which results in very low wage earnings (Presidency, Republic of South Africa, 2014). Income inequalities also arise from inequalities in access to work and pay, as shown in household incomes. Illustrative of this, in 2012 the median income for a black household was estimated at under R 3 000, for coloured and Indian households at over R 7 000, and for white households it was estimated at R 20 000 (Statistics South Africa, 2014[a]). This serves as a stark reminder of structural features of income poverty, and race and gender income differentials.

By any measure, South Africa is in a precarious situation and its potential to progressively realise the right to food, among other social and economic rights, remains deeply compromised. The chapters in this volume provide critical analyses of some of the impacts of food insecurity, as well as some policy gaps in how food security is understood, measured and addressed in South Africa.

Poverty, unemployment and inequality—as structural conditions—continue to be a chronic feature of South Africa's landscape. This is despite the economy growing on average at 3.2 % a year from 1994 to 2012. The global recession of 2008 did not have a significant effect on this trend. Using constant 2005 prices, gross national income per capita is reported to have increased from R 28 536 in 1994 to R 37 423 in 2013, which does show a marked improvement over pre-1994 growth rates. However, this level of growth is not significant enough to reduce the high levels of unemployment in the country. Estimates are that the poorest 40 % of households derive more than half their income from non-wage sources. These households rely on social cash transfers from the government (Presidency, Republic of South Africa, 2014). It is important to note that aggregate trends do not reflect the painful realities of poverty and income dynamics within the lowest income households in South Africa.

Demography, household structure and vulnerability influence hunger and food insecurity

South Africa's population at the last census count stood at over 52 million (Statistics South Africa, 2012[a]), and this reflects 2 million more than the Actuarial Society of

South Africa estimated in its calculations (NPC, 2011). According to Statistics South Africa (2013), children make up 36 % and youth 37 % of the population, with older persons constituting 8 % of the population, although the percentage of older persons is increasing. Given that the population growth rate is slowing down to about 1 % a year and the birth rate is also declining, the increase in South Africa's population is due to a combination of factors. These include increases in life expectancy as a result of effective health interventions, especially in relation to the HIV/AIDS pandemic, decreasing mortality rates and significant inwards migration from other countries in Africa (NPC, 2011).

South Africa's demography reflects the impacts of race- and class-based inequalities. Black South Africans have a lower life expectancy and higher fertility rates compared to white South Africans. Of significance are increases in household size and the household dependency ratio, which has been increasing due to an ageing population of over 60 without work, and a younger population aged 18 to 59, also without access to wage income. Increases in household size and dependency ratios place an extra burden on poor households' asset base and contribute to chronic poverty and hunger, as Aliber (2001) found in his research.

Increasing dependency ratios, the number of children, and the presence of a third generation in a household have serious effects on poor people's access to food. Single parent-headed households were twice as likely to be in long-term poverty, especially if headed by females (Aliber, 2001). Both gender and household structure are important factors in determining food insecurity and hunger.

Geographic/spatial location

The National Planning Commission (NPC) (2011) found that the proportion of South Africans living in rural areas has declined by 10 % since 1994, with about 60 % of the population living in urban areas. Importantly, more than half of South Africa's poor live in cities and yet the government shows a bias towards rural areas in its *IFSS* (see Battersby in this volume). Because of migration from rural to urban areas and increasing poverty in cities and around mining areas, there are higher levels of dissatisfaction and social conflict in many of these parts of the country (see Drimie in this volume).

Emergency short-term relief in the form of food vouchers and food parcels is provided through the government's Social Relief of Distress fund (SRoD). The *GHS* (Statistics South Africa, 2012[a]) found that while most South African households continue to rely on incomes from salaries, with nationally 64.9 % relying on salaries as the main source of income, social grants remain a critical and—at times—the only source of income for 43.9 % of households. It is income from such social transfers that acts as a lifeline, providing access to basic food for South Africa's poor (see May & Timaeus; Dugard; Taylor and Chagunda in this volume).

Social conflict, mobilisation and the right to food

While citizens have attained political and civil liberties in South Africa, the right to food is yet to be a reality for the millions who have lost entitlements to food. Though food has not attracted popular protests in the way that water, sanitation and other social rights have done, perhaps the dissatisfaction with food insecurity is a major factor behind the service delivery protests and wage strikes. Underpinning the outbursts of social unrest and dissatisfaction are the issues of hunger, poverty and alienation in the context of obscene levels of affluence and wealth among a few.

The chapters in this volume

Using a combination of methodological approaches, the authors critically discuss the policy, information and data gaps, and highlight the disjuncture between policy rhetoric and programme implementation. Some of the questions that underpin the discussion include:

1. Why is it that household food security still remains a survival issue for millions, while national food security is high on the South African policy agenda?
2. Has food security been an objective of government policy since 1994, and if so, in what ways?
3. Given the degree of food availability and sufficiency, why is access to food for the poorest households so difficult?
4. Are the distributional issues that affect food-insecure households being addressed?
5. What forms of mobilisation and advocacy take place, and what are the lessons from experiences in other parts of the world?

The next two chapters elaborate on the meaning of the right to food in theory and in practice. Susan Randolph and Shareen Hertel contextualise South Africa's challenges in the global context. First elaborating on the normative content of rights and obligations under international human rights law, they systematically review the extent to which states and international organisations uphold their commitment to respect, protect and fulfil this right. Deploring the fact that millions of people in the world suffer from hunger and malnutrition, and concluding that efforts made do not match commitments, the chapter also argues that food security is under pressure from several effects, namely those of trade liberalisation, the consolidation of the global food chains, agricultural subsidies in high-income countries and other aspects of globalisation.

David Bilchitz observes that the right to food 'is perhaps one of the most basic and yet has suffered from strange neglect in the South African context, something that calls for an explanation'. One possible reason is that this right is met through other

rights and that, in this sense, it would be realised through measures taken to fulfil other rights, such as the rights to social security, health and water. Bilchitz carefully considers the 'virtues of distinctiveness' from philosophical and legal perspectives. He argues that conceptions of a decent life require a plurality of capabilities, of which being adequately nourished would be an important element, while international and national human rights laws articulate distinct sets of rights and obligations that are involved in the realisation of this right.

What does this imply for government action? He observes that the social grant—particularly the SRoD—is the primary policy instrument being implemented in South Africa currently, while a broad spectrum of multi-sectoral interventions are needed to fulfil this right. He thus concludes that a framework law on the right to food would align law with obligations.

The next four chapters, by John-Langba, May and Timaeus, Battersby, and Taylor and Chagunda, provide empirical evidence on the extent and nature of food insecurity in South Africa, and draw on some important policy implications. These four chapters also reveal the importance of metrics. They show major gaps in the survey data available for monitoring and analysis of food insecurity, and the importance of different types of data—anthropometric and household behavioural indicators—and units of analysis, from aggregated and disaggregated national surveys to location-specific studies that provide more refined information amenable to qualitative analysis of the nature of food insecurity.

Johannes John-Langba reviews the availability of aggregate national trend data on various dimensions of food security. Drawing largely on the latest anthropometric data from the *SANHANES*, he identifies key trends that show a general improvement, though the backlog remains large, and there are stark disparities by race. He concludes that data limitations remain a major issue for assessing trends and analysing causation. Major gaps include longitudinal studies, data on intra-household dynamics and disaggregation.

Julian May and Ian M Timaeus show that, while South Africa has made little improvement in poverty when measured by income, reviews of child malnourishment show a significant improvement since 1993, as shown by substantial declines in under-five nutritional indicators (stunting, wasting and underweight for age). They argue that these declines reflect the increase in the social wage.

Jane Battersby challenges the widely held assumption that food insecurity is a 'predominantly and primarily' rural problem, an assumption that has led to the policy neglect of the problem as an urban challenge. Carefully documenting the extent and nature of difficulties that urban households face in having enough to eat, from the *African Food Studies Urban Network* (*AFSUN*) baseline survey of Cape Town and other sources, this chapter argues that much of the official government discourse frames the problem of food insecurity as a rural problem to be overcome by

improving productivity of agriculture, and conflating 'national food self-sufficiency', 'food security' and 'access to food by poor people'. She identifies a fundamental gap in food system governance: there is no food security mandate at the city scale, and the challenge is far greater than the authorities currently understand. Her fine-grained studies highlight in detail what this means, for example in the neglect of informal retail outlets for households to meet their food needs, particularly in terms of quality and price. This chapter demonstrates why both economic and physical access are essential for food security. It also shows the role of location-specific surveys in generating empirical data on the nature of food insecurity.

The chapter by Viviene Taylor and Chance Chagunda highlights gender, together with race and income, as drivers of food insecurity. The chapter reveals the significance of demographic shifts for household composition and especially for gender relations. It highlights historical continuities with women's on-going struggles in accessing rights to food, water, land and fuel, even in post-democratic South Africa. Importantly, the chapter provides an analysis of the links between development policies and women's experiences in accessing food. Using women's experiences as consumers and producers for their own food consumption, the chapter illustrates the disjuncture between South Africa's constitutional rights and women's experiences when it comes to food security.

The next set of five chapters analyse different aspects of policy response and their effectiveness in strengthening exchange, production and transfer entitlements.

1. Taylor and Dugard, respectively, focus on social transfer provisions.
2. Aliber focuses on household production.
3. Hertel's paper focuses on India's Right To Food (RTF) Campaign, and provides some lessons for mobilising South Africa's civil society.
4. Drimie focuses on institutional arrangements.

Viviene Taylor situates the right to food within the broader measures and aims of social policy as a transformative agenda in South Africa. Accounting for the origins and the evolution of the history of social protection measures, she points out that the country adopted a 'developmental' approach to rights, not merely 'relief' measures. The chapter focuses on how shifts in social policy over time result in improvements in access to food, especially of those categories of people who experience age- and gender-related vulnerabilities. However, she argues that there remains a major limitation in the reach of the provisions, which leave out others who live in low-income households, namely the adult unemployed. A central theme in the chapter is that, while there is a growing recognition of the chronic dimension of hunger and food insecurity arising from poverty and vulnerability, implementation measures to ensure the right to food lag behind policy intentions.

Michael Aliber provides a critical overview of the role of agriculture in household food security, including the current policy frameworks (*National Policy on Food and Nutrition Security* [*NPFNS*], the *Household Food and Nutrition Security Strategy*, and *Fetsa Tlala Food Production Initiative*), the respective roles of the commercial and small-scale sectors, and the effectiveness of government programmes for small-scale farming. Aliber argues that the design of policies and programmes are, in many places, contradictory to the food security objective. He highlights, for example, the neglect of some 2.8 million households who engage in household food production.

Jackie Dugard analyses the effectiveness of the SRoD benefit as a scheme that could strengthen transfer entitlements to access food. The SRoD fills an important and large gap in social transfer coverage, intended to provide a stop-gap measure in cases of severe distress, such as extreme hunger. Based on detailed accounts of individuals documented in field research, her paper shows that the benefit is poorly administered and often arbitrarily denied. Raising broader questions about implementing the right to food, she argues, like Taylor, that the system of social grants (of which the SRoD is a small component) leaves many households uncovered. Moreover, she notes that the lack of litigation on the right to food is not surprising in view of the Constitutional Court's approach to socio-economic rights, but wonders why there has not been popular mobilisation around the right to food, as has occurred for other rights in South Africa.

Shareen Hertel reviews the evolution of the right to food advocacy in India 'to offer South Africans and their counterparts in other regions a template for exploring food-centred social mobilisation (or lack thereof) in their own contexts'. Organised around three areas of struggle, namely the courts, the streets and Parliament, her chapter concludes that:

> *legal reforms alone cannot transform the reality of hunger in a country ... that galvanising elites in defence of the rights of hungry people is necessary to build a case against hunger, but is not sufficient to sustain broader social mobilisation over time ... state actions are unlikely to make concrete reforms unless they are motivated to do so by the threat of credible sanctions such as removal from office.*

Finally, when policy reforms enter the agenda of major political parties, negotiations may be watered down. This chapter raises an important question about the incipient nature of struggles for the right to food in South Africa, in contrast to India and other countries, as well as to other rights within South Africa.

Scott Drimie provides a different insight on the issue of popular protests, and argues that behind the demands for wage increases—for instance, the Marikana miners' strike—is the discontent over 'hunger wages' and rising food prices. His chapter analyses the key food security policies and strategies since 2002, and argues that the major constraint in implementation has been the absence of institutional 'alignment' with the integrated multi-sectoral policy, and co-ordination across both sectors and levels of government.

Since 2000, South Africa has faced two periods of price hikes (2002 and 2007 to 2008), after which prices did not recover to their pre-hike levels, but continued an upward trend. The government response has been to make a small adjustment to social welfare provisions, but not to introduce major reforms in agriculture or wages, nor intervene in food markets through such mechanisms as price controls or strategic reserves.

Empirical evidence in the chapters shows that major challenges of food insecurity in South Africa include high levels of income poverty and unemployment; rising food prices driven by world market trends that are likely to continue; and rising obesity linked to declining dietary diversity. Government policies have been more effective in ensuring availability of food than the access to food. Exposing starkly the contradictions between the rights entrenched in the Constitution and the realities that the poorest people face every day as they struggle to survive at the most basic level, the chapters of this book frame their analyses within a people-centred approach, using the normative principles of human rights and Sen's theories on entitlement. A number of insights emerge from these analyses that suggest new directions in policy, institutions and ideas. These are further explored in the final chapter by Fukuda-Parr.

The final chapter examines two types of gaps—gaps in policy and gaps in mobilising—to explain the paradox of strong constitutional commitments to the right to food and their weak outcomes. Fukuda-Parr concludes that South Africa's policy approach is characterised by reliance on the social wage, notably the system of cash grants. She argues that this is not enough to respond to the key challenges of food insecurity in its multiple dimensions. Not only is the cash grant system targeted, leaving millions of vulnerable households uncovered, but income support as a policy tool does not respond to the other constraints households face in acquiring adequate food on a stable basis. These include, for example, the geography of retail outlets in urban areas, the recourse to own production for rural households, and the need to adjust to the increasing levels and volatility of prices. Nor can it address some of the underlying factors of unemployment, poverty and inequality that are driving food insecurity. Finally, the chapter raises the issue of the institutions and ideas that shape policy responses that continue to be driven by a fragmented approach, and the assumption that food security can be assured by national production. Complying with the constitutional directive to take proactive policy measures to ensure access to food requires a policy framework that recognises food as a right in itself, not a subsidiary of other rights (see Bilchitz in this volume), and as an objective of multiple government strategies, from social development to agriculture, health and trade, and from national to municipal levels.

While Chapter 1 provides a framework for analysing the right to food and analyses the conditions that create food insecurity in South Africa, the next chapter (2) provides a global perspective on the right to food and reveals the extent of food insecurity and hunger, globally. It shows the global and national drivers of hunger and the efforts to realise the right to food within national and global contexts.

Endnotes

[1] Research for this chapter was supported by the Mellon Foundation Grant to the University of Cape Town.

[2] The narrow definition includes people who have been actively seeking work in the last two weeks of the survey.

[3] The broad definition includes people who are not in employment and discouraged job seekers.

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Chapter

2

The right to food: A global perspective[1]

Susan Randolph and Shareen Hertel

Introduction

Global per capita food production has risen to unprecedented levels, yet the number of hungry people has continued to increase. Hunger remains a pervasive reality in the world today. Out of over 7.1 billion people in the world, 805 million people—which translates to roughly one person out of every nine—are chronically undernourished, and progress in reducing hunger remains disappointingly slow (FAO, 2013). Each day, someone in the world dies of hunger or its complications every few minutes (FAO, 2010). Yet there are adequate food stocks available to feed the world's population (Paarlberg, 2010), and the right to food is recognised formally under international law as well as informally—by popular demand—as a fundamental human right.

Indeed, realisation of the right to food is essential to the fulfilment of other human rights. The right to life and the right to health are inextricably linked to the right to food. According to the United Nations Development Programme (UNDP), hunger and undernourishment—directly or indirectly—account for more than half of the deaths in the world (UNDP, 2000). Malnutrition turns common childhood diseases into fatalities; roughly half of the deaths due to diarrhoea, malaria, pneumonia and measles can be attributed to malnutrition (Black, Morris & Bryce, 2003; Bryce et al, 2005). Enjoyment of the right to food is contingent, in turn, upon the realisation of the right to education and the right to work. Malnutrition impedes learning and psychosocial development (Pridmore, 2007; Alaimo, Olson & Frongillo, 2001). Poor health and low

education and skill development hinder or limit access to decent work that would provide above-poverty-level incomes (see Fukuda-Parr & Taylor in this volume).

The prevailing question is why, therefore, has so little progress been made in eliminating hunger, given the significance of food in achieving many other rights? Considerable academic scholarship already exists on the politics of famine, most famously that of Sen (1981); the economic underpinnings of food shortages (for example Ghosh, 2010); and the epidemiology of hunger, as cited previously. The broader human rights historical narrative, however, has tended to overlook the place of food rights advocacy in particular, and economic rights advocacy in general (Moyn, 2010; see Chong, 2010 as an exception). In this chapter, we therefore explore the paradox of persistent global hunger, by grounding our analysis in an assessment of the extent to which contemporary states are meeting various aspects of their commitments under international law to respect, protect and fulfil the right to food. We are mindful of the fact that the right to food can be mapped on two levels: as a formal, legal obligation of states under international law; and as a popular demand for access to food as a means of survival.

We are also aware that proponents in the modern 'food sovereignty' movement argue that hunger is perpetuated not only by neoliberal globalisation, but also by the system of state sovereignty, which the modern human rights regime re-inscribes. When analysing contemporary food rights advocacy, proponents expose a central paradox: advocates embrace the rhetoric of rights, but the most radical activists among them reject the formal United Nations (UN) system and favour a discourse of food sovereignty instead (Shiva, 2000; Uzondu, 2010). Although mindful of this critique, we have chosen to frame the right to food in this chapter—both in terms of food security, and with reference to countries' individual and collective obligations—under UN treaty law. We do so because the concrete benchmarks available to evaluate fulfilment of the right to food are, as of yet, calibrated around those benchmarks.

Using Sen's (1981) perspective as a point of departure, we offer an integrated analysis of the politics and economics of hunger. We start from the premise that access to food is a human right that states have a normative obligation to fulfil. People have a right to demand that this access to food be met—dependent on the maximum capability of each state. We introduce a new methodology for analysing shortfalls in states' responsibility to respect, protect and fulfil the right to food, and present a range of contemporary examples of individual state practice. Our goal is to advance scholarship, but at the same time offer a tool for popular advocacy around hunger issues: a framework for holding individual states accountable for fulfilling the right to food.

The right to food under international law

In legal terms, the concept of food as a human right emerged along with the rest of contemporary international law in the aftermath of World War II. The right to food

was initially codified in the *United Nations Declaration of Human Rights* (*UDHR*) (*UN General Assembly Resolution* Article 25, 217*[A]* [III]), and was reaffirmed in Article 11 of the *International Covenant on Economic, Social and Cultural Rights* (*ICESCR*). The monitoring committee for the *ICESCR*—the Committee on Economic, Social and Cultural Rights (CESCR)—has since written General Comment 3 on *The nature of States parties obligations* (1990) and General Comment 12 on *The right to adequate food* (1999) (UN CESCR, 1990; UN CESCR, 1999). The full scope of the right to food has evolved under international law—not only in response to global efforts to combat hunger and malnutrition, but also as a function of growth in our understanding of the factors that contribute to hunger and malnutrition.

Article 25, paragraph 1 of the *UDHR* refers to the right to food as one aspect of the right to a standard of living adequate to ensure the health and well-being of each person. The right to food is thus explicitly linked to individuals' health and well-being. Article 11 of the *ICESCR* goes beyond identifying the right to food as an aspect of the right to an adequate standard of living, and articulates two separate but related entitlements: the right to adequate food (Article 11, para. 1) and the 'fundamental' right to be free from hunger (Article 11, para. 2). Article 11 obligates state parties to the covenant to take specific measures—individually and through international co-operation—to ensure the right to adequate food and to eliminate hunger.

The right to adequate food is a *relative standard*, in that it is subject to progressive realisation. That is, states that are party to the covenant are required to put in place measures, policies and programmes that lead to its full realisation over time and to devote the 'maximum of [their] available resources' to this end (refer to Article 2 of the *ICESCR*). However, the right to freedom from discrimination in accessing adequate food is an *absolute standard*, meaning it is immediately actionable and universally applied equally (refer to Article 2, para. 2 of the *ICESCR*). States party to the *ICESCR* must implement non-discriminatory food policies immediately, even if the general level of fulfilment of access to adequate food is less in some countries than others (given the relative nature of progressive realisation). Similarly, the right to be free from hunger is also an absolute standard, and must be fulfilled with immediate effect, because freedom from hunger constitutes the minimum core content of the right to food.[2] As specified in General Comment 3 of the CESCR, states are obligated to uphold the minimum core content of each economic, social and cultural right, if necessary, by drawing on assistance from the international community (UN CESCR, 1990).

Article 11 of the *ICESCR* lays out a three-part rubric for fulfilling these rights, based on the following policy measures: increasing food *availability* nationally and internationally by increasing production, specifically by harnessing and disseminating technical and scientific knowledge to improve 'methods of production, conservation and distribution of food' (Article 11, para. 2a) and enhancing *access* to food at the country level by 'ensuring an equitable distribution of world food supplies in relation to need' (Article 11, para. 2b).

Targeting food *utilisation* by identifying good nutrition as a crucial link between food access and health outcomes at the individual level. Article 11, paragraph 2 thus instructs countries to disseminate 'knowledge of the principles of nutrition' to ensure adequate utilisation of food. Yet, other than these measures, the right to food remains relatively opaque in Article 11 of the *ICESCR*, as do the obligations of states that are party to the *ICESCR*, acting individually and collectively.

Sparked in part by a request from member states during the 1996 World Food Summit, General Comment 12 was issued by the CESCR in 1999. General Comment 12 provides the most comprehensive definition of the substantive content of the right to food under international law, and expands on the three core dimensions of the right—food availability, food access and food use. The aim was to provide guidance on the sorts of information that state parties to the *ICESCR* would need to monitor the implementation of Article 11 of the covenant, and to further delineate other core elements of the right to food beyond food security. It thus offers a detailed interpretation of the nature and scope of the right to food included in the *ICESCR*, drawing both on the Committee's analysis of country reports submitted by state parties to that treaty since 1979, and on the accumulation of knowledge, to date, regarding the economic, social, political, environmental, and other factors that influence the fulfilment of the right to food.

As elaborated in General Comment 12, the right to food encompasses 'physical and economic access … to adequate food' that is produced or procured in a sustainable manner (UN CESCR, 1999, para. 6&9). Physical accessibility requires that adequate food be available to every man, woman and child, including those with medical problems and physical or mental limitations (UN CESCR, 1999, para. 13b). Economic accessibility requires that the financial cost of acquiring adequate food not be so high as to jeopardise the realisation of other rights (UN CESCR, 1999, para. 13a). This extends from the individual to national level.

General Comment 12 defines 'adequate food' more broadly than simply meeting the caloric needs of typical men, women and children. Adequacy has a few dimensions. First, it requires that the food contain sufficient macro-nutrients and micro-nutrients for optimal physical and mental development and maintenance, and to support desired activity levels (UN CESCR, para. 9). Food adequacy requires that food be 'free from adverse substances'. Hence, protective measures must be put in place to prevent contamination or adulteration of foodstuffs and to destroy any toxins (UN CESCR, para 10). Food adequacy requires that access to food be ensured in a way that meets cultural or consumer acceptability standards, and does not violate social norms (UN CESCR, para 11).

Beyond providing the legal substantive scope of the right to food, General Comment 12 also sets forth the procedural elements of the right and corresponding state obligations with regard to fulfilling the right. As is the case for other economic,

social and cultural rights, the nature of state obligations is three-fold—to respect, protect and fulfil—and entails both obligations of conduct and obligations of result. Respecting the right to food requires the state to refrain from taking measures that restrict access to food, while protecting the right entails ensuring that third parties (individuals or corporations) do not deprive people of access to food.

Fulfilling the right to food (UN CESCR, para. 15) imposes a two-fold obligation on states: an obligation to facilitate and an obligation to provide. The former obligation entails taking proactive measures (including legislative, administrative, budgetary and judicial) that strengthen people's access to adequate food and their ability to utilise it to enhance their health. The latter obligation entails directly providing food and complementary resources when it is not feasible for people to access adequate food or the complementary resources necessary to utilise it effectively. States are not required to ensure full realisation of the right to food with immediate effect; rather, states are obligated to 'take steps to achieve *progressively* the full realisation of the right to adequate food' (UN CESCR, para 14) and are required to ensure 'at the very least, the minimum essential level [of food] to be free from hunger' (UN CESCR, para 17).

General Comment 12 also confirms that the cross-cutting norms of participation, non-discrimination, accountability and remedy apply with equal force to the right to food. It also imposes obligations on each state with regard to other states. Specifically, states are obligated to refrain from taking measures that endanger the realisation of the right to food in other countries. States are also obliged to take proactive measures to facilitate the realisation of the right to food in other countries, as is further clarified in the *Maastricht Principles on Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights* (Secretariat of the ETO Consortium, 2013). States must act collectively to fulfil the right to food—including by meeting the commitments for the *Rome Declaration of the World Food Summit* (FAO, 1996, para. 36). General Comment 3 of the CESCR more fully specifies the obligations of states under the covenant. The approach throughout is state centric.

However, this state-centric approach is increasingly problematic on the following grounds: It fails to address the responsibilities of key global actors, such as transnational corporations and international financial institutions that are not themselves states, but can influence human rights outcomes significantly.[3]

The current state-centric approach adopts far too narrow a view of state responsibilities—unduly limiting them to the responsibilities of states to their 'own' citizens—rather than extending such responsibilities to include 'extra-territorial obligations' to prevent harm to people who happen to live in other states and who are affected by the state's economic or other policy actions. Although the enunciation of the *Maastricht Principles on Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights* in 2011 (Secretariat of the ETO Consortium, 2013) goes some

distance to remedy this, they remain expert opinion interpreting standing law rather than hard law. Only by taking such extra-territorial obligations seriously, Skogly and Gibney (2007) argue, will states meaningfully engage in the 'international cooperation' they are obliged to carry out, both under the *UN Charter* (Article 1) and the *ICESCR* (Article 2, para. 1).

The current state-centric approach does not acknowledge the individual complicity of comparably well-off people, worldwide, who benefit from maintaining an unjust global economic order (Pogge, 2008; Gibney, 2013).

Global and international-level drivers of hunger

The full scope of the right to food has evolved under international law, not only in response to national and global efforts to combat hunger and malnutrition, but also as a function of growth in our understanding of the factors that contribute to hunger and malnutrition. We now discuss global drivers of hunger, and then we will discuss national drivers of hunger.

Global drivers of hunger

In recent years, a number of global forces converged that have undermined national and co-operative global efforts to ensure the right to food. Here, we discuss several of the immediate causes, and several of the less proximate—but no less significant—ones.

In the immediate run, the combined effect of the dramatic increase in global food prices in 2007 and 2008, as well as the global financial crisis, eroded food security for many of the world's poorest and 'most at-risk' people. The price of food grains in global markets increased by over 50 % between 2006 and 2008, and has remained volatile (FAO, 2014[c]). The financial crisis increased poverty and undermined social safety nets, further reducing the ability of millions to purchase food or otherwise gain access to sufficient food. A confluence of shocks sent food prices soaring, including extreme weather incidents in major food-producing countries, increased fertiliser prices and other increased food production costs in the face of a spike in oil prices, and speculative investments in grain future markets. Measures to stem rising food prices by some countries (specifically, the imposition of food export restrictions in some food-exporting countries) and increased grain purchases in some food-importing countries only amplified the rise in global prices (UN HLTF on the Global Food Security Crisis, 2008).

The High Level Conference on Food Security, sponsored by the UN in 2008, identified long-term supply and demand dynamics that deepened the impact of the crisis. On the supply side, these included a long-run decline in agricultural investment, the conversion of farmland to non-agricultural uses in the face of rapid urbanisation, the shift to higher return crops instead of food crops, and land degradation, soil erosion, nutrient depletion and water scarcity.

These trends were exacerbated by the continuing production subsidies in developed countries, keeping food prices low in developing countries, thereby disincentivising production in developing countries as well as dampening incomes of farmers—many of whom are among the hungry. On the demand side, population growth and dietary diversification—in particular, increased meat consumption which accompanies rising incomes in large developing countries (especially China)—have induced a secular increase in the demand for food.[4] The diversion of food crops for bio-fuel production has also served to amplify the increase in demand (Brown, 2011).

These longer-term causes of the food crisis include the growing consolidation of the food chain over the past four decades—specifically in food distribution and retailing (Anderson, 2008; Paarlberg, 2010; Fielding, 2011; Patel, 2010)—along with the monopolisation of key parts of the supply chain by a small number of large corporations, including seed producers.[5] Such consolidation has been fueled at global level by the World Trade Organisation's (WTO) member states' unwillingness not only to regulate agricultural subsidies, but also to address the potentially negative impact that the patenting of seeds and other life forms may have on food security. At national level, uneven enforcement of national anti-trust regulation in countries such as the United States of America (USA) (Anderson, 2008, 597) has accelerated the consolidation of key segments of the global food chain. Deregulation of the financial services sector—nationally and internationally—has allowed for intensified financial speculation on commodities' futures (Ghosh, 2010), which, in turn, has increased global food insecurity.

The former UN Special Rapporteur on the Right to Food, Jean Ziegler, argues that the combined effects of trade liberalisation—under the auspices of the WTO and recent bilateral trade agreements—along with agricultural liberalisation and austerity programmes under stabilisation and structural adjustment agreements, have exacerbated hunger and food insecurity (UN ECOSOC, 2001[b]). In many cases, government accountability to international financial institutions has taken precedence over government accountability to a country's residents to uphold their human rights commitments under the *ICESCR,* for example when a state's repayment of multi-lateral debt has been pushed ahead of ensuring the right to food. Further, structural adjustment programmes have often undermined social safety nets, reducing production and exchange entitlements by reducing wages and employment opportunities for those with fewer skills; increasing the price of basic foodstuffs, water, healthcare and education; and increasing the price of agricultural inputs.

In the face of agricultural and trade liberalisation, cash crop production for export has replaced subsistence food crop production for domestic use in many countries, further undermining food security, particularly when local regulatory environments in developing countries are weak. To a significant degree, the apparent comparative advantage of non-food cash crops in developing countries is artificial. Developing

country food producers cannot compete in the face of the extensive subsidies provided to agricultural producers of foodstuffs in developed countries. Beyond reducing locally produced food supplies, as noted by Narula (2006), the shift to cash crop production all too often damages local ecosystems due to heavy use of pesticides and the extensive tracts put under monoculture. Monoculture reduces biodiversity, and excessive pesticide use introduces new pesticide-resistant pests and viruses, which damages food crop production. In some countries, agricultural and trade liberalisation have resulted in deforestation and consequent soil erosion in semi-arid regions.

National drivers of hunger

Global forces and co-operative global efforts to promote the right to food certainly influence its enjoyment at the national level; however, national policy choices and constraints are equally significant. As discussed previously, Article 11 of the *ICESCR* defines three central elements of securing the right to food: increasing availability, improving access and enhancing utilisation.

Each of the three elements of food security is influenced by a tangle of inter-connected factors. Measures for monitoring each of the three elements include indicators for tracking these underlying factors.

Food availability constitutes the supply side of food security. Ensuring sufficient food production at national and global levels is a prerequisite to fulfilling the right to food. At the national level, a number of policies can foster increased food availability, including public investment or policies encouraging private investment in research to increase the efficiency and sustainability of food production, extension of improved processes and investment in agricultural infrastructure (such as irrigation, rural road networks, and storage and processing facilities), policies aimed at enhancing access to productive inputs (for example improved seed varieties and fertiliser), and credit.

Foreign aid can be instrumental here as well. Countries that do not produce sufficient food to meet their population's needs must rely more heavily on foreign aid and/or global markets to ensure sufficient food is available to enable the realisation of the right to food. Here, global food prices play a crucial role, as does the price that countries can command for their exports and their export capacity. Food availability is jeopardised if countries do not earn enough export earnings to cover the cost of sufficient imported food and other critical imports—such as capital goods and intermediate inputs for domestic industry—as well as foreign exchange obligations (for example debt service obligations). In the absence of sufficient food or financial aid, food availability will fall short of food needs.

Given sufficient food availability at national, regional and local levels, household entitlements—production, exchange and social—determine access to sufficient food at the household level. Given sufficient household access, household allocation

determines the adequacy of a given person's access. Access to productive land along with knowledge of production techniques, access to extension services, productive inputs and credit—as well as the cost of inputs and the sale price of output—all determine production entitlements. Inequality in the distribution of land is a major source of food insecurity in rural areas. Households with limited access to land and productive inputs, or insufficient knowledge to make effective use of available land, will need to rely on exchange and/or social entitlements to ensure they are able to access food. The same will be true should the farm gate price of crop production be insufficient to cover input costs.

Urban households must rely primarily on exchange and social entitlements, given the limits of urban agriculture. When employment opportunities are limited and/or wages are low—relative to the price of food—exchange entitlements will not be sufficient to ensure access to food. Domestic food prices track global food prices, albeit at somewhat lower amplification, but domestic trade policies play a role as well, as do policies directly or indirectly subsidising or taxing basic food. Poverty is the primary cause of food insecurity, and policies increasing inequality drive up poverty rates at any given per capita income level. Social entitlements (both customary and state sponsored) enable households facing a collapse in production and exchange entitlements to maintain access to food, but these entitlements are seldom sufficient to ensure access alone or over the long term.

Ill health and limited education are both a cause and a result of hunger and malnutrition, and are intimately related to food utilisation in some of the following ways: hunger and malnutrition increase susceptibility to disease and tend to reduce food absorption, thus creating a vicious cycle. Impure water and inadequate sanitation initiate and intensify the downward spiral by reducing food utilisation and increasing disease risk. Education increases knowledge of good sanitation and nutritional practices, but hunger and malnutrition reduce concentration and can lead to permanently reduced mental functioning, mental health problems and compromised psychosocial functioning. These factors, in turn, limit the benefits of education and cut education short. Inadequate access to food and poor food utilisation result in poor growth in children and excess mortality among all age groups, especially in children.

The implementation of national-level policies and measures that mediate competing claims on national resources is key to securing the right to food. Civil strife disrupts food supply chains, immediately undermining exchange entitlements in affected regions. The effect of civil strife, however, especially if prolonged, also extends to reducing availability (i e by reducing production and confiscating food stores in affected areas) and utilisation (i e by destroying water and sanitation infrastructure, as well as disrupting access to healthcare and food safety systems).

Monitoring compliance with global- and national-level obligations to respect, protect and fulfil the right to food

To assess states' compliance with their obligations, we adopt the conceptual and methodological framework recommended by the Office of the High Commissioner for Human Rights (OHCHR) and associate structural, process and outcome indicators with the obligations to respect, protect and fulfil, respectively, the right to food (UN OHCHR, 2008).

Commitments to uphold the right to food

The responsibility to respect not only requires that states refrain from restricting people's access to food, but also obliges states to make specific global and national commitments to do so. The structural indicators we analyse capture these commitments. Notably, this is an area where states appear to be making progress, namely in outlining specific commitments at the global and national level for safeguarding the right to food. Sceptics would argue that talk is cheap, however, so we analyse the nature, quality and effectiveness of mechanisms for national implementation as well.

World commitments

The first World Food Conference took place in 1974, two years before the *ICESCR* came into force, and proclaimed the willingness of governments to engage in international co-operation toward the realisation of the right to food by all people in all countries. The representatives of 135 countries issued the *Universal Declaration on the Eradication of Hunger and Malnutrition*, formally affirming that 'every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop their physical and mental faculties' (*Universal Declaration on the Eradication of Hunger and Malnutrition [para. 1]*) and acknowledging that governments have the responsibility, in addition to working individually, 'to work together for higher food production and more equitable and efficient distribution of food between countries and within countries' (*Universal Declaration on the Eradication of Hunger and Malnutrition [para. 2]*). The specific measures enumerated and resolutions adopted to promote the right to food focused on increasing food availability—globally, by country and by region within countries. The commitment of countries to act collectively to ensure the right to food has strengthened over time, and the focus of commitments to this end has shifted and evolved as increased consciousness of globalisation, global warming and other factors impinging on the right have taken hold.

The Food and Agriculture Organisation (FAO), together with the World Health Organization (WHO), sponsored the first International Conference on Nutrition (ICN) in December of 1992. Delegates shared their expertise on the factors influencing hunger and malnutrition, and discussed ways in which to eliminate them. Coming a decade after Sen's book *Poverty and Famines: An Essay on Entitlement and*

Deprivation (1981)—in which he demonstrated that famines were the result of a lack of access to food, rather than inadequate food production—the ICN *World Declaration and Plan of Action for Nutrition* (FAO & WHO, 1992) recognised that 'globally there is enough food for all and that inequitable access is the main problem' (*World Declaration and Plan of Action for Nutrition,* para. 1). The issues of food access and utilisation dominated the conference; food availability was not entirely dismissed, but was taken up instead within the context of promoting environmentally sound and socially sustainable agricultural practices and reducing micro-nutrient deficiencies.

The World Food Summit of 1996 marked a watershed in international co-operation to end hunger. It led to the enunciation of the *Rome Declaration on World Food Security* and the adoption of the *World Food Summit Plan of Action* (FOA, 1996). Representatives of the 182 countries that were involved pledged 'political will and [their] common and national commitment to achieving food security for all and to an ongoing effort to eradicate hunger in all countries, with an immediate view to reducing the number of undernourished people to half their present level no later than 2015' (FOA, 1996, *Rome Declaration on World Food Security,* para. 2).

The World Food Summit articulated a commitment to ensure food security at all levels by committing states to support and implement the *World Food Summit Plan of Action* (FAO, 1996). The plan included six broad commitments, encompassing efforts to address factors impeding the realisation of the right to food (such as poverty, inequality, civil strife and gender inequality) as well as efforts to directly increase food availability, access and utilisation at individual, household, national, regional and global levels. A seventh commitment obliged states to monitor progress toward realising the right to food. As noted previously, the World Food Summit also requested guidance from the CESCR, which subsequently clarified the content of the right by issuing its General Comment 12.

Heads of States have met repeatedly since the issuance of General Comment 12 to collectively renew their commitment in working toward fulfilling the right to food and assessing progress toward that end. The *Millennium Development Goals* (*MDGs*) issued at the Millennium Summit of the UN member states in 2000 specified halving the percentage of hungry people by 2015—relative to its 1990 value—as part of *MDG One* (UN General Assembly, 2000, 55/2, Section 3, para. 19), and set up a monitoring framework to track progress to that end. Although the goal of halving the percentage of hungry people is not as ambitious as halving the number of hungry people (Pogge, 2010), one might argue it is a more realistic goal and remains the stated priority. In June 2002, the FAO held a follow-up World Food Summit (commonly referred to as the World Food Summit: Five Years Later) to assess progress made since the 1996 summit, and discuss measures to accelerate it.

The dramatic increase in global food prices in 2007 and 2008—along with the global financial crisis—eroded food security for many of the world's poorest and most

at-risk people. These twin factors reversed progress towards the goal of halving the percentage of hungry people by 2015. The reversal precipitated the establishment by the UN Secretary-General of a High Level Task Force (HLTF) on the Global Food Security Crisis. The HLTF brought together experts from international agencies to craft a co-ordinated response to the crisis. Following this, a High Level Conference on World Food Security was convened by the FAO in 2008. Those attending the conference issued a declaration (the *Declaration of the High Level Conference on World Food Security: The Challenges of Climate Change and Bioenergy*) that outlined measures—both immediate or short-term measures and more intermediate or long-term measures—that its signatories were committed to undertake in order to overcome the crisis and ensure the realisation of the goals of the 1996 World Food Summit. One month later, in July 2008, members of the High Level Conference issued a detailed analysis of the drivers of the global food crisis and a corresponding detailed set of measures, the *Comprehensive Framework for Action* (UN HLTF on the Global Food Security Crisis, 2008) to catalyse action at all levels—civil society, government, regional and international.

Measures to increase and stabilise food production, and thus food availability, re-emerged as essential elements of the solution to the crisis (UN HLTF, 2008). The 2009 World Summit on Food Security renewed commitments to eradicate global hunger, as did the 2010 *MDG* Follow-up Summit. Both summits adopted agendas for action to promote the right to food.

Next, we analyse the substance of these and other policy commitments on hunger, by focusing on the nature, quality and effectiveness of mechanisms for national implementation.

State-level commitments

Designing the national policy framework necessary to implement the right to food is an intrinsically political process. If a state intends to ratify a treaty, it must ensure that its domestic legal regime is in conformance with the principles central to the treaty. This can entail amending or revoking existing laws if they conflict with the central purposes and obligations of the treaty. Ratification also obliges a state to create a policy framework for ensuring that the central purposes of the treaty can be achieved. In the case of the right to food, this means creating a policy framework to ensure access to adequate food at progressively more comprehensive levels over time.

The state can play a variety of roles in fulfilling human rights and can use various forms of domestic law and social policy to do so (Gauri & Brinks, 2010). A state may opt to constitutionalise the right to food, as in the case of South Africa, for example, and/or it may employ statutory law to ensure provision of this right. Even when the right to food is entirely absent from the Constitution, there may be a broader social commitment to it—what legal scholar Cass Sunstein has termed a 'constitutive commitment' (Sunstein, 2004; Albisa, 2011)—manifested through policies and programmes.

Social policy design, in turn, can vary widely. Some states opt for a robust set of social welfare guarantees in the Constitution and a correspondingly dense network of institutions, policies and programmes aimed at undergirding state-sponsored social welfare delivery. Other states emphasise a minimalist approach, in which the market principally determines the allocation of food and only the most marginalised people are directly provided for by the government. Writing on economic rights fulfilment more generally, legal scholar Wiktor Osiatynski notes that the state can carry out a protective role, a regulatory role, a role of direct provisioning, or may opt to craft 'values and directives that can at best be the goal for social policy, but they are to be implemented by non-state actors or through international measures' (2007, 56–57). The choice depends upon local political culture, institutional legacies and economic constraints, among other factors.

Constitutional provisions and national implementation legislation

The FAO has urged states to create strong legal guarantees for the right to food in stating that: 'If the law is truly to support the progressive realisation of the right to food, there is a strong case for this orientation to be explicitly affirmed, whether in the constitution or a bill of rights or in specific laws' (FAO, 2006, 14). If a state chooses to constitutionalise the right to food, it can either render the right justiciable or non-justiciable. In the former case, the state creates a firm legal basis for entitlement by explicitly stating that citizens can take legal action to ensure fulfilment of the right. There is typically some form of provision for judicial review included in a Constitution of this type, and individual residents have access to the review process.[6] In the latter case, there is no comparable legal basis for enforcement, although there may be indirect ways of enforcing the right to food. As Osiatynski observes, the desire to constitutionalise economic rights (including the right to food) stems from the goal of safeguarding those rights against political pressure (2007).

According to FAO researchers, the following 20 countries have included the right to food in their Constitutions: Bangladesh, Brazil, Colombia, Congo, Cuba, Ecuador, Ethiopia, Guatemala, Haiti, India, Islamic Republic of Iran, Malawi, Nicaragua, Nigeria, Pakistan, Paraguay, South Africa, Sri Lanka, Uganda and Ukraine (FAO, 1998).

How robust are these rights? A cursory review of the language in the 20 Constitutions cited by the FAO as including the right to food reveals that only two of them include what could be judged as strongly justiciable provisions on the right to food; South Africa is one of the two, Guatemala is the other. Another two—being Cuba and Pakistan—include somewhat less strongly worded but still justiciable provisions.[7] The remaining Constitutions in that sample of 20 include the right to food, but in non-justiciable language. These findings parallel those by Goderis and Versteeg (2011), whose analysis of trends in global constitutionalism reveals that only 15 % of the world's 188 Constitutions include provisions on the right to food. Although

this number has increased steadily over the past six decades—from no Constitutions including the right to food in 1946, to 4 % a decade later, to 6 % by 1976 (the year the *ICESCR* came into force globally), to 15 % by 2006—the percentage of Constitutions that include provisions on the right to food is still dwarfed by the number that includes more conventional civil and political rights. Courts play a vital role in interpreting constitutional provisions on economic and social rights, as noted by Osiatynski (2007), Gauri and Brinks (2010), as well as others. In some states such as India, despite the fact that the right to food is included in the Constitution only as a directive principle of state policy, it has nevertheless been judicially interpreted as being intrinsic to justiciable rights, such as the right to life (FAO, 2006; Gonsalves et al, 2004).

Although there is currently little uniformity in how states implement the right to food legislation, the FAO nevertheless argues that each state should:

> *[review] all [of its] relevant legislation and institutions [to assess] the degree in which, in addition to achieving their own sectoral objectives, they contribute to an adequate regulatory and enabling framework for the realisation of the right to food …[N]ational legislation can also establish the framework within which the review and practical measures take place by: establishing general principles for the implementation of the right to adequate food; setting targets and deadlines; and establishing the institutional framework for policy-making and the monitoring of progress. (1998, 45)*[8]

Legislation can 'clarify the roles and responsibilities of different agencies, define entitlements and recourse and monitoring mechanisms, and in general give direction to policy and underscore the prime importance of the right to food' (FAO, 2006, 15). In some states, people whose right to food is violated can appeal to a national ombudsperson or National Human Rights Commission (NHRC) for redress of right to food violations. Redress may include 'restitution, satisfaction or guarantees of non-repetition' (FAO, 2006, 16). In other states, victims can appeal to lower courts and, eventually, the Constitutional Court. In some states, there are specially mandated institutions created to foster stakeholder dialogue around food security issues, such as Brazil's and Bolivia's National Food Security Councils, or Sierra Leone's Right to Food Secretariat (FAO, 2006). These and similar institutions play a key role in monitoring national progress on progressive implementation of the right to food. They often provide data, not only to the national legislature and executive, but also to international treaty-monitoring bodies.

Efforts toward the realisation of the right to food

Having discussed structural indicators at some length (i e the commitments states make to protect the right to food), we turn now to the process indicators in order to evaluate states' efforts to protect and promote this right in practice. Commitments

to uphold the right to food mean little unless they are backed by concrete actions to protect and promote the right to food.

Global efforts

In transforming commitments into effort, it is relevant to ask whether or not words have been backed up by monetary expenditures. Thus, we begin our assessment of global efforts to ensure the right to food by examining trends in foreign aid flows. However, changes in the policies of international organisations, or changes in the international architecture, can have an even greater impact on the ability of countries to ensure the right to food. We therefore conclude our examination of global efforts with a consideration of these factors.

Trends in foreign aid to enhance food security

The pattern of foreign aid has shifted in response to the evolving understanding of the most critical factors affecting food security at any given time. This, in turn, has effected change in dominant views regarding the best means to influence food security. The total amount of aid to agriculture:

- increased 2.2-fold from the period 1973–1975 to the period 1982–1984
- decreased slightly until the period 1988–1990
- fell precipitously by 2003–2005 to less than half its value in 1988–1990
- then began to rise again.[9]

The substantial increase in asistance to agriculture during the 1970s and early 1980s is consistent with the consensus view of the time, namely that increasing food production offered the best prospect for ending hunger, and reflects the seriousness of the commitments made by the global community during the first World Food Conference.

The decline in aid to agriculture during the 1990s and early 2000s reflects both a decrease in total aid to all sectors during the 1990s, and the recognition that a lack of access to food—rather than a lack of food availability—was the driving force of hunger and malnutrition at the time. In line with this shift, foreign assistance priorities were redirected toward poverty alleviation, including support for expanding access to basic education (including adult literacy), basic healthcare (including maternal and child healthcare, and nutrition supplementation) and investment in physical and economic infrastructure (including water supply and sanitation).

Since 1990, the share of total aid allocated to social infrastructure and services increased by 13 percentage points, with substantial increases observed for education, health and population policies or programmes, and reproductive health sub-sectors. Within the education and health sectors, aid was increasingly targeted to basic services as follows: aid targeted to basic health services increased from 15 % to 25 % of total aid for health between 1996 and 2005, and aid targeted to primary education increased from 15 % to nearly 50 % of total aid for education over the same period (OECD, 2004).

Looking at the last period for which data is available (2006 to 2008), there is some evidence of a reversal in the downward trend in aid to the agricultural sector, perhaps in response to the Comprehensive Framework for Action's call for increasing aid to boost smallholder food production (Islam, 2011, Table 2.2).

Despite the global community's expressed commitment to end hunger, direct Commodity Food Aid and Food Security Assistance has fallen sharply from 19.7 % of total bilateral aid in 1970 to 1.2 % of total bilateral aid in 2008, with only modest reversals of the trend in 1985 to 1987 and 2000 to 2002 (Islam, 2011, Table 2.1; 2). As a result, the number of countries where food aid provides a substantial portion of calories has fallen dramatically. The number of countries where food aid provides more than 5 % of total calories has fallen from 45 to 16; the number of countries where food aid provides more than 15 % of total calories has fallen from 13 to three (FAOSTATS, 2011). However, these figures do not include food aid provided in the context of humanitarian assistance.

The FAO (2010, 4) characterises 22 states as being in 'protracted crisis', and within them, 40 % of the population is under-nourished—representing one-fifth of all under-nourished people globally. The most basic governing institutions are often imperilled in these states and social protection institutions are frayed to non-existent. Food aid thus plays a critical role in human survival. Humanitarian aid constitutes an increasing share of total bilateral aid; its share in total bilateral aid increased from 1 % in 1970 to 1972, to 7.4 % in 2006 to 2008, with the sharpest increase taking place at the beginning of the 1990s (Islam, 2011, Table 1, 3). In 2009, it accounted for 44 % of the Humanitarian Appeal (FAO, 2010). According to the FAO, food aid and other forms of food assistance (such as the provision of cash or vouchers enabling recipients to purchase food) are the best-funded sectors of humanitarian aid (2010). They comprise a substantial portion of total aid for countries in protracted crises: from a low of 10 % in Uganda to a high of 64 % in Somalia over the period 2000 to 2008. Indeed, food aid and other forms of food assistance comprise a crucial means of reducing hunger for countries in protracted crises. During the acute phase of a crisis, they are lifesaving measures.

Unfortunately, there has been a substantial decline in the share of aid directly targeted to reducing hunger in the short term. As a share of total aid (bilateral plus multilateral), it has fallen from 6.2 % in 1997 to 1999, to 4.1 % in 2006 to 2008.[10] Given the substantial increase in total aid commitments since the late 1990s, the absolute amount of aid targeted to reducing hunger in the short run increased slightly over the same period—although not nearly to the extent called for in international forums.

Global policy and rule changes

By the early 1990s, the devastating impact of debt burdens on poor countries, as well as the adverse impact of classic stabilisation and structural adjustment programmes, was widely acknowledged, even by the International Monetary Fund (IMF) and

World Bank (WB). In 1996, the Heavily Indebted Poor Country (HIPC) Initiative was launched to reduce debt to sustainable levels in poor countries, and release funds for social service provision, in particular poverty reduction (IMF, 2011). In 1999, the IMF and WB began requiring countries to develop a *Poverty Reduction Strategy Paper* (*PRSP*), mapping out their strategy to reduce poverty as a condition for debt relief through the HIPC Initiative. A content analysis of *PRSPs* indicates that, although they do consistently emphasise measures to reduce poverty and thus indirectly promise to reduce hunger, they fail to include strategies directly focused on reducing hunger (Fukuda-Parr, 2010). Conditionality for IMF stabilisation, and especially WB structural adjustment loans, has also been reformed to better facilitate attainment of the *MDGs* (WB, 2004). Agreements increasingly protect continued spending on social services, comprising a safety net for vulnerable groups. However, many claim these reforms do not go far enough and several case studies find evidence that stabilisation and structural adjustment programmes continue to contribute to hunger (UNDP, 2001).[11]

The Doha Round of Trade Negotiations, launched by the WTO in November 2001, proclaimed the goal of reforming the global trading system in order to redress past imbalances, and thereby reduce global poverty by fostering the development of poor countries. Among other imbalances remaining at the conclusion of the Uruguay Round of Trade Negotiations was the fact that agricultural producers in developing countries could not compete globally in the face of high farm subsidies in high-income countries. As noted by Stiglitz and Charlton, 'After implementation of Uruguay commitments, at more than US$ 300 billion, [farm subsidies in high income countries] … accounted for 48 percent [of the value] of all [OECD] farm production', (2005, 50) severely distorting trade against developing country agricultural production in general, and food production in particular.

Since then, agricultural subsidies in high-income countries as a percentage of the value of farm production have hardly budged, although there has been some change in the form of the subsidies. Meanwhile, high-income countries have benefited at the expense of developing countries from further liberalisation of trade in services under the WTO's General Agreement on Trade in Services. Bilateral trade agreements between the European Union (EU) and the USA, and various developing countries, have further liberalised the laws governing the provision of formerly public services by transnational corporations (TNCs), including water—crucial to food security.

The UN launched the Global Compact in 2000, with the goal of increasing TNCs' respect for international human rights, including the right to food.[12] Participation is, unfortunately, voluntary. In his 2003 report, the UN Special Rapporteur on the Right to Food, Jean Ziegler, argued that states have extra-territorial obligations, including a duty to prevent their own TNCs from violating human rights abroad (UN ECOSOC, 2001[b]). In 2005, UN Secretary-General Kofi Annan appointed Special Representative John Ruggie to define more clearly the responsibilities of companies and to build

consensus between TNCs' home and host countries with regard to human rights. Ruggie's six-year effort yielded a set of guiding principles for business and human rights that the UN Human Rights Council (HRC) endorsed in 2011 (HRC, 2011). If adhered to, the standards integral to these guiding principles would address the potentially adverse impacts of business activity on human rights—including the right to food. It is, however, still too early to assess their impact and, further, Ruggie's principles explicitly argue that there is no obligation to regulate companies extra-territorially.

National efforts

State expenditures are no doubt integral to food security; expenditures on social safety nets, agricultural investments, and so on contribute to enhancing food availability, access and utilisation. Country-level efforts to protect and promote the right to food for all people within the country's borders, however, involve more than directly providing food; they involve factors such as the effectiveness of public expenditures, the set of incentives shaping the direction and nature of private-sector activity, the enforcement of relevant legal provisions, and the enlistment of foreign resources.

In this section, we thus consider these types of direct indicators of national trends in food availability, access and utilisation.

Food availability

The adoption of effective measures to increase food production is a key means of increasing food availability. The FAO's *Food Production Index*[13] shows a dramatic increase in food production in developing countries in every region, except with a very few pauses. The gains were particularly pronounced in East Asia and the Pacific, and sub-Saharan Africa. A brief decline in the *Food Production Index* in Europe and Central Asia reflects the dislocations in the wake of transition from planned to market economies. These countries have now substantially exceeded the food production levels achieved at the outset of that transition.

The trend in the *Food Production Index* reflects the success of measures undertaken to increase food production, such as public expenditures on infrastructure for food production, storage, processing and marketing; the adoption of trade and other policies fostering private-sector food production; and the successful extension of improved food-production technologies. It does not necessarily ensure improved access to food, however.

Food access

Poverty is among the more important factors that affect food access, and may well be the most important factor. It is affected by factors that reflect patterns of discrimination and inequality. Poor households have limited access to land, productive inputs, food production technologies and credit. They are also likely to have limited education and be the most vulnerable to civil strife. The global increase in food prices, discussed

earlier, has depressed exchange entitlements, and this has the greatest adverse impact on poor households' access to food. Poor households spend a much higher proportion of their income on food than wealthier households. Countries implementing pro-poor policies can offset the adverse impact of rising food prices, at least to some degree.

Here, we consider whether or not countries are doing as much as they could to reduce poverty. A given level of inequality in the distribution of income results in a lower absolute poverty rate as per capita income rises. Accordingly, it is feasible to reduce poverty rates to a greater extent in countries with a higher per capita income. Thus, a comparison of poverty rates across countries reveals more about a country's per capita income level than its success in implementing pro-poor policies. One indicator that takes into account the feasibility of reducing poverty at a given per capita income level is the right to work component of the *Social and Economic Rights Fulfilment* (*SERF*) *Index* (Randolph, Fukuda-Parr & Lawson-Remer, 2010; Fukuda-Parr, Lawson-Remer & Randolph, 2009; Fukuda-Parr, Lawson-Remer & Randolph, 2011). This component-right index assesses a country's performance as the proportion of the population that is not poor (using a US$ 2 per capita per day poverty line measured in 2005 PPP$), relative to what is feasible, given the country's per capita income level. It identifies countries that are doing extremely well (i e achieving 90 % of what is reasonably feasible), those doing extremely poorly (achieving less than 50 % of what is reasonably feasible), as well as countries falling somewhere in-between.[14] Although 47 of the 115 countries for which the index could be computed are doing an admirable job of holding down absolute poverty, absolute poverty rates in 28 of the 115 countries, including South Africa, are dramatically higher than need be (Randolph & Hertel, 2013).

Food utilisation

Ensuring access to clean water and sanitation is critically important to ensuring food utilisation. In their absence, water-borne diseases proliferate, reducing food absorption. Again we turn to the *SERF Index* to learn whether or not countries are doing as much as they can in the face of their resource constraints to provide their citizens and residents with access to clean water and sanitation. The right to housing component of the *SERF Index* has two components: the proportion of the population with access to improved water sources, and improved sanitation. It shows that the majority of countries could be doing considerably more to facilitate better food utilisation. Although 31 % of the 144 countries for which this index can be computed achieve a score of 90 % or better; 21 % achieve a score between 75 % and 89.9 %; 33 % achieve a score between 50 % and 74.9 %, South Africa among them; and 15 % achieve a score below 50 % (Randolph & Hertel, 2013).

In South Africa, policies have worked to increase food availability. The net per capita *Food Production Index* increased by 11 % between 2003 and 2013, while the average dietary supply adequacy increased from 122 % of requirements to 130 % over the decade 2004 to 2014. An increasing dependency on food imports could pose

problems in the future. The ratio of the value of food imports (excluding fish) to exports has been increasing (from 0.46 to 0.81 between 2001 and 2011), as has the cereal import dependency ratio (from 13.2 % to 18.3 % over the same period) (FAOSTATS, 2015).

In contrast, policies to enhance access have proven less successful. In particular, entrenched income inequality and poverty, coupled with the 30 % increase in the domestic food price level, have limited access to food for many South Africans. In 2011, the Gini coefficient reached 0.65, among the highest in the world, while the incidence of poverty—based on the national poverty line—stood at 45 % (WB, 2014).

Policies to improve food utilisation showed mixed success, with access to improved water and sanitation showing important gains (increasing from 88 % to 95 % and 67 % to 74 %, respectively, between 2002 and 2012). However, the fall in immunisation rates for DPT and measles—along with the continued rise in the HIV prevalence rate—jeopardise these gains (WB, 2014).

Securing the right to food

Two issues are of concern here: whether or not countries' collective and individual commitments and efforts are sufficient to meet their obligations under international law, and the extent to which all people enjoy the right to food.

As previously discussed, the right to food encompasses multiple dimensions. Here we consider only outcome measures reflecting the most fundamental aspects of the right to food—specifically, the right to be free from hunger and malnutrition.

We remain far from reaching the 1996 World Food Summit's goal of reducing the number of hungry people by half in 2015. Despite the extensive commitments made by the global community and individual countries, global and national efforts have been insufficient to make a substantial dent in the number of hungry people. Not all regions have fared equally. Since 1990, the number of hungry people has increased in sub-Saharan Africa, East Asia (excluding China), western Asia and Oceania. The number of hungry people has decreased in Latin America and the Caribbean, China, South Asia, South-East Asia and the Caucasus and Central Asia. However, only in China, South-East Asia and the Caucasus and Central Asia has it fallen anywhere close to half its 1990 value.

We continue to ask these questions: Why is there so little progress being made by so many states in fulfilling their obligations to ensure the right to food? Why have the commitments made failed to yield more progress? (FAO, 2011).

Clearly, global efforts have not matched global commitments. The dramatic increase in food prices from 2007 to 2008 was reversed, but only temporarily, as the long-run trend in the FAO's *Food Price Index* shows (FAO, 2014[c]).[15] [16] Pronouncements that

the crisis had abated, however, were premature. In August of 2010, food prices soared again: the FAO's *Food Price Index* peaked at 238, the highest level ever, in February 2011. It has remained above 200 since then. Demand factors continue to put upward pressure on prices, and global efforts to attenuate these have been inadequate. Progress in building food stocks to mediate food price swings was limited until recently. Immediately after the 2007 to 2008 price surge, global efforts and accommodating weather enabled cereal stocks to be increased by 25 %. At the end of 2009, cereal stocks fell again, and they only began to recover in 2011. They subsequently declined in 2012, but then recovered to exceed their peak 2009 value by the end of 2013. (FAO, 2014[b]).

As our examination of country efforts has shown, countries are not doing all they can in this regard, by any means. This insufficiency in effort observed in the majority of countries translates into poor outcomes, especially for vulnerable populations such as young children. Children who are malnourished over the long term become stunted; that is, their height-for-age is below normal.[17] The right to food component of the *SERF Index* is the ratio of the percentage of children who are not malnourished (as assessed by the child stunting rate) to the attainable level given the country's per capita income level (Randolph, Fukuda-Parr & Lawson-Remer, 2010; Fukuda-Parr, Lawson-Remer & Randolph, 2011). As Table 2.1 shows, only 19 of the 124 countries for which the index can be computed achieve 90 % or more of the feasible level. Of the 124 countries, 74 achieve less than 75 % of the feasible level, surely an unacceptable outcome reflecting a serious violation of their commitment to ensure the right to food. South Africa only scores 62 % of the feasible level.

Table 2.1 Score on right to food component of the *SERF Index*

Source: Economic and Social Rights Empowerment Initiative (2011); South Africa data from Fukuda-Parr & Greenstein (2012)

Score on right to food index				
90 % to 100 %	**75 % to 89 %**	**50 % to 74 %**	**25 % to 49 %**	**1 % to 24 %**
19 countries	**30 countries**	**45 countries**	**25 countries**	**5 countries**
Moldova, Kyrgyz Republic, Chile, Togo, Senegal, Jamaica, Cuba, Jordan, Belarus, Uzbekistan, Nicaragua, Trinidad & Tobago, Georgia,	Montenegro, Serbia, The Gambia, Bulgaria, Argentina, Dominican Republic, Haiti, Suriname, Ghana, Bosnia & Herzegovina, Sri Lanka, Paraguay,	Venezuela, Lebanon, Mongolia, Democratic Republic of Congo, Mexico, Kazakhstan, Iran, Tajikistan, Bahrain, Iraq, Belize, Philippines, Panama,	Sierra Leone, Tanzania, Burkina Faso, Pakistan, Nigeria, Chad, Benin, Lesotho, Indonesia, Zambia, Papua New Guinea, United Arab Emirates, Ethiopia,	Timor-Leste, Burundi, Guatemala, Republic of Yemen, Afghanistan

➡

Score on right to food index				
Singapore, Tunisia, Brazil, Guyana, China, Liberia	Sao Tome & Principe, Armenia, FYR Macedonia, Romania, Mauritius, Saudi Arabia, Turkmenistan, Algeria, Uruguay, Thailand, Colombia, Morocco, Mauritania, Ukraine, Russian Federation, Malaysia, Turkey, Oman	El Salvador, Kenya, Uganda, Mali, Syrian Arab Republic, Honduras, Guinea, Azerbaijan, Albania, Swaziland, South Africa, Maldives, Libya, Central African Republic, Bolivia, Cameroon, Namibia, Ecuador, Vietnam, Egypt, Sudan, Eritrea, Peru, Côte d'Ivoire, Djibouti, Cambodia, Botswana, Guinea-Bissau, Gabon, Mozambique, Bangladesh	Nepal, Lao PDR, Comoros, Rwanda, India, Bhutan, Malawi, Kuwait, Madagascar, Niger, Equatorial Guinea, Angola	

Conclusion

There is no doubt that the global community and nation states have individually articulated a strong commitment to ensuring fulfilment of the right to food—as demonstrated by the evolution of international law, the alignment of domestic constitutions and laws to accord with international law regarding the right to food, and repeated international conferences and corresponding action plans signed by the majority of nations.

However, law makes little difference unless it can be implemented in practice, and conference documents remain mere rhetoric unless undergirded by political will. There is enough food on the planet to adequately feed everyone alive today. However, the rules governing national agricultural policy and international trade, along with the economic incentives in the global food production system, do not currently result

in fulfilment of access to adequate food for all. In this chapter, we have analysed the interplay of local, national, regional and international factors that combine to make realising the right to food an ongoing challenge. We have shown that states have been far more effective at putting normative commitments in place (i e structural indicators of progress) than at affecting policy that would change the reality of pervasive and increasing hunger (i e measured using process and outcome indicators). We have also argued that the state-centric discourse on obligations to ensure adequate access to food underplays both the nature of states' own extra-territorial obligations, as well as the crucial role of non-state actors with the power to significantly affect food policy.

Pogge's (2010) injunction shows that each of us bears personal responsibility for transforming the systems that give rise to gross inequality. By framing hunger in human rights terms, we have sought to marshal the best existing indicators of progress to demonstrate how far we are collectively from respecting, protecting and fulfilling this right. We have also sought to marshal public shame at the dying that happens each minute—needlessly, given the availability of food, but constantly, given ongoing problems of access and utilisation.

Endnotes

[1] This chapter is adapted from Randolph S & Hertel S, 'The Right to Food: A Global Perspective,' in Minkler L (Ed) *The State of Economic and Social Human Rights: A Global Overview,* 21 – 60 (New York: Cambridge University Press), with permission from Cambridge University Press. It is based upon work supported by the National Science Foundation under Grant Number 1061457. Any opinions, findings and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the National Science Foundation.

[2] General Comment 3 of the CESCR specifies that the minimum core obligation of a state is to 'ensure the satisfaction of, at the very least, minimum essential levels of each of the rights' (UN CESCR, 1990, para. 10). Freedom from hunger is widely viewed as the minimum essential level of the right to food (see, for example, Alston, 1984; Künnemann & Epal-Ratjen, 2004; Kent, 2010; Chopra, 2009). In addition to the *ICESCR*'s characterisation of freedom from hunger as 'fundamental', the CESCR's General Comment 12 singles out hunger and malnutrition as more urgent problems than inadequate food itself, and specifies that states are obligated to ensure 'at the very least, the minimum essential level [of food] to be free from hunger' (UN CESCR, 1999, para. 17). That being said, the question of what precisely defines freedom from hunger is not without some debate.

[3] As Narula notes (2006, 691): '[i]mplicit in this state-centric approach is the rationale that human rights are the by-product of relationships between governments and the individuals they govern, rather than relationships between global actors and individuals worldwide whose rights are affected by their actions'.

[4] According to Fielding R (2011), feedlot-raised meat production involves highly inefficient use of water and 66% of the world's supply of grain. Accessed from: http://www.rsis.edu.sg/publications/commentaries.html.

[5] Schanbacher W D reports that 'the top three seed companies (Monsanto, Dupont and Syngenta) account for 47% of the global proprietary seed market' (2010, 58).

[6] Legal scholars—Law D S & Versteeg M (2010; 2011)—have conducted one of the first large-N studies of comparative constitutional evolution worldwide, and find an overarching trend toward inclusion of an increasing number of rights over time, and a growing proportion of Constitutions

that include similar types of rights and forms of legal guarantee (including judicial review). There is, however, a simultaneous widening in the ideological orientation of Constitutions, namely a divergence between statist and libertarian Constitutions. Economic rights provisions are increasingly included in statist, not libertarian, Constitutions.

[7] Two scholars—Jung C (2011) & Minkler L (2009)—have developed parallel research projects aimed at distinguishing between the different types of constitutional protections for economic rights. The core elements of their coding systems are similar, relying on the distinction between 'justiciable' rights *versus* 'directive principles' *versus* the entire absence of economic rights from the Constitution. We employ Minkler's coding rubric here; we are grateful to Shaznene Hussein for related data analysis, and to Christopher Jeffords for insights on both the Minkler and Jung coding criteria.

[8] See related work on assessing macro-economic policy-making and national budgeting from a human rights perspective: Balakrishnan (2005); Balakrishnan, Elson & Patel (2009); Balakrishnan & Elson (2011).

[9] The data available reflect aid commitments rather than disbursals. Commitments made in a given year are often disbursed over the life of a project lasting several years, and as a result, aid flows fluctuate substantially. When one considers three-year averages, fluctuations in aid flows are reduced and more closely track average annual disbursals.

[10] Using food aid's share in the Humanitarian Appeal in 2009 as an estimate of food aid's share in Humanitarian Aid, the share of aid directly targeted to reducing hunger in the short term is calculated as the sum of the amount specified as Development Food Aid/Food Security Assistance (under Commodity Aid/General Programme Assistance) plus 44% of the amount specified as Humanitarian Aid.

[11] The 2005 Nigerian famine is a case in point.

[12] For an overview of the Global Compact, see the UN website on the Compact at: http://www.unglobalcompact.org/COP/index.html.

[13] The *Food Production Index* is the sum of price-weighted volume of net food production (i e production minus the amount used for feed and seed), excluding coffee and tea, relative to the same value in a base year, multiplied by 100. The price weights used are the international prices prevailing in the base year. The *Food Production Index* shows the amount of food produced and available for consumption, relative to the base year. Values greater than 100 indicate an increase in domestic food production relative to the base year; those less than 100 show a decrease (FAOSTATS, 2011).

[14] The resultant indicator is the same as the *Right to Work Index*, one of the five components of the *SERF Index*. See also: www.serfindex.org.

[15] The FAO's *Food Price Index* is a weighted average of five underlying indices: the FAO's Cereal Price Index, Dairy Price Index, Oils/Fat Price Index, Meats Price Index and Sugar Price Index.

Each of these indices compares prices of a basket of foods within the category concerned with the prices prevailing in 2002 to 2004. The weights are the average export share of each food group in 2002 to 2004. The base period, 2002 to 2004, value of the index is set at 100, so a value of 200 implies food prices have doubled since the base year (FAO, 2014[c]).

[16] The spike in global food prices ensuing in January 2007 reached a peak indexed value of 184.7 in June 2008, and then declined to 121.4 by February 2009.

[17] Low height-for-age (stunting) reflects insufficient nutrient absorption over the long term, and is officially defined as the percentage of children under the age of five whose height is more than two standard deviations below WHO height for age norms.

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Chapter

3

Is the right to food really necessary?

David Bilchitz

Introduction

Justice Yacoob, in the *Grootboom* case, states that 'all rights in our Bill of Rights are inter-related and mutually supporting'.[1] This is a statement often repeated and used by judges and academics, emphasising the relationship between rights. These connections among rights, however, lead to a number of philosophical and practical questions: If all rights are inter-connected, then should we not simply recognise smaller lists, rather than having relatively expansive lists of rights? If a case raises questions in relation to two or three rights, which should be the focus of the court's normative attention? Does the wide plethora of rights not distract from developing the content of any particular right?

In this chapter, I want to consider some of these issues in the context of a particular right, namely the right to food. This right is perhaps one of the most basic and yet has suffered from a strange neglect in the South African context, something that calls for explanation. This neglect is not because of a lack of hunger or a lack of food insecurity in the South African context; as documented in other chapters in this volume, the statistics suggest that there are a significant number of people suffering from these ailments.[2] Partly, it seems, an explanation for this neglect could be that it is often considered to be the case that the issues which are addressed through the right to food are in fact covered by other rights, such as the right to health. The right to food is thus not strictly speaking necessary, given that other rights cover the entitlements and obligations contained therein.

In this chapter, I wish to argue, on the contrary, for the importance of a specific right to food as a right in its own right. Though there are indeed inter-connections and overlaps with other rights, I wish to make a case for the virtues of the distinctness of this right (and others).

In the first part of the chapter, I will consider the relationship among general and particular rights, with a particular focus on the South African Constitutional Court's insistence that claims should be directed, in the first instance, to more specific rights. I will then consider the manner in which the discourse around the interdependence of rights often appears to lead to the under-development of specific rights, such as the right to food.

The second part of this chapter provides several arguments for why it is important to develop the particular right to food. These arguments range from philosophical contentions about the nature of the 'good' for individuals, to more practical and empirical concerns relating to the availability of information and the design of government programmes to address hunger and food insecurity.

Ultimately, this chapter seeks to defend and place an emphasis on the particular virtue of a rights-based approach to development which, in my view, requires a disaggregation of diverse human concerns and interests, whilst still recognising the relationship among them.[3]

Interdependence

The relationship between general and particular rights

The SA Constitution Act 108 of 1996 contains many rights which are related to one another. Some are very general, and yet can potentially encompass a wide range of matters that are specifically covered by other rights. Section 11 of the SA Constitution, for instance, states that '[e]veryone has the right to life.' On the one hand, this right can be interpreted to involve simply the imposition of a negative obligation on the state (and others) not arbitrarily to deprive individuals of their physical existence.[4] On the other hand, in India for instance, an expansive interpretation has been given to this right. In the *Mullin* case, the Court expressly recognised that the 'right to life includes the right to live with human dignity and all that goes with it, namely bare necessaries of life such as adequate nutrition, clothing, shelter, facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings'.[5]

In a number of subsequent cases, the Court has effectively held that a range of socio-economic guarantees can be found within the ambit of the right to life, including rights to housing and food.[6]

In the recent right to food case, the Court has recognised, for instance, that:

> *in our opinion, what is of utmost importance is to see that food is provided to the aged, infirm, disabled, destitute women, destitute men who are in danger of starvation, pregnant and lactating women and destitute children, especially in cases where they or members of their family do not have sufficient funds to provide food for them.*[7]

The right to food—being derived from the right to life—thus gives rise not only to negative obligations, but sometimes extensive positive obligations upon the government too. Most notably, in the right to food case, the Indian Supreme Court has imposed obligations upon the government to develop a programme to provide mid-day meals for all children at school, nationwide food security schemes and guarantees of employment.

The Indian court made a convincing case when it held that, analytically, the right to life must include a wide range of other guarantees in order to be meaningful.[8] The text of the Indian Constitution also forced the court to protect socio-economic rights through the right to life. Socio-economic interests are generally dealt with in the sections of the Constitution titled 'Directive Principles of State Policy', which cannot be enforced in courts. In order to provide some judicial protection for human interests in basic socio-economic goods, where there is a widespread failure to meet them, the Court was forced to adopt this interpretive approach.

More recent Constitutions have started to include a range of expressly recognised socio-economic rights which are, to a large extent, justiciable in courts. The SA Constitution is one such document: it includes, amongst others, entitlements to adequate housing, sufficient food, water and social security.

These rights are inter-related, as well as connected to more general rights—such as the right to life and human dignity. Where this is the case, we can ask the following questions: How is the inter-relationship between these rights to be approached? If there is an overlap between more general rights and more specific rights – or between two specific rights – how is the realisation of these rights to be approached by the different branches of government? And, what kind of approach should courts adopt towards their adjudication?

The Constitutional Court has briefly addressed these questions in the first case where it had to decide on socio-economic rights. In the case of *Soobramoney versus the Minister of Health (KwaZulu-Natal)*,[9] a desperately sick individual who was suffering from kidney failure made a claim for kidney dialysis through the public healthcare system. The claim was advanced on the basis of Section 27(3), which provides that 'no-one may be refused emergency medical treatment', as read with the right to life in Section 11 of the SA Constitution. The Indian jurisprudence was referred to in

support of interpreting the right to life widely. The Constitutional Court, however, sought to distinguish the position in the SA Constitution from that in India. It stated: '[u]nlike the Indian Constitution ours deals specifically in the bill of rights with certain positive obligations imposed on the state, and where it does so, it is our duty to apply the obligations as formulated in the Constitution and not to draw inferences that would be inconsistent therewith.'[10] It went on to say a few paragraphs later that '[i]n our Constitution the right to medical treatment does not have to be inferred from the nature of the state established by the Constitution or from the right to life which it guarantees. It is dealt with directly in section 27.'[11] The Court then proceeded to conduct its analysis in light of Section 27 and hardly addressed the right to life at all.[12] The approach of the Constitutional Court thus appears to suggest that, 'when there is a specific entitlement that covers a matter, any claims or actions should be addressed towards that particular right rather than a more general right.' We might call this the *Principle of the Priority of the Particular over the General* (also referred to as the *PPG Principle*), which has been developed by the Constitutional Court in rights interpretation.[13]

The Constitutional Court provides very little in the way of rationale for the adoption of the *PPG Principle*. It also does not elaborate upon the implications thereof for other rights. I would suggest that an important extension of the principle is the idea that where a matter is most closely connected to a particular right, then any claims or actions should be focused primarily on that right, rather than on any other. We might call this the *Particular Focus Principle* (also referred to as the *PFP Principle*). Of course, both the *PPG* and *PFP Principles* require an understanding of what particular rights cover—as well as what they imply.

The discussion thus far has been at a rather abstract level and it may be difficult to understand the merits or disadvantages of these approaches to rights interpretation. I now attempt to render the discussion more concrete by focusing specifically on the right to food in the SA Constitution.

The right to food and its relationship with other rights

The starting point for any analysis of the right to food must be the text of the SA Constitution itself. Section 27 states the following:

> *(1) Everyone has the right to have access to —*
> *(a) Health care services, including reproductive health care;*
> *(b) Sufficient food and water; and*
> *(c) Social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.*
> *(2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.*
> *(3) No-one may be refused emergency medical treatment. (Republic of South Africa, 1996)*

It is interesting to note that the drafters of the Constitution placed entitlements relating to healthcare, food, water and social security all together in Section 27(1). The manner in which the rights are framed suggests two important inferences: there is some sense in which the entitlements contained within Section 27 are connected (otherwise, they would not be linked in one section); and these same entitlements are also distinct in particular ways and merit their own attention (otherwise, there would be no need to separate them out).

This section thus brings to the fore the dynamic between inter-connection and distinctness which I am seeking to investigate. The problem I contend is, however, that the focus has often been placed too much upon the connection among rights, without paying much attention to their distinct contours.

Consider the right to food in particular. Professor Danie Brand—who has conducted some of the leading research on the right to food in South Africa—has emphasised its relationship with other rights; indeed, he states that 'although all rights are interdependent, this is often emphasised in respect of the right to food' (2005, 163). As evidence, Brand considers that at international level, the first statement concerning the right to food in the *Universal Declaration of Human Rights* conceived of it as part of the right to an adequate standard of living (UN General Assembly, 1948). The *International Covenant on Economic, Social and Cultural Rights* (*ICESCR*) also recognises that the right to adequate food is part of the right to an adequate standard of living—though, there is a particular section recognising a right to be free from hunger (UN General Assembly, 1966). In some conventions, such as the *Convention on the Rights of the Child*, the right to food is only guaranteed in connection with the rights to healthcare and education. In his article, Brand (2005) traces the connections between the right to food and a range of other rights including water, the environment, housing, healthcare and education. Brand arrived at the conclusion that:

> *… the right to food is more or less embedded in other rights – measures to give effect to it are intertwined with measures to give effect to other rights, and its violation is often inseparable from the violation of a range of other rights. As a consequence, the right to food is seldom directly protected, whether through legislation or adjudication. More often it is indirectly protected through another constitutional right or lower level entitlement – to see the right to food in operation, one also has to look there. (2005, 164–165)*

Courtis, similarly, writes that 'comparative experiences of judicial protection of the right to food are, in the most part, indirect, through the interconnection of the right to food with other rights, or through framing violations of the right to food as violations of some other rights' (2007, 326). Brand's analysis suggests that the thesis of inter-connection with other rights has a concrete effect: it leads to the right to food effectively being protected through other rights. It also means that there is virtually no particular focus on the right to food alone. Whilst there is no doubt a connection

among human interests, it is hard to see—if this is so—why there is any need for an independent right to food if its violation (and consequently what it requires) 'is inseparable from the violation of other rights.' Could we not then claim everything we need to in terms of these other rights? The Constitutional Court's approach to rights interpretation embodied in the *PPG* and *PFP Principles*, however, seems to require adjudication in terms of a particular right where it is most closely implicated by a claim. Without denying the important inter-connections with other rights, I wish to argue, for a variety of reasons—both philosophical and practical—why maintaining the distinctness of the right to food is important.

The virtues of distinctness

The human good involves plural concerns

Let us imagine that we create a bill of rights with just one right, namely the right to live a decent life as one wishes (consistent with the rights of others to do the same). Such a right would immediately raise a number of questions: What does a decent life consist of? Does this right simply provide an entitlement to be left alone (and thus to starve if one cannot acquire one's own food) or does it require some kind of positive assistance from the state (or others) to enable individuals to achieve a decent life?

Some theories of political philosophy have attempted to provide a conception of the decent life, as well as the obligations of the state, through focusing on one metric. Utilitarianism, for instance, has employed the notion of 'utility', though there is a dispute among philosophers as to what this notion really entails. Classical utilitarianism regarded the locus of value in individual lives to reside in the mental states of pleasure and pain. Yet, even in relation to this account, John Stuart Mill felt the need to distinguish between higher and lower pleasures in order to capture the role and place diverse human concerns and interests play within our lives (1871, 187–189). From one simple metric of value, we already start the process of adding complexity to the content of what is valued. Many modern defenders of utilitarianism focus upon preferences—rather than pleasure and pain—as an expression of what utility consists of (Singer, 2011, 13). As Sen notes, 'there is much diversity within utility itself … even if it is decided to overlook everything other than utility in social evaluation' (2009, 239). Moreover, many philosophers have doubted whether or not it is possible to reduce the good to one measure for individuals: the 'pleasure' of sex seems quite distinct from the 'pleasure' of reading a book. These criticisms and developments have led many to recognise that what is valuable in human life cannot readily be reduced to one metric: the elements of value are, indeed, plural.[14]

The attempt to reduce evaluation of what is considered valuable in individual lives to one metric also had an impact upon how well-being in countries across the world was being measured by the United Nations (UN) and other bodies. The initial focus was upon measuring the gross national product (GNP) of countries and, sometimes,

the average per capita income of individuals in the society. This method of evaluating well-being in various countries has been criticised by Sen (2009, 226), amongst others, for focusing on income—which is a means to the good life—rather than the ends for which income is valuable, namely its ability to enable people to achieve good and worthwhile lives.[15] As such, and considering its aggregative nature, the approach was widely recognised not to offer an adequate method of capturing the well-being of individuals in specific countries and across the world.

In developing a different understanding of well-being, it thus became important to consider more multiple dimensions of what constitutes valuable lives. For a variety of reasons, a new 'capabilities' approach has been developed, which considers value in human life to be assessed in terms of functionings and capabilities. Functionings are considered to be 'parts of the state of a person—in particular the various things that he or she manages do or be in leading a life' (Sen & Nussbaum, 1993, 31). This broad notion includes passive states of the person, such as being well-nourished and healthy, as well as the activities in which a person engages (i e debating or playing the piano).

Capabilities, on the other hand, represent a person's freedom or real opportunity to achieve those things he or she has reason to value (Sen, 2009, 231). In Nussbaum's version of this approach, she identifies a list of valuable capabilities that characterise a flourishing individual life (2000, 75–81). Nussbaum emphasises the point that the list of capabilities is not reducible to one particular quantity, but has multiple dimensions: 'each and every one of a plurality of distinct goods is of central importance' (2000, 81). These ideas have led to a shift in the UN's measure of well-being and development—from an exclusive focus on GNP to a more composite approach that considers life expectancy, literacy and income.[16]

The advent of fundamental rights pre-dated philosophical developments relating to the capabilities approach. Yet the underlying idea seems similar: the entitlements in question are multiple, as they cannot wholly be reduced to one another. The *Universal Declaration of Human Rights* contains 28 distinct rights; most recent national Constitutions contain similar numbers of distinct rights. Fundamental rights are generally regarded as providing entitlements to goods, which are regarded as being of significant value in individual lives.[17] The lists of such rights in the Bill of Rights suggest that one of the basic philosophical assumptions underlying rights discourse is that there is a virtue in distinguishing among a range of diverse elements of value in individual lives. There is thus a close link in this regard between the philosophical approach to the good in individual lives, articulated in the capabilities approach, and the underlying foundations of fundamental rights (Nussbaum, 2000, 96–101).[18] Therefore, the challenge arises to conceptualise in what way each right is distinct, what it entitles individuals specifically to claim, and what it requires of various agents.

It is to this question I now turn, specifically in relation to the right to food in the SA Constitution, and why it has value in its own right.

The right to food: Distinct enquiries and expertise

The human interest in food can be understood to include multiple dimensions. Food is of course the fuel of life and necessary for realising other goods. We need a certain intake of nutrients as a *means* to survive, and to realise many of our valuable projects. Food is also a means to ensuring we have pleasant experiences and do not suffer such unpleasant sensations as hunger and illness. It is therefore necessary in order for people to be healthy and to be able to exercise their freedom. However, food does not simply appear to be a means: the time and energy we expend on food suggest that our interest in it goes beyond being a pure means alone, and that it could be considered in its own right to be a component of the end of living a good life. In other words, food forms part of our conception of what it is to lead a valuable life, rather than being simply a means to do so. Indeed, this view is supported by the fact that the preparation and enjoyment of good food is seen to have value in its own right for many. The eating of food also plays an essential role in social interactions in the family and with others. Food also has an *ethical* dimension: what we eat says a lot about our moral concerns, whether they be for people, animals or the environment. Moreover, it also has an identity dimension: our food habits are often a way of marking our distinct identities and cultures.[19]

These various dimensions of our interests in food help to fill out the content of our entitlements in this regard. Much of the focus of legal normative work has focused on food as a 'means'. The key international legal document outlining the content of the right to food is General Comment 12, issued by the UN Committee on Economic and Social Rights (CESCR).[20] The CESCR writes in the section addressing the normative underpinnings of the right that:

> *… the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights. It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all. (UN CESCR, 1999, 4)*

Here, the CESCR strongly emphasises the instrumental nature of the right to food and its relationship with other rights. This statement about the foundation of the right can be criticised, though, for not fully doing justice to our interest in food itself which, as argued previously, is also a component of the good life. Recognising food as such a distinct component of the human good provides an important argument for maintaining its distinctness from other interests that we have. It will also have implications for how we determine when the right to food is violated and the manner in which data are collected in this regard.

However, that is not the only important argument to consider here. Even if we focus on the character of food as a means to the fulfilment of other rights and to

living a valuable life—as the General Comment does—there are still strong reasons for maintaining the distinctness of this right. Consider the fact that the General Comment contains the following definition of the core content of the right to food:

> *The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; and the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights. (UN CESCR, 1999, 8)*

This definition of the core content of the right to food raises a number of important questions: What constitutes the sufficient quantity and quality of food to satisfy the dietary needs of individuals? Does this vary amongst individuals? Under what conditions is food no longer safe to eat?

All these questions appear to require particular nutritional scientific evidence which then can feature in any definition of the legal standard involved. Similarly, on a practical level, there are difficult questions concerning how to ensure that sufficient food is available and accessible for all to eat. Such a question involves a range of considerations: maintaining sufficient food supply requires addressing complex questions of agriculture, economics and state regulation. Providing food for those who are not able to afford it on the open market requires the development of some kind of welfare programme by the state.

There are thus multiple questions that arise in relation to realising the right to food, which are not reducible to questions that arise in relation to other rights. There are indeed a range of theoretical, practical and scientific questions involved in its realisation that carve out this entitlement as distinct. The right to food is justified as a distinct right, also because it involves distinct areas of enquiry and expertise in order to realise it.

Information, entitlements and the right to food

The right to food is often considered as valuable because of the fact that food operates as a means to realise other goods. In determining whether or not the right is actually realised, however, it is necessary to develop an understanding of a set of outcomes that relate specifically to food and nutrition itself. In order to do so, we require information about the realisation of the right to food in a particular society, as well as policy options to improve state performance in this regard.

As mentioned previously, the UN CESCR defines a core content of the right to food, which is focused upon the notions of 'availability' and 'accessibility'. It also elaborates upon further dimensions involved in relation to this core content, such as notions of cultural or consumer acceptability, food security and dietary needs.

The UN CESCR also recognises that states have a duty to give priority to ensuring that individuals are receiving the minimum essential levels of this right, in order to be free from hunger (UN CESCR, 1999, 17). This minimum core obligation has a particular urgency, as it relates to the very ability of individuals to be free from immanent threats to their survival (Bilchitz, 2007, 187). In developing our understanding of what is included in the minimum core, it is important to take account of empirical data, which suggests that malnutrition may not only result in death (which it sometimes does) but, more frequently, it undermines the physical and mental development of children, for instance.[21] States must be able to show that they are treating freedom from hunger as a priority and that they have also attempted to garner international assistance to address the hunger in their country (UN CESCR, 1999, 17). Determining violations of the right to food thus requires considering two thresholds: a minimum threshold of freedom from hunger, which must be given priority; and a sufficiency threshold of the availability and accessibility of sufficient food at all times, which is necessary to be 'food secure'.

In giving more concrete effect to a right such as this, it is therefore necessary to develop indicators that can help us determine whether these particular thresholds are being met or not. This leads to an important conclusion that—in determining the realisation of the right to food—there is a duty upon the state to develop a concrete set of indicators and statistics that monitor and report specifically on the realisation of these thresholds.[22]

In the USA, for instance, reporting has sought to distinguish between various levels of severity relating to the deprivation of food.[23] Apart from food security, there is also 'food insecurity', which is defined as 'limited or uncertain availability of nutritionally adequate and safe food or limited or uncertain ability to acquire acceptable foods in socially acceptable ways' (US Department of Agriculture, 2000, 6). Food insecurity becomes more severe when it is accompanied by hunger, which is defined as 'the uneasy or painful sensation caused by the lack of food. The recurrent and involuntary lack of access to food. Hunger may produce malnutrition over time … Hunger … is a potential, although not necessary consequence of food insecurity' (US Department of Agriculture, 2000, 6). Hunger is thus conceived as a severe stage or level of food insecurity (US Department of Agriculture, 2000, 6). The USA has developed statistical methods of reporting on those who are food insecure and those who are food insecure with various degrees of hunger (US Department of Agriculture, 2000, 11–12). It thus has developed various indicators to monitor and report on the extent to which its population is realising these various thresholds.

Currently, in South Africa, the *General Household Survey* (*GHS*) performed by Statistics South Africa includes two questions relating to the right to food. The first question asks people whether or not, and how often, adults in the household went

hungry as a result of there not being enough food in the household (Statistics South Africa, 2011, 40). This question appears to relate to whether or not the priority minimum core threshold is being met. The 2011 percentage of households vulnerable to hunger is 11.2 % which, *prima facie*, suggests a breach of the state's minimum core obligations in relation to this right. The *GHS* also contains a question concerning modifications made in household diets because of limited ways of obtaining food. This measurement appears to provide a broader measure of food insecurity, which stood at 21.2 % in 2011 (Statistics South Africa, 2011).

These questions show *some* concern by the government relating to access to food, but they are not wholly adequate, as they are based mainly on subjective assessments of the people surveyed. Subjective assessments are important, as they can indicate the real experiences of individuals in relation to hunger and food insecurity, as well as questions of food quality and cultural appropriateness, which are more difficult to assess objectively. Nevertheless, as Fukuda-Parr points out, 'anthropomorphic surveys provide a more objective measure of food insecurity but there has not been a consistent series of surveys to provide reliable trend data' (2012, 6). In relation to addressing questions of malnutrition, it is therefore vital to obtain data about stunting and wasting, obesity rates (malnutrition often leads to obesity) and deficiency of micro-nutrients.[24]

There is thus an obligation upon the state to develop a coherent set of objective data concerning access to food in South Africa, something that has not as yet been forthcoming. There also appears to be a need to define and address how food insecurity is conceptualised.

Distinct obligations

Apart from the duty to report directly on whether or not the different thresholds relating to the right to food are being met, the right itself also imposes distinct obligations upon the state. It is important to stress that these obligations require attention to specific outcomes relating to the right to food, and cannot be wholly discharged through attending to the realisation of other rights. To understand this point, I would like to consider the relationship in Section 27(1) of the SA Constitution between the right to sufficient food and the right to social assistance if one is unable to support oneself or one's dependents.[25] The state, in South Africa, has set up a range of social grants in order to meet its obligations to provide social assistance. It could be argued, however, that such social grants also meet the state's obligations in relation to the right to food. The question I wish to pose is whether or not the state's obligations in this regard are wholly discharged through providing social grants in relation to the right to food.

Before addressing this question, it is important to outline briefly the state's social grant programme. In general, such grants were developed for specific categories of vulnerable individuals. The state has developed the following grants, for instance: a

Child Support Grant (CSG) which is provided to parents as a form of social assistance for their children; a disability grant (DG) which is provided to persons with disabilities and who are unable to work; and a pension scheme for all persons in South Africa over the age of 60.[26]

If a person does not fall into any of the particular categories of vulnerable individuals, there is one grant available, the Social Relief of Distress (SRoD) Grant (as mentioned in Chapter 1). According to the South African Social Security Agency (SASSA), 'social relief of distress is the temporary provision of assistance intended for persons in such dire need that they are unable to meet their or their families' most basic needs' (2013/4). The grant is thus envisaged as a temporary grant and is generally only awarded for a period of three months to alleviate the worst hardships experienced by individuals.

The grant system no doubt helps many poor families in South Africa to meet their basic needs. Yet, the assistance provided is often not sufficient: the CSG, for instance, provides a family with R 330 per month. This amount of money is very minimal and its adequacy for rendering support for all of children's basic needs has been questioned.[27] Moreover, the grant system is not comprehensive and many people in dire need of social assistance are unable to acquire it. The SRoD grant appears to be ill-conceived in principle: in a situation of large-scale structural unemployment, it is unclear how one can only provide temporary assistance where individuals are often unlikely to be able to receive a job to alleviate their plight.[28] In a recent qualitative study of the grant, it was also found that it is not well known amongst officials, is being applied inconsistently and is generally not available to eligible applicants as a result.[29] The situation thus still remains that if one is between the ages of 19 and 59 and is able-bodied but unable to find work, 'there is no regular State assistance to meet even the most basic of food needs'. (Brand, 2006, 56(c)–27).[30]

The state's primary response in relation to meeting the food needs of individuals has been—as we have seen—through the provision of a social grant. This approach, however, raises important questions concerning the relationship between the provision of social grants and the realisation of the right to food. If the state's programmes relating to the right to food were challenged in court, would its provision of social grants provide a reasonable programme to meet its obligations?

The state would argue that social grants are a form of income support and can be used by individuals to acquire food when they are hungry; consequently, such grants realise its obligations in relation to the right to food.[31] We have already seen that this argument may not be able to survive scrutiny, given the lack of adequacy, universality and accessibility of the social grants. Nevertheless, the question still arises whether or not social grants—if their shortcomings were to be addressed properly—would constitute a complete method of realising the right to food. In my view, the answer is

in the negative, which may seem surprising. It must of course be admitted that income support can indeed boost the ability of individuals to acquire food—what Sen refers to as the person's 'exchange entitlements' (1981, 4). Yet, more importantly, the translation of income into positive nutritional outcomes is not automatic.[32]

Firstly, income can be used for a variety of purposes. Households in South Africa have to consider payments relating to their access to housing, and municipal services—in addition to concerns about access to food. People use funds for goods, such as communication (for example cell phones) and entertainment (for example television). Some people use funds on unnecessary goods, such as alcohol.

The grants which are paid involve a relatively small amount of money, and it is thus unclear exactly how they translate into outcomes such as freedom from hunger, given the range of expenses they are used to defray. Whilst poorer households no doubt do use some of the money for food, and social grants appear to have had an impact on food insecurity, the statistics on malnutrition and vulnerability to hunger in South Africa suggest that there is an incomplete translation from income support grants into freedom from hunger.

Secondly, the mere provision of a grant—such as the CSG—is often not sufficient to guarantee positive outcomes relating to nutrition. The Department of Social Development (DSD) Study on the impact of the CSG in South Africa (DSD, SASSA & UNICEF, 2012) found that receipt of the CSG had no impact upon the stunting of children (low height-for-age), which arises as a result of malnutrition. This calls for an explanation. The study in question found that receipt of the CSG did have an effect on stunting where there was greater maternal education (more than eight years of schooling). The authors of the study argue that there is a need for 'complimentary inputs: resources such as food and sanitation as well as the knowledge of how to use these so as to ensure that children grow at a healthy rate' (DSD, SASSA & UNICEF, 2012, 48). Another important issue in this regard—which may provide an explanation for the poor translation of income into nutritional outcomes—is the question of the intra-household distribution of income towards the meeting of basic needs. Social grants may often be used not only for food for the particular child who is the subject of the grant. Poor families may use such grants to feed several individuals, and some may be given priority over others. Further studies are needed in this regard.

Whatever the explanation, it is clear that the high level of malnutrition of children in South Africa—with a *Department of Health Survey* (2003) reporting that 28 % of children in South Africa suffer from stunting (DSD, SASSA & UNICEF, 2012, 47)—suggests that social grants, at present, are not succeeding fully in curbing hunger and childhood diseases.

These arguments again highlight the value of requiring states to consider their obligations in relation to the realisation of distinct rights. Providing income as a

form of social assistance is important, but does not automatically translate into the realisation of the right to food for all in South Africa. There are particular outcomes that must be measured in relation to food and it will be necessary to study and address exactly how these can be attained. An important assumption underlying my argument here is that the right to food is not simply realised by the government taking certain steps (such as the provision of income support) to address the food needs of individuals; thus, there is a close relationship beyond the 'obligations of conduct' of the government and its obligation to try to achieve certain results.[33] The results and outcomes—in relation to the right to food—are specific to the domain of nutrition, and require dedicated attention. This point is borne out by global data, which demonstrate that outcomes relating to food security do not always correlate fully with health and survival outcomes. Empirical trends—in relation to survival (such as life expectancy and under-five mortality)—do not automatically translate into better statistics relating to food security: whilst child mortality, for instance, has decreased significantly in the world, there has not been a corresponding decline in global under-nutrition estimates, or in stunting (Headey & Ecker, 2013). Once again, these studies suggest the need to focus specifically on food security outcomes. Conduct in relation to another right—even if closely related, such as the right to social assistance or health—does not empirically adequately address all the interests relating to the right to food.

Modalities of provision

The incomplete translation of income support into freedom from hunger might suggest that income alone is not the answer to addressing the right to food. Income can of course be used to purchase food and it provides individuals with choice as to what to do with it. It therefore represents a mode of provision that respects the autonomy of individuals, which is crucially important. Yet, the demands on poorer households may mean that income alone will not necessarily translate into significantly improved nutritional outcomes.

In some parts of the world, governments are involved in providing specific baskets of foodstuffs to individuals, instead of general income entitlements.[34] The idea here is that such an intervention directly targets malnutrition and food insecurity. If we are interested in outcomes relating to food security, we may thus be led to adopt a different set of interventions than if we simply wish to provide some form of social assistance. Again, a concern for the specific outcomes relating to the right to food may well condition the types of welfare programmes that are developed. This is not to say that all income support grants should be replaced with in-kind grants. Perhaps a mix of these two kinds of social support would be optimal: this would allow households some choice as to how to spend their income, whilst also providing in-kind support that can directly link with specific developmental outcomes. The South African statistics would support the modification of strategies adopted towards addressing malnutrition and hunger from a pure focus on income support. Other policy initiatives also exist, such

as subsistence agriculture and support for small-scale farmers, that might help reduce the hunger and food insecurity in South Africa.

Implications for governance: Efficiency of organisation and implementation

A focus on the distinctness of the information and actions required by the right to food also has implications for how each of the branches of government must realise these rights and concerns. In particular, given that the concerns relating to the right to food cannot be subsumed under other rights, this means that the government must create the organisational structure necessary to realise the right specifically.[35]

In terms of the legislature, several authors have made a strong case for a framework law addressing the right to food. Such a law would be 'meant to cover the whole spectrum of cross-sectoral issues related to a specific subject (such as food security) and to facilitate a more cohesive, co-ordinated and holistic approach to a specific issue' (Coomans & Yakpo, 2004, 20). The law should align with the human rights obligations of the state in the Constitution and provide the basis for developing specific implementation measures and policies (Coomans & Yakpo, 2004, 21). Such a framework law will, importantly, need to develop a site of responsibility for meeting the state's obligations in this regard.

This is where executive actions—in relation to the right to food—become important. In the absence of such a law, the South African administrative approach to addressing matters relating to food has been contained in the *Integrated Food Security Strategy* (*IFSS*). The strategy seeks to bring together all the different initiatives relating to food security adopted by different departments of government. On the one hand, this approach is praiseworthy, as it seeks to improve inter-connections among branches of government. On the other hand, it can be criticised for creating too unwieldy a structure for the realisation of the right to food. One of the key principles is that 'food security objectives are an effort of all lead departments' (DoA, 2002). Four lead departments are identified, namely Social Development, Public Works, Health and Agriculture.

The strategy does propose an organisational structure: in particular, there will be a national co-ordinating unit (NCU) responsible for giving effect to the *IFSS*, as well as national programme managers (NPMs) who oversee specific programmes. The structure on paper appears plausible, but since the policy was released more than ten years ago, there has been very limited focus and reporting on the range of issues contained in the *IFSS* in South Africa. This suggests that the complex structure, and the attempt to bring four departments together, may not be optimal. Whilst inter-connections again no doubt exist, the best method to ensure realisation of obligations is through the identification of distinct responsibilities. Once again, this provides good grounds for establishing a locus of responsibility within the executive for the implementation of the right to food. A failure to focus specifically on the right to food

is also likely to lead to a very limited specific policy response. The *IFSS* appears not to have been implemented in any aggressive manner, and the South African government's policy response to food insecurity in South Africa has been severely lacking, compared to developments in other countries facing large challenges in this regard—such as Brazil—where there has been a specific focus on addressing hunger.[36]

The judiciary, too, has a key role to play in realising the right to food. Whilst a specific case relating to the right to food still has to be brought in the courts, judges can ensure that when they consider other economic and social rights cases, they consider the specific implications that arise in relation to the right to food. In an appropriate case, judges should not shy away from developing its specific content and should not hide behind its 'inter-connection with other rights'. This is required by the *PPG* and *PFP Principles* and will also have the salutary effect of clarifying the entitlements and obligations under this right.

Conclusion

This chapter has sought to address the foundational question as to whether or not there is indeed a need for a separate right to food. Whilst it has been acknowledged that there are various inter-connections with other rights, it has been argued that there are a range of particular virtues that arise from a focus on the distinct nature of the right in question.

The underlying philosophical case has rested upon the need to recognise the plural sources of value in individual lives, as well as the need to disaggregate the notion of what is involved in leading a valuable life. Based on this premise, it is important to consider some of the underlying distinct interests individuals have in relation to food. Understanding the role of food in our lives—both as a means and component of the good life—also suggests that there are a range of distinct scientific and normative questions involved that require particular attention.

To address these questions, we also require specific information to be gathered about concrete issues, such as indicators of malnutrition, food safety and much else. The fact that the realisation of the right to food involves specific outcomes has also been shown to provide a case for why obligations to realise closely related rights (such as the right to social assistance) do not fully address the issues covered by the right to food. This, in turn, can require specific strategies and conduct in order to provide for food. The distinctness of the right to food also provides a good case for placing administrative responsibility in the state within a distinct organisational structure and locus of responsibility.

The case for the right to food, as a distinct right and imposing distinct obligations, is not simply a theoretical one. Some of the shortcomings of the method in which the

right to food has been addressed in South Africa can, as argued, be said to have arisen from a failure to give sufficient focus to this right. I hope this chapter has provided a strong case for the right to food to receive a renewed and clear focus by the South African state, and thus to have a better chance of being realised. The Constitutional Court's interpretive approach to rights requires that courts must adjudicate claims in relation to the particular right most clearly implicated by the claim, or facts under consideration. I have sought to provide a sense of why this principle may be of specific importance in developing the right to food. In order to address hunger and food insecurity in South Africa, the following are needed: more sustained legislative attention, better information gathering by the executive, organisational engagement by the executive, and a willingness by the judiciary to develop and defend its contours in a robust manner.

The right to food is indeed intertwined within the fabric of our diverse rights, but it also merits detailed attention in its own right.

Endnotes

[1] *Government of the Republic of South Africa versus Grootboom* (2001). (1, SA 46 (CC), para. 23).

[2] Statistics South Africa (2011, 40), for instance, indicates that 11.5 % of households report vulnerability to hunger, whilst 21.2 % of households report limited access to food.

[3] Surprisingly, many advocates of this approach have emphasised the issue of the inter-connection of interests in such an approach, without focusing upon the importance of the distinctness of foci that a concern with human rights requires. See, for instance, Robinson (2005, 39–40) and Uvin (2004, 183).

[4] See, for instance, the case of *Khathang Tema Baitsokoli versus Maseru City Council and Others* (2004), AHRLR 195 (LeCA, 2004).

[5] *Francis Coralie Mullin versus The Administrator*, 1 SCC 608 (1981) 608–619.

[6] See, for instance, *Olga Tellis versus Bombay Municipal Corporation*, 3 SCC 545 (1985) 572; *ShantiStar Builders versus Narayan K Totame*, 1 SCC 520 (1990) 527.

[7] *PUCL versus Union of India & Others* (Written Petition [Civil] 196 of 2001). Details of the orders can be found at: http://www.righttofoodindia.org/orders/interimorders.html. (accessed 21 February 2013).

[8] In *Olga Tellis* N 6, the court reasoned as follows: '[i]f the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation. Such deprivation would not only denude the life of its effective content and meaningfulness but it would make life impossible to live.'

[9] *Soobramoney versus Minister of Health (Kwazulu Natal)* (1998). (1) SA 765 (CC).

[10] Ibid, para. 15.

[11] Ibid, para. 19.

[12] The Court has been rightfully criticised for failing to provide a role for the right to life, which could have been done: see Pieterse (1999, 382).

[13] The principle is closely connected to another principle of constitutional interpretation employed by the Court, namely the principle of subsidiarity. Though the latter principle has various formulations and guises, its effect is often to mandate the use of more particular legislation and regulations,

before making a claim under the Constitution. On subsidiarity more generally, see Du Plessis (2009, 142–158).

[14]This is distinct from saying that they are not comparable, or decisions cannot be made between them, as Sen correctly outlines in *The idea of Justice* (2009, 239–241).

[15]See also Nussbaum (2000, 60–70).

[16]This has led to the development of the *Human Development Index*, for instance, which can be found at: http://hdr.undp.org/en/. (accessed 21 February 2013).

[17]For some recent justifications of rights, see Bilchitz (2007, 6–65) and Griffin (2008, 29–56).

[18]They are not identical notions, as Sen (2009, 370–1) points out, claiming that human rights also require taking account of a 'process aspect of freedom'. As Vizard, Fukuda-Parr and Elson (2011, 1–18) detail, the relationship between human rights and capabilities goes beyond simply recognising the plural aspects of the human good, and includes their shared foundations (in ideas of dignity and freedom), as well as the importance of positive obligations to realise both. The scope of this chapter does not allow for a more detailed consideration of this issue.

[19]For an exploration of the meaning of food in our lives and the ethical questions involved in our consumption thereof, see, for instance, the collection of essays in Pence (2002).

[20]For an analysis of this document, see Sollner (2007).

[21]See, for example, the report by the Millennium Development Goal Achievement Fund, *Children, Food Security and Nutrition: Review of MDG-F Joint Programmes Key Findings and Achievements* (2013). Accessed from: http://www.mdgfund.org/sites/all/themes/custom/undp_2/docs/thematic_studies/English/full/Nutrition_Thematic%20Study.pdf. (accessed 28 June 2013).

[22]See UN CESCR, 1999 (21–31).

[23]See United States Department of Agriculture (2000, 2).

[24]See, for instance, the report by United Nations World Food Programme & United States Center for Disease Control and Prevention, *A Manual: Measuring and Interpreting Malnutrition and Mortality* (2005). Accessed from: http://www.unhcr.org/45f6abc92.html. (accessed 28 June 2013).

[25]For an analysis of the right to social assistance, see Liebenberg (2001) and Swart (2006).

[26]See the Social Assistance Act 13 of 2004.

[27]See, for instance, comments of parents responding to the article 'The Child Support Grant is not Enough' by Addnall R. Accessed from: http://www.parent24.com/Toddler_1-2/care_nutrition/The-child-support-grant-is-not-enough-20120227. (accessed 21 February 2013).

[28]Brand (2006) 56(C) – 27 also argues that the SRoD Grant fails to address 'the endemic nature of South Africa's food security crisis'.

[29]See the chapter in this volume by Dugard J that outlines the findings of this study.

[30]Holness and Govindjee (2008, 528) contend that these problems with the grant may well render the state response unconstitutional if it is not regarded as renewable.

[31]Holness and Govindjee (2008, 536) appear to approve of this reasoning as sufficient to meet state obligations relating to the right to food.

[32]This appears to be true in a developed society such as the USA as well. Analysis of food security data by the US Department of Agriculture (2000, 8) shows many low-income households reported being food secure, whilst some non-poor households appear to be insecure. The report goes on to suggest that the explanation for this could lie in 'unexpected changes in circumstances, variations in household decisions about how to handle competing demands for limited resources, and geographic patterns of relative costs and availability of food and other basic necessities, such as housing.'

[33]The distinction between obligations of conduct and obligations of result is recognised in the UN CESCR, *General Comment No. 3: The Nature of States Parties' Obligations* (Article, para. 1 of the Covenant) (14 December 1990) E/1991/23. Accessed from: http://www.unhcr.org/refworld/docid/4538838e10.html. (accessed 21 February 2013).

[34]The USA, for instance, has food programmes which enable individuals to acquire a basket of basic goods. See, for example, the *Commodity Supplemental Food Program* and the *Emergency Food Assistance Program* at United States Department of Agriculture (November 2010). *How to Get Food*. Accessed from: http://www.fns.usda.gov/cga/Publications/ConsumerBrochure.pdf (accessed 21 February 2013).

[35]See Mapulanga-Hulston (2009, 322) for some of the institutional implications of the right to food.

[36]See the *International Centre for Inclusive Growth* (UNDP) report by Chmielewska D & Souza D. *The Food Security Policy Context in Brazil* (June 2011). Accessed from: http://www.ipc-undp.org/pub/IPCCountryStudy22.pdf. (accessed 28 June 2013).

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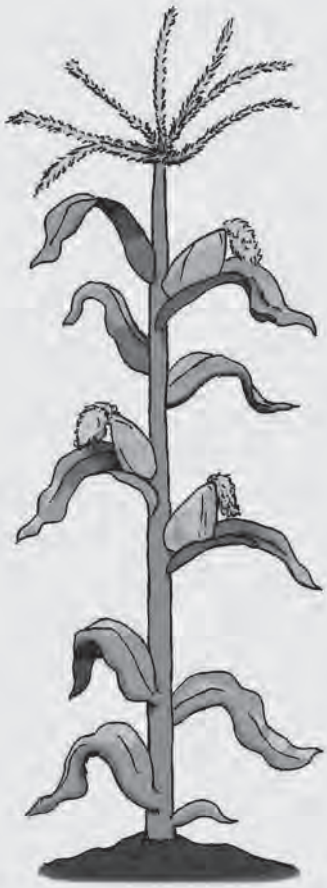
part

II

Who and Where are the Food-Insecure Households and Individuals?



Chapter

4

Food security in South Africa: A review of data and trends

Johannes John-Langba

Introduction

In this chapter we will review recent trends and data on food security—in South Africa specifically—using publicly available household data. According to the Food and Agriculture Organisation (FAO) (1996), 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. This definition was used as the conceptual framework to explore the situation and recent trends in food security in South Africa. The purpose of the review is to examine recent data and trends in food security, so as to inform social and economic policy development in post-apartheid South Africa. This review attempts to answer two broad questions that are known to have significant implications for social and economic policy in South Africa, namely:

- *Who* and *where* are the food insecure?
- *What* is the current food security situation?

The data used was drawn from quantitative data collection efforts in the last decade in South Africa. The data are based on individuals and concerning household food security in relation to population group socio-demographic characteristics and socio-economic status.

Indicators used to assess food security in South Africa

In the last decade, there have been a range of indicators used to measure food security in South Africa. Indicators that have frequently been used have focused on assessing food security in relation to the following five parameters: universality (all people at all times or frequency), access (physical and economic access), adequacy (sufficiency or quantity), quality (safe and nutritious, or meeting dietary needs) and preference (quality). These parameters are usually measured at the individual and/or household level using recall of the last week or month.

The 2012 *South African National Health and Nutrition Examination Survey* (*SANHANES*)—mentioned in Chapter 1—included a module that assessed food security using hunger as a proxy indicator of household food insecurity (HSRC, 2014). Hunger (food insecurity) was assessed by means of the *Community Childhood Hunger Identification Project* (*CCHIP*) (Wehler, Scott & Anderson, 1992). The *CCHIP* index includes eight questions that measure access in relation to whether adults and/or children are affected by food shortages, their severity and perceived food insufficiency, or altered food intake due to constrained household economic resources (frequency-of-occurrence) (HSRC, 2014).

The *CCHIP* captures and quantifies the predictable reactions and responses to the experiences of food insecurity, which are usually expressed through feelings of uncertainty or anxiety over food (situation, resources or supply), perceptions that food is of insufficient quantity (for adults and children), perceptions that food is of insufficient quality (includes aspects of dietary diversity, nutritional adequacy and preference), reported reductions of food intake (for adults and children), reported consequences of reduced food intake (for adults and children) and feelings of shame for resorting to socially unacceptable means to obtain food (Coates, Swindale & Bilinsky, 2007).

A score of five or more affirmative responses indicates the presence of food insecurity in the household, and its members can be categorised as 'hungry'. A score of one to four indicates that household members are at risk of hunger, and a zero score indicates that the household is food secure (Wehler, Scott & Anderson, 1992; HSRC, 2014). Household food security was assessed at national level with disaggregation according to the locality, province and race of the head of the household.

The *Demographic and Health Survey* (*DHS*) is another nationally representative survey that measures food insecurity in South Africa. The 2003 and 2008 *DHS* used questions on nutritional status as proxy indicators of food security by assessing the anthropometric status of vulnerable sub-groups of the population, particularly children and women. For children under five years, anthropometric measurements of height-for-age (stunting), weight-for-height (wasting) and weight-for-age (underweight)

were disaggregated by age (in months), sex, birth order, birth interval, size at birth, residence, race, mother's age, mother's education and wealth quintiles.

For women, the Body Mass Index (BMI) disaggregated by background characteristics (residence, age, race and level of education) was used as a proxy of food insecurity.

The *National Food Consumption Survey* (*NFCS*) (DoH, 1999) has also been used to assess the food security situation among children aged one to nine in South Africa. This survey uses a *Hunger Scale Questionnaire* (*HSQ*) that assesses the percentage of affirmative responses with regard to children in that age group—nationally and by province—to the following question: 'Do your children ever say they are hungry; there is not enough food in the house?'

The survey used the amount of money spent on food weekly for children aged one to nine years nationally/by province, mean energy intake (kJ) of children by age and area of residence, and hunger risk classification in children aged one to nine years, nationally and by province (where children are classified as food secure, at risk of hunger and having experienced hunger).

The *South African General Household Survey* (*SAGHS*), which includes the *October Household Survey* (*OHS*) (Statistics South Africa, 2009), consists of a module that assesses food access, supply, income and expenditure, and incorporates the following questions:

1. *Did your household run out of money to buy food during the past year?*
2. *Has it happened five or more days in the past 30 days?*
3. *Did you cut the size of meals during the past year because there was not enough food in the house?*
4. *Did you skip any meals during the past year because there was not enough food in the house?*
5. *Did you eat a smaller variety of foods during the past year than you would have liked to because there was not enough food in the house?*
6. *Please specify how many times the household ate the following foods (named as appropriate) during the past seven days?*

The *National Income Dynamics Survey* (*NIDS*) is another nationally representative survey that collects information about food security in South Africa (Anderson & Gasealahwe, 2012). The *NIDS* is a longitudinal study that includes a module on individual food spending and consumption, as well as anthropometric measurements

of individuals to assess food security prospectively. Some examples of questions in the *NIDS* include:

1. *What was the total food expenditure of this household in the last 30 days?*
2. *Was [food item] eaten by this household in the last 30 days?*
3. *What was the value of [food item] eaten from your own production and/or from stock in your own shop in the last 30 days?*

Anthropometric measurements of adults and children include: body mass, stunting, under-weight, wasting, height, overweight and obesity (Anderson & Gasealahwe, 2012).

Recent trends in household food security in South Africa

The review on which this chapter is based is mostly utilised data from available national surveys that assessed food security, using hunger as a proxy indicator of household food insecurity. While the absence of a consistent data series makes trend analysis difficult, data from four national surveys indicate marked improvements in the food security situation in the last decade. As shown in Figure 4.1, the percentage of food-secure households increased from 25 % (N = 2 735) in 1999 to 45.6 % (N = 6 306) in 2012; while the percentage of food-insecure households (experiencing hunger) declined from over 50 % in 1999 (DoH, 1999) to less than 30 % in 2012. The percentage of households at risk of hunger increased slightly from 22 % in 1999 (DoH, 1999) to 28 % in 2012 (HSRC, 2014).

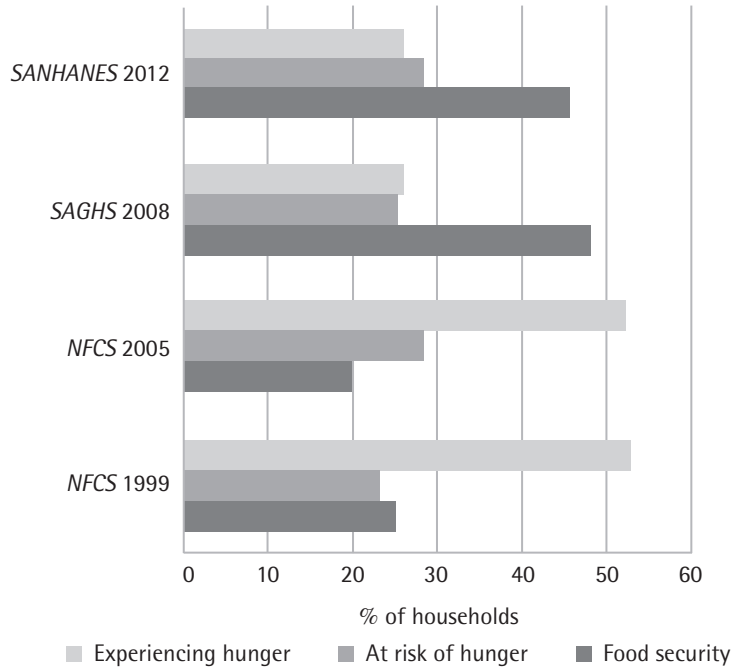


Figure 4.1 National trend in household food security, South Africa 1999 to 2012
Sources: DoH (1999); DoH (2005); Statistics South Africa (2009); HSRC (2014)

Recent data has shown some improvements in the food security situation in South Africa, for example the results of the *SANHANES-1* survey report improvements in the proportion of food-secure households. However, less than half (45.6 %; 95 % CI [42.9 to 48.3])[1] of all households, nationally, are food secure and 28.3 % (95 % CI [42.9 to 48.3]) of households are at risk of hunger. As shown in Figure 4.1 on page 78, the proportion of households experiencing hunger in 2012 was, unacceptably, 26 % (95 % CI [23.9 to 28.3]).

According to the *SANHANES-1*, food insecurity and/or the risk of food insecurity in South Africa are still determined by population group and residence/locality, particularly urban informal settlements or rural localities (HSRC, 2014). As shown in Figure 4.2, the largest percentage of households that experienced hunger in 2012 was located in urban informal (32.4 %; 95 % CI [27.1 to 38.3]) and rural informal localities (37 %; 95 % CI [33.3 to 40.9]). Localities with the highest percentage of households at risk of hunger were also the urban informal and rural informal settlements, with 36.1 % and 32.8 % respectively.

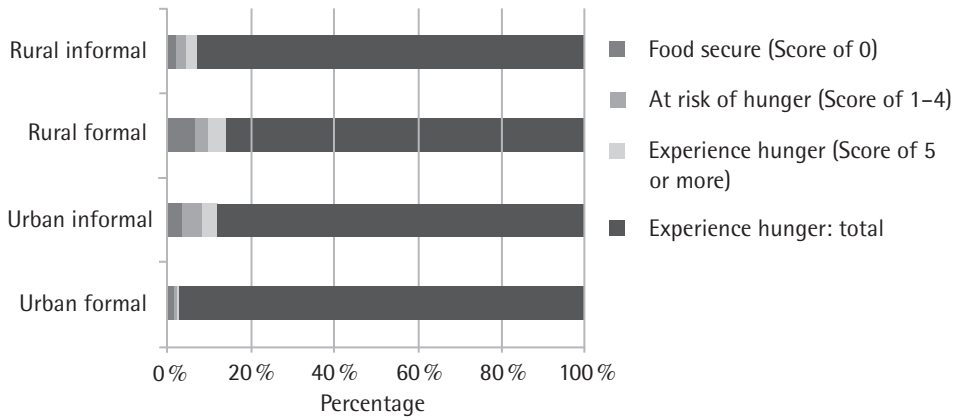


Figure 4.2 Household food security by locality, South Africa, 2012
Source: HSRC (2014)

There are glaring disparities in food insecurity based on the race of the heads-of-households. Less than half (39.3 %) of households in which the head-of-household is African were found to be food secure, as compared to 89.3 % of households with a white head-of-household. More than half of households with a coloured or Asian or Indian head-of-household were food secure (see Figure 4.3 on page 80).

Access to food is a key indicator frequently used in household surveys to monitor and assess the situation of food security in South Africa. Access is determined in terms of adequacy, inadequacy and severe inadequacy. As shown in Figure 4.4 on page 80, access to adequate food declined nationally during the period 2009 to 2011. More households reported having adequate food in 2009 than in 2011, with significant declines in the Western Cape and North-West provinces. The Free State province, however, showed a steady increase in household food access during the period under review, albeit having one of the lowest accesses in 2009.

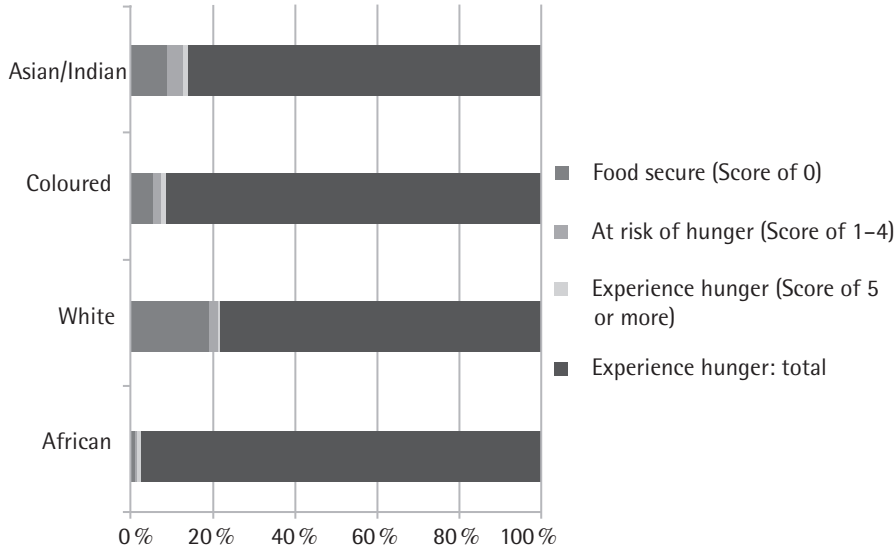


Figure 4.3 Household food security by race of head-of-household, South Africa, 2012
Source: HSRC (2014)

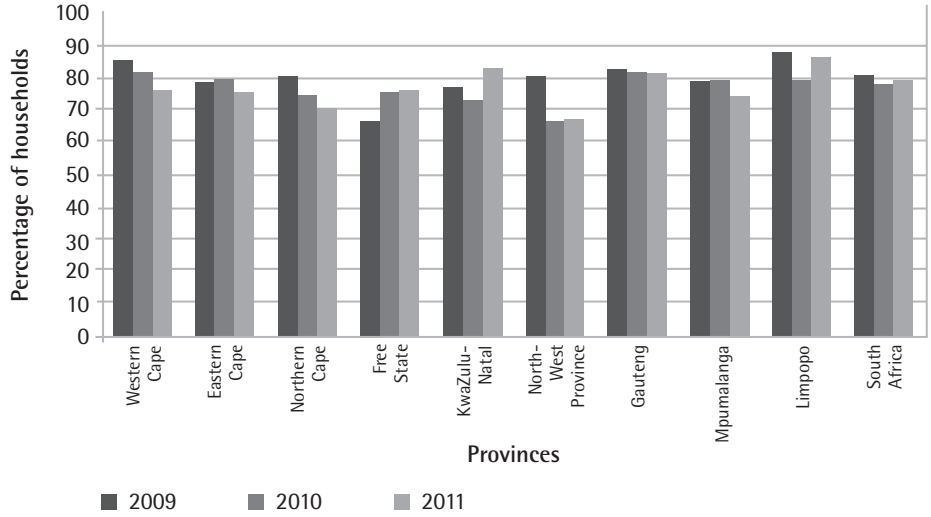


Figure 4.4 Households experiencing food adequacy by province (*SAGHS* 2009, 2010 and 2011)
Source: Statistics South Africa (2009; 2010; 2011)

Adequacy of household food consumption in South Africa

The adequacy of food consumption disaggregated by the sex of the head-of-household is an indicator of food security that is usually monitored in South Africa using the *Living Conditions of South Africans Survey* (Statistics South Africa, 2008/2009). As shown in Figure 4.5 on page 81, black male- and female-headed households reported the lowest household food consumption expenditure, with about R 5 000 or less spent on food annually, compared to more than R 10 000 for whites and Indian/Asian households.

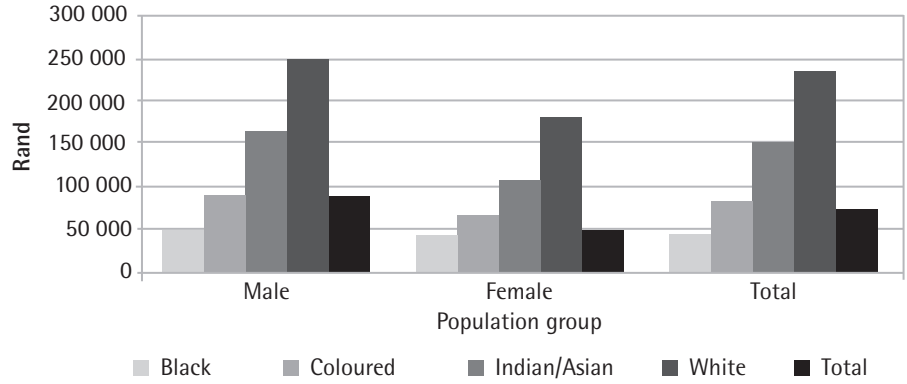


Figure 4.5 Average annual household food consumption expenditure by population group and sex of head-of-household
Source: Statistics South Africa (2008/2009)

Trends in households with children experiencing hunger

The number of households with children experiencing hunger is an indicator usually used as a proxy to monitor the food-insecurity situation in a country. A review of *SAGHS* data in the last decade shows that although the number of households with children that are always experiencing hunger in South Africa increased between 2004 and 2007, the country has seen a dramatic decline since 2008, from a high of over 8.5 million households with children reporting always living in hunger to less than 8 million households in 2010 (see Figure 4.6).

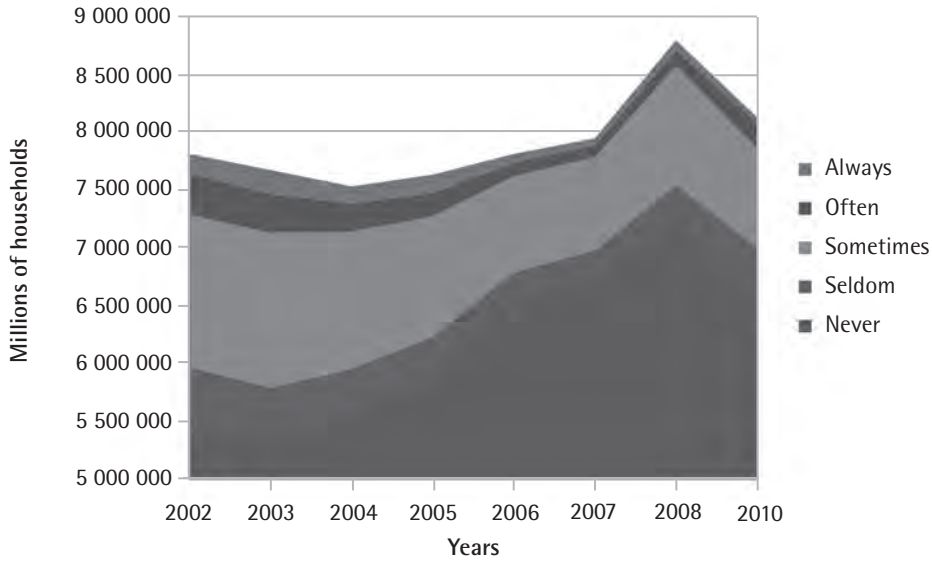


Figure 4.6 Trends in households with children experiencing hunger, 2002 to 2010
Source: SAGHS, 2002 to 2010, Statistics South Africa

Conclusion

This review shows that data and indicators used to monitor and evaluate the food security situation in South Africa are of varying quality and relevance, and are in most instances cross-sectional in design with limited potential of establishing causality. In addition to the dearth in stand-alone surveys dedicated to food security, longitudinal studies to monitor the food security situation in South Africa are few and far between, and food security indicators are often nested with social and economic surveys.

The apparent lack of consensus on standardised indicators to effectively monitor and evaluate the food security situation nationally is evident, as well as the lack of information on the intra-household inequalities and dynamics of food security. There are insufficient disaggregated data available to effectively identify the food insecure in South Africa. Future research, including monitoring and evaluation efforts on food security, should be focused on answering the question: *Who* are the food insecure in South Africa?

Endnotes

[1] 95% CI denotes 95% confidence interval.

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Chapter

5

Changes in food security in South Africa since the end of apartheid: Evidence using child malnourishment[1]

Julian D May and Ian M Timaeus

Introduction

Most studies confirm that the prevalence of income poverty continued to increase in South Africa between 1993 and 2000, and declined only slightly between 2000 and 2010 (Statistics South Africa, 2002 & 2014; Leibbrandt, Levinsohn & McCrary, 2005; Ozler, 2007; Leibbrandt et al, 2010). Together with population growth, this has led to a rise in the number of people categorised as poor, between 1993 and 2008, by some 3.8 million—with the increase being most striking in urban areas (Leibbrandt et al, 2010, 36). This is to be expected, since South Africa is experiencing rapid urbanisation. In 1996, 54 % of the population was living in urban areas, a proportion that increased to 68 % in 2011. However, while there has been a rural-to-urban migration of poor people, poverty remains most severe in rural areas. The post-apartheid decades have seen a steady increase in income inequality, with the Gini coefficient increasing from 0.66 in 1993, to a staggering 0.70 in 2008 (Leibbrandt et al, 2010, 32).

Government officials—who have argued that there have been substantial improvements in the coverage of

social protection in South Africa, that the provision of a range of free services has increased, and that the allocation made by the National Budget towards social services has grown—greet these poverty trends with concern. However, the situation may be more complex than is suggested by trends in the prevalence of poverty, and having a full understanding of it may require consideration of additional measures of welfare.

For example, measures of poverty that take account of the depth and severity of poverty suggest that there has been an improvement in the welfare of the poorest groups over the first two decades in post-apartheid South Africa. The Poverty Gap—which measures the average shortfall of those lying below the poverty line—declined by 12.5 % between 1993 and 2008, and Poverty Severity—a measure that emphasises the level of deprivation of those who are furthest below the poverty line—declined by 13.6 % (Leibbrandt et al, 2010, 35). Statistics South Africa (2014) report similar results for the period from 2006 to 2011, using an official poverty line, and also show that self-reported hunger has dramatically declined (Statistics South Africa, 2013). The implication is that measures that are only concerned with the share of the population below the poverty line may understate the progress that has been made in South Africa. Turning the analysis towards food security, and focusing analysis on child malnourishment, is an important exercise in its own right, as it may provide better understanding of the changes that have occurred in South Africa since the end of apartheid (Kennedy & Peters, 1992).

Child nutritional status was identified as an important concern prior to the country's transition to democracy. In a seminal paper, Zere and McIntyre (2003) reported that 24.5 % of children younger than five years of age were stunted, 17 % were underweight and 8.9 % were wasted. They used the well-known *Project for Statistics Living Standards and Development* (*PSLSD*) collected in 1993. More than a decade later, the *National Food Consumption Survey-Fortification Baseline (NFCS-FB)* revealed that 18 % of children aged one to nine years were stunted, 9.3 % were underweight and 4.5 % were wasted (Labadarios, 2007). These figures may appear low compared to the much higher stunting rates of Bangladesh, Ethiopia or Malawi, which exceed 40 %. However, as May and Timaeus (2014) show, when compared to its gross national income (GNI), South Africa's stunting rate lies well above the trend for most countries that are at a similar level of economic prosperity.

Such high rates of malnutrition translate into poor child outcomes. It is estimated that a third of the 6 million preventable deaths of young children occurring in poor- and middle-income countries each year can be ascribed to under-nutrition (Black et al, 2008). Of those that survive, an estimated 200 million children under five years of age fail to reach their potential in cognitive development because of poverty, poor health and nutrition, and deficient care (Grantham-McGregor et al, 2007).

According to UNICEF, in 2013 about 51 million children suffered from wasting or 'moderate acute' malnutrition, whereby their weights were low given their heights,

and 11 million experienced 'severe acute' malnutrition. Furthermore, about 161 million children suffered from 'chronic' malnutrition in which their heights were low, given their age. Unlike wasting, this stunting is likely to be permanent and has been shown to have an impact on the physical and cognitive development of children, as well as a significant impact on an individual's adult health and life prospects. In South Africa, the *National Burden of Disease Study* notes that 12 % of deaths among children under five years was due to them being underweight (Nannan et al, 2007). In the KwaZulu-Natal province, data from the *KwaZulu-Natal Income Dynamics Study* (*KIDS*) has been used to show that stunted children do less well in their first few years of school, than children who are an appropriate height for their age (Yamauchi, 2008).

Further, policies that achieve reductions in household poverty and improve food security can also ameliorate child malnutrition. The introduction of the Child Support Grant (CSG) in South Africa increased household cash incomes and has produced reductions in stunting of young children. These grants, it is argued, are likely to bring about increases in the productivity and wages of these children once they grow up (Agüero, Carter & Woolard, 2009).[2] Improving our understanding of the changes in the nutritional status of children can potentially assist in better identification of policy interventions seeking to bring about a sustainable reduction of poverty.

In this chapter, we use statistics on child nutritional status collected in 2008 to examine the changes in socio-economic status that have taken place in South Africa since 1993. We update and extend the estimates of Zere and McIntyre (2003), based on an earlier national survey that collected similar data in 1993, and compare these changes with broader trends in self-reported hunger and income inequality.

Data and methodology

Anthropometric indices can be calculated using the (accurately collected) heights and weights of children and infants. Stunting—or a low 'height-for-age z-score' (HAZ)—results from failure to grow at an adequate rate, and is usually an indication of prolonged or chronic under-nutrition and/or repeated disease or illness. The HAZ, generally considered to be a long-term indicator of under-nutrition, reflects the cumulative effects of socio-economic, environmental, health and nutritional conditions.

Wasting—or a low 'weight-for-height z-score' (WHZ)—is a short-term indicator that identifies children affected by current (acute) under-nutrition or recent illness. The WHZ is a strong predictor of child mortality. A low 'weight-for-age z-score' (WAZ) identifies children that are underweight for a specific age and reflects both chronic and/or acute under-nutrition. Stunting and wasting are potentially useful indicators of sub-optimal mental and physical child development.

As learnt in previous chapters, the *National Income Dynamics Study* (*NIDS*) is a nationally representative survey first undertaken in 2008. This wave of data collection

forms the base for a panel survey that has released two subsequent waves (Leibbrandt, Woolard & De Villiers, 2009). The *NIDS* provides both the data necessary to calculate anthropometric measures, and detailed information on the income and expenditure patterns that can be used to measure differences in socio-economic status (Argent, 2009; Finn et al, 2009). These data are readily comparable to those collected by the *PSLSD* in 1993, and to the analysis undertaken by Zere and McIntyre (2003).[3] The *PSLSD* also weighed and measured children, and gathered detailed expenditure data from 8 809 households, compared to the 7 302 households surveyed in the *NIDS*.[4] Data from these two surveys have been supplemented from two national surveys regularly undertaken by Statistics South Africa: the *Income and Expenditure Survey* (*IES*) undertaken every five years, and the annual *General Household Survey* (*GHS*).

These large sample surveys (approximately 30 000 households) are part of the national statistics system and are used for a variety of purposes, including reporting on the *Millennium Development Goals* (*MDGs*) and monitoring *South Africa's National Development Plan* (*NDP*).

Inequalities in socio-economic status that are measured using household per capita expenditure (PCE) include the imputations proposed by Finn et al (2009). We exclude the imputed rent estimates to ensure comparability with the *PSLSD*.[5] While some analysts use income as the proxy for socio-economic status, expenditure measures are generally regarded as more accurate than income, and our approach is in line with Deaton (2005) and Ravallion (1994). To ensure comparability with other studies of poverty trends in South Africa, we adopt the widely used poverty threshold proposed for South Africa by Ozler (2007), adjusted to 2008 prices, which amounts to R 515 per person per month.[6] Children's heights and weights are usually assessed against those of a reference population of children in good health. In this chapter, we use the 2006 World Health Organization (WHO) Child Growth Standards as the reference, and calculate z-scores for the three anthropometric indicators for children in both surveys (WHO, 2006).

Stunted pre-school age children (i e children aged 6 to 59 months) are defined as those whose height-for-age is more than two standard deviations *below* the median height of healthy children of the same age. These children are categorised as wasted if their weight-for-height is more than two standard deviations *below* the median weight-for-height of healthy children. This also applies for under-weight children using weight-for-age. Values exceeding –6 or +6 standard deviations have been deemed implausible for stunting and underweight, and have been excluded from the analysis, as have values for wasting that exceed –5 or +5 standard deviations.

Replicating the analysis of May and Timaeus (2014), we make use of an illness concentration curve to clearly depict changes in health inequalities between 1993 and 2008. As proposed by Wagstaff (2000), the illness concentration curve plots the cumulative proportions of children ranked by the household's socio-economic status against the cumulative proportions of malnourished children.

Poverty and child malnutrition

The *PSLSD* was marginally more successful than the *NIDS* in the collection of measurements of eligible children. In the case of the latter, data for 83 % of eligible children were collected, while the *PSLSD* managed to collect heights and weights for 86.5 % of children aged 6 to 59 months. Further, when applied to the reference population, data for 32 % of those measured in 2008 had to be excluded as being implausible, compared to just 16 % of the 1993 group. This means that data from the *NIDS* on 2 078 children under five years of age can be compared to 3 943 children in the *PSLSD*. These data are derived from 2 686 households in 1993 that had children aged 6 to 59 months—for whom complete anthropometric data were collected—compared to 1 611 households in 2008. It should be noted that the majority of children in this age group lived in households that were below the poverty line. In 1993, 53 % of households below the poverty line had children in this age group, compared to 21 % of households above the poverty line. By 2008, these proportions had fallen to 41 % and 17 % respectively.

Children were more likely to be living in poor households than adults (Hall, 2012)—as shown by the *NIDS* data in Table 5.1—indicating that almost 73 % of children aged from 6 to 59 months were in poor households. This can be compared to just less than 50 % of all households and 61 % of all individuals that were categorised as being poor.

Table 5.1 Money-metric poverty for children aged 6 to 59 months (2008)[7]
Source: Own calculations, *NIDS* (2008)

	Percentage (%) of sample
Poor households (N = 7 302)	48.2
Poor individuals (N = 31 165)	61.1
Poor children between 6 and 59 months (N = 2 925)	73.4

As shown in Table 5.2, there are substantial differences in child poverty by race and geo-location, although not by sex.

Table 5.2 Characteristics of poor children aged: 6 to 59 months (2008)
Source: Own calculations, *NIDS* (2008)

Percentage (%) of group who are poor	Percentage (%)
African	81.1
Coloured	46.8
Asian/Indian	23.4
White	8.2
Male	74.3

Percentage (%) of group who are poor	Percentage (%)
Female	74.6
Rural	93.1
Urban	56.0

Over 80 % of African children aged 6 to 59 months were to be found in poor households, compared to less than 1 % of white children. As would be expected, male and female children are equally distributed in poor households. However, the differences between geo-spatial locations are noteworthy, with 94 % of rural children aged less than five years living in poor households.

Several measures of food security are provided by South Africa's official statistics, including self-reported hunger, perceived food quality, the share of the population below the food poverty line and child malnutrition.

The data in Figure 5.1 is based on a question that was posed to households about whether or not a child has gone hungry in the year preceding the annual *GHS*. Although this is a subjective measure based on perceptions—rather than an objective one—the responses to this question have been found to be highly correlated to other indicators of deprivation.

The data cover the period 2002 until 2011 and show a substantial reduction in self-reported hunger. The share of the population experiencing hunger had more than halved since 2002, falling from just below 30 % to 13 %, with only a slight increase in 2008.

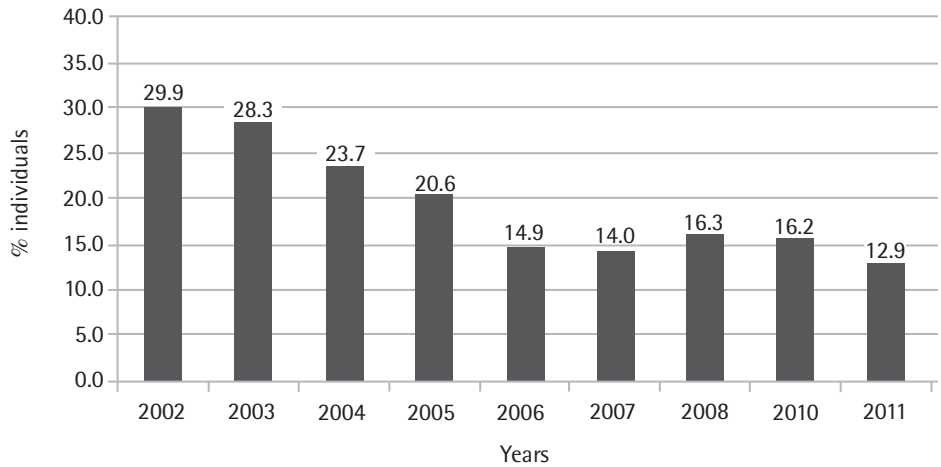

Figure 5.1 Percentage of households in which children are hungry

Source: Own calculations, Statistics South Africa, *GHS* all years. Note, this question was not asked in 2009.

Turning to the nutritional status of children, Table 5.3 on page 89 compares the percentage that have HAZ, WHZ and WAZ scores which lie two standard deviations below the reference child, and compares the situation in 1993 with that found in 2008.

Table 5.3 Prevalence of stunting, wasting, underweight and poverty (% 6 to 59 months)
Source: Own calculations, *PSLSD* (1993) and *NIDS* (2008)

Year	HAZ	WHZ	WAZ
1993	30.8	9.2	15.6
2008	24.6	4.8	8.8

All forms of anthropometric failure were less frequent in 2008 than in 1993. This stands in contrast to the headcount of poverty for children in this age group, which modestly increased from 69.6 % to 73.4 %. The results and trend are in line with other studies undertaken in South Africa (Lesiapeto et al, 2010, 205). It should be observed, though, that household and child poverty trends are more optimistic when income is used as the indicator of well-being. This is noted by Jamieson et al (2011), which reports a significant decline in child poverty using the *GHS*. However, in line with most international literature adopting money-metric measurements of poverty, we have chosen to retain expenditure as our preferred indicator.

Table 5.4 confirms that the differences by race and location—reported by Zere and McIntyre (2003)—are still evident in terms of each of the anthropometric measures.

Table 5.4 Prevalence of anthropometric failure 2008 (% 6 to 59 months)
Source: Own calculations, *NIDS* (2008)

	HAZ*	WHZ	WAZ
African	25.5	5.0	9.4
Coloured	28.4	2.2	7.9
Asian/Indian	0.7	0.0	0.8
White	10.5	7.0	2.5
Male	26.1	4.3	9.4
Female	23.1	5.3	8.0
Rural	26.9	4.4	10.3
Urban	22.2	5.2	7.2

*p <= 0.05 For the HAZ for race only

Unlike the results showing money-metric poverty, black children are not most at risk of stunting; instead, Coloured children have higher frequencies of stunting. A larger percentage of children in rural areas experience most forms of anthropometric failure, although this difference is not statistically significant.

Inequality in income and health outcomes

The Gini coefficient—a widely used measure of income inequality—has remained at around 0.7 since 2000. This places South Africa among the most unequal economies for which such data are available. Much of the reason for the persistence of such a large Gini coefficient is linked to widening gaps within race groups, which have probably arisen as better-educated people in groups, previously discriminated against, have been able to catch up. This is shown in Table 5.5.

Table 5.5 Gini coefficient 2000 to 2011
Source: Statistics South Africa (2013)

Race	*IES* 2000	*IES* 2006	*LCS* 2009	*IES* 2011
African	0.62	0.64	0.66	0.64
Coloured	0.56	0.60	0.57	0.58
Indian	0.49	0.56	0.53	0.50
White	0.47	0.56	0.47	0.45
RSA	**0.70**	**0.72**	**0.70**	**0.69**

Inequalities within the white population have remained low, with a Gini coefficient of around 0.5, while those for the black population have increased. As a result, the wealthiest 20 % of the population in South Africa accounted for over 61 % of consumption in 2011, giving up a meagre 3 % of total consumption to the middle 60 % since 2000. The bottom 20 % accounted for just 4.5 % of consumption, a situation unchanged over the past two decades. However, when the anthropometric status of children aged 6 to 59 months is mapped against the income decile of their household's per capita expenditure, the trend diverges from that of income inequality. This is shown in Figures 5.2, 5.3 and 5.4.

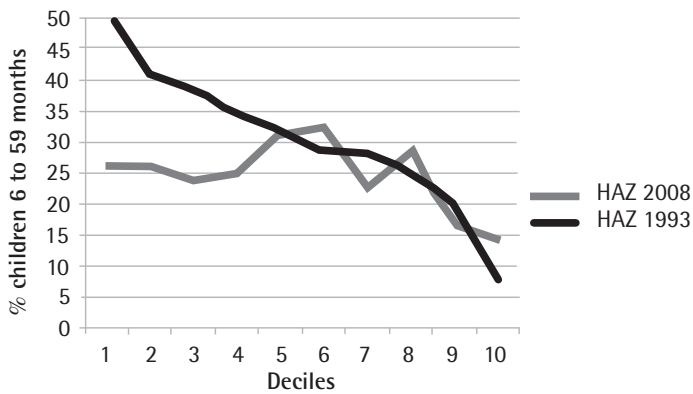

Figure 5.2 Percentage of children aged 6 to 59 months who are stunted by income decile
Source: Own calculations, *NIDS* (2008)

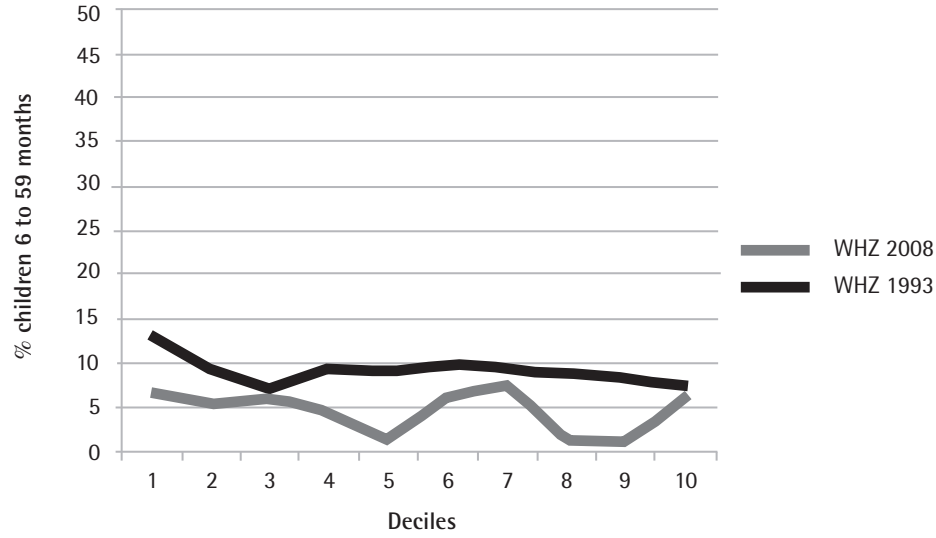

Figure 5.3 Percentage of wasted children aged 6 to 59 months by income decile
Source: Own calculations, *NIDS* (2008)

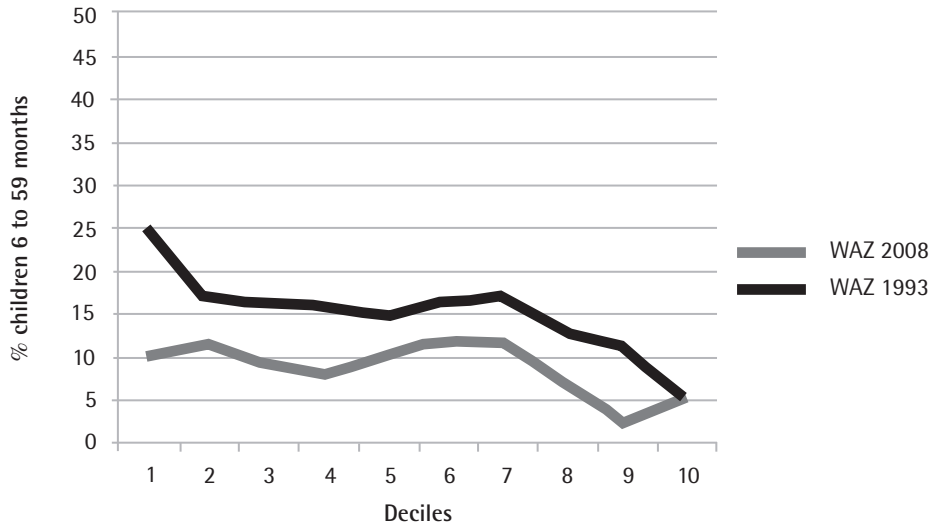

Figure 5.4 Percentage of underweight children aged 6 to 59 months by income decile
Source: Own calculations, *NIDS* (2008)

In all cases, the prevalence of malnourishment in 2008 is below that found in 1993, with the exception of stunting, which has peaks in the sixth and eighth deciles. In addition, the slope of the trend across deciles is flatter in the case of the 2008 level, showing that there has been a notable decline in terms of inequality of health outcomes for children aged 6 to 59 months. This is especially noteworthy in the bottom 50 % for all measures of child malnourishment, and above all for stunting.

Inequalities in terms of health outcomes—including anthropometric status—can be depicted using illness concentration curves originally suggested by Wagstaff (2000) and later adopted by Zere and McIntyre (2003) and May and Timaeus to depict the South African situation in 1993 and 2014. These plot cumulative proportions of children ranked by household expenditure in deciles, against the cumulative proportions of malnutrition. This is shown for the HAZ only in Figure 5.5 for 1993 and 2008. Similar patterns are found for the WHZ and WAZ.

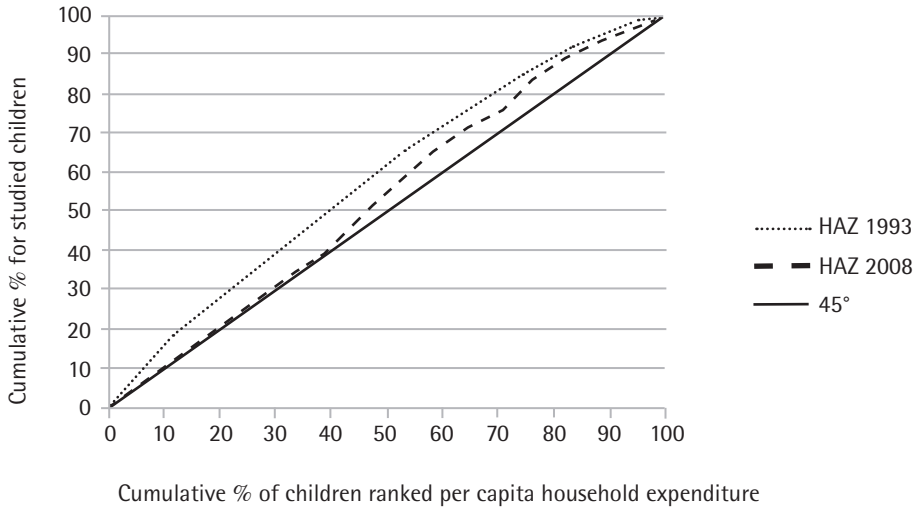

Figure 5.5 Concentration curves of child stunting (1993 and 2008)
Source: May & Timaeus (2014)

The extent of the reduction in health inequalities between 1993 and 2008 is once again noteworthy, with the 2008 line running close to the 45-degree line of equality until the fifth decile.

Conclusion

The reduction in self-reported food insecurity and in inequalities of child nutritional status—in the face of little change in the prevalence of income poverty and widening income inequalities—points to the impact of policies that have provided a 'social wage'. This refers to the package of services and grants intended to reduce the cost of living of the poor (Government of South Africa, 2007). The social wage is noted by the *Diagnostic Report of the National Planning Commission* (NPC, 2011, 8) and is a component of the plan itself (NPC, 2013, 359). Close to 60% of government spending is allocated to the social wage and expenditure on these services and has more than doubled in real terms over the past decade. As a percentage of the gross domestic product (GDP), spending on the social wage rose from 13% to 19% between 2002 and 2012 (National Treasury, 2013, 83), and Friedman and Bhengu (2008) provide estimates suggesting that the value of the social wage was around R 88 billion in 2004, or some R 587 per household per month.

Social-wage policies that are of relevance for the nutritional status of children include free clinic-based primary healthcare for women and children under six, subsidies on housing, electricity, water, sanitation and solid waste management, and the social assistance system.

The latter predates the democratic era but has now been expanded significantly in both scale and scope. The key legislations governing this system now include:

- The SA Constitution Act 108 of 1996 provides for everyone to have the right to access to social security. This includes—if the person is unable to support him-/herself and his/her dependents—appropriate social assistance, and obliges the state to take reasonable legislative and other measures within its available resources to achieve the progressive realisation of these rights.
- The South African Social Security Agency Act (Act 9 of 2004) gives legislative authority for the establishment of the South African Social Security Agency (SASSA)—an agent for the administration and payment of social assistance—to provide for the prospective administration and payment of social security, and provide related services.
- The Social Assistance Act (Act 13 of 2004) gives legislative authority for the transfer of the social assistance function to SASSA. The Act provides for the rendering of social assistance to persons. It provides a mechanism for the rendering of such assistance and the establishment of an inspectorate for social assistance and for matters connected therewith.

Although initially seen as a short-term measure to address poverty, social grants have increasingly become a source of livelihood in South Africa. There has been a dramatic increase in the total number of beneficiaries in receipt of social grants, from 2.6 million people in 1994, to 14.9 million by the end of 2011. Grant payments have risen from 2.9 % of GDP and now amount to 4.4 %, which is three times higher than the median spending of 1.4 % of GDP across developing and transition economies (Leibbrandt et al, 2010, 53). Although the Old Age Pension (OAP) was established during the apartheid era, the introduction in 1998 of the CSG for children younger than seven years is especially noteworthy. It was estimated that 80 % of the elderly and 71 % of eligible children received grants in 2010 (Hall, 2010). The coverage of the CSG has been extended to successively older children (reaching those between the ages of 15 and 16 in 2010), and now reaches 9.1 million children.

In terms of service provision, this period has seen a doubling in per capita health spending, the construction of 1.5 million free homes and the provision of free basic education to the poorest 60 % of learners. Bhorat, Van der Westhuizen and Naidoo (2006) report that 15 million previously unserviced people have been connected to a formal water supply since 1994, while access to electricity for lighting increased by almost 60 % between 1993 and 2009, to reach 82 % of all households.

Despite these policies and the positive results described in this chapter, the bulk of South Africa's children continue to live in households that are below the poverty line. As Hall (2012) demonstrates, children are more likely than adults to be found in households that are poor in terms of income, access to services and participation in the labour market. This means that, while inequities in nutritional status may have been mitigated through the existing suite of social protection policies, children remain at risk in South Africa.

Other outcomes, such as children's education and their successful transition into adulthood are still in jeopardy, and the incidence of malnourishment remains unacceptably high for a middle-income country. Furthermore, novel forms of nutritional disorder may be emerging as threats to the public health that may have equally serious consequences if not dealt with, notably obesity. In this instance, spending more money by increasing the grant, or extending the grant to older age groups, might not be a solution, and if so, alternative policies to grants would have to be found.

To deal with this, further steps are required to address household-level poverty, including better service delivery to those areas in which children are living, the creation of economic opportunities for the adults with whom children are living, as well as the delivery of other forms of social protection to children, including pre-natal care for prospective mothers. Finally, given the alarming increase of obesity among children in South Africa as reported by Ardington (2011) and analysed further by Timaeus (2012), policy reform should be increasingly directed towards addressing a triple burden of malnutrition that comprises insufficient food, inadequate intake of micro-nutrients and the excessive consumption of energy-dense foods with little nutritional value.

Endnotes

[1] This study was supported by the Economics and Social Research Council Pathfinder Research Project RES-238-25-0030, and by the National Research Foundation Grant UID 91490.

[2] The CSG was introduced in 1998 and initially included children younger than seven years of age, subject to a means test of the caregiver. Its coverage has subsequently been broadened and the CSG will eventually be made available to children under the age of 18 years, and the upper age limit may be further raised to include school leavers.

[3] Although both Statistics South Africa and the Human Sciences Research Council (HSRC) have collected data on anthropometric status, the results of the former have never been published and the data are not available. While the *SANHANES* has, at intervals, released results without confidence, the data are not in the public domain and thus not available for this analysis. This survey suggests a surprising increase in stunting in 2012. While this might be attributed to the impact of premature adult mortality on infants, measurement error could equally be a factor.

[4] Version 4 of the Wave One data is used in this chapter. The second wave of the *NIDS* was collected in 2010 and released in March 2012, while the third wave was released in 2014. As with most panel data, *NIDS Wave Two and Three* are not necessarily representative of the South African population, and these data are not used in this chapter.

[5] The post-stratified weights for both surveys recommended by Wittenberg (2009) are used.

[6] Statistics South Africa (2014) has recently provided an official suite of poverty lines. These have yet to be applied to data collected prior to 2006.

[7] In this figure, and all subsequent figures and tables, the sample size for the *NIDS* is 7 302 households, 31 165 individuals and 2 925 children aged 6 to 59 months. For 2 099 children, data required to calculate their WAZ was provided; for 1 879 children, data for their WHZ; and for 2 061 children, data for their HAZ. In the case of the *PSLSD*, the sample size is 8 809 households, 43 687 individuals and 4 318 children aged 6 to 59 months, of whom 3 943 children provided anthropometric data. There are minor differences in the sample size for some variables due to missing data.

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Chapter

6

Food insecurity amongst urban households

Jane Battersby

Introduction

Section 27 of the SA Constitution Act 108 of 1996 states that, 'Everyone has the right to … sufficient food,' and that 'the state must take reasonable legislative and other measures within its available resources, to achieve the progressive realization of [this right]' (Republic of South Africa, 1996). Following the recognition that food security responses were too fragmented, it was decided that a national food security strategy was required in order to 'streamline, harmonize and integrate the existing food security programmes into [an] integrated food security strategy' (DoA, 2002, 5). *The Integrated Food Security Strategy* (*IFSS*) of 2002 represents the state's main mechanism to help realise the right to food. This strategy was critiqued as being hampered by institutional arrangements and poor alignment of sectors (Drimie & Ruysenaar, 2010). In light of these critiques, a new *National Policy on Food and Nutrition Security* (*NPFNS*) has been gazetted, but the public participation process around its implementation plan has yet to be concluded.[1]

While the right to food is recognised within the SA Constitution, it has been noted that agriculture and food issues are never major debates in Parliament or in society (Kirsten, 2012, 18). This chapter contends that the right to food has been particularly neglected in urban areas. While food insecurity is a critical urban challenge, there is no clear policy engagement with urban food insecurity, or urban food systems more broadly. This lack of a specific urban food focus has a negative impact on citizens' abilities to access food and therefore the realisation of the right to food.

This chapter therefore describes the current policy and political engagement with food security in South Africa. Within this section, it is noted that the framing of food insecurity is overwhelmingly rural in focus, and productionist in policy response. This chapter uses data from the *African Food Security Urban Network* (*AFSUN*) Baseline Survey and other sources to contest the assumption that food insecurity is predominantly and primarily a rural problem. Through a discussion of key findings from the survey, the nature and causes of food insecurity in urban areas are shown to have distinct urban characteristics, which require policy responses reaching beyond productionist solutions.

Current framing

There are currently no city-scale food security strategies in South Africa, and yet, as this chapter will argue, food insecurity is increasingly an urban challenge. The current framing of food security in South Africa remains rural in focus. The right to food and the challenge of food insecurity are being increasingly articulated in public statements of the ANC, DA, COSATU and other political players (Zuma, 2013; Steyn, 2013; Vavi, 2014).

However, while the right to food and food insecurity are gaining increased public political presence, the reality of urban food insecurity is rarely acknowledged. Indeed, the currently gazetted *NPFNS* reflects this ongoing blindness to urban realities (DAFF, 2014).

The urban food security gap in political discourse has its roots in the ideological framing of the location and causes of food insecurity within the *IFSS* (Drimie & Ruysenaar, 2010). This gap is reinforced by the strategy's political home, the Department of Agriculture (DoA) (now called the Department of Agriculture, Forestry and Fisheries [DAFF]). The lead department selected to drive the strategy reveals an underlying productionist—and therefore rural—bias within the conceptualisation of food insecurity. Despite the key challenges identified in the *IFSS*, the document locates the heart of the problem as rural food security, and the solution to be increased production: 'One of the primary objectives ... is to overcome rural food insecurity by increasing the participation of rural food insecure households in productive agriculture sector activities' (DoA, 2002, 28). This understanding of the nature and location of food insecurity is reflected in the articulation of the food security priority area of the National Planning Commission (NPC) as 'food security, water security and rural development' (Manuel, 2012). Likewise, the ANC's 2009 *Election Manifesto* listed food security as one of its five priority areas, but also coupled food insecurity with rural development (ANC, 2009).

The NPC's *National Development Plan 2030* (*NDP*) reflects this rural focus. The document notes that it is necessary to make a distinction between 'national food self-sufficiency', 'food security' and 'access to food by poor people' (NPC, 2012, 230). This is useful in that this forces a shift, from increasing productivity as the central response, to food insecurity.

However, further on in the document, it is argued that the challenge of food insecurity is particularly felt by poor rural households and the policy recommendations are geared towards rural areas. The document notes that poor households are particularly impacted by increases in food prices, and goes on to note that rural households 'pay more for a basic food basket than their urban counterparts' (NPC, 2012, 230).

This chapter argues that the experience of poor urban households is neglected here, due to the tools used to assess the real cost of food for poor households in rural and urban areas, as will be discussed in the methodological critique section. The NPC's recommendations are informed by this rural imagining of food insecurity, as illustrated by the following statement: 'Household food security strategies should include using and expanding existing public works programmes. In particular, the Community Works Programme for rural infrastructure development should be used' (NPC, 2012, 231).

This chapter argues that the existing policy responses have significant gaps. The 'face of food insecurity' is increasingly urban, and yet current food security policies lack an explicitly urban focus, leaving cities with no mandate to address food insecurity and the wider urban food system.

Urban food insecurity has been rendered politically invisible to policy-makers at national and city scales through the interplay of ideological and methodological approaches to the relationship between the rural and the urban in South Africa.

Ideological stance

Daniel Maxwell argued that food insecurity was neglected by city officials in sub-Saharan Africa for three reasons. The first reason was that city governments and practitioners in the region have limited budgets and capacities, which means that 'more urgently visible problems' (Maxwell, 1999, 1940), such as housing and sanitation, take priority. In the context of the South African city—where there is intense pressure to meet massive critical infrastructure backlogs—this most certainly is an important consideration. However, this explanation assumes a level of control over the municipal budgeting process that is not the case in the South African context. There is no food security mandate at the city scale. As a result, any action taken by cities to address food insecurity is currently work unfunded by national government and without policy support. This chapter argues that this is a fundamental challenge to the realisation of the right to food in the South African city.

The second reason is that urban food insecurity is rendered invisible because of how it manifests. In rural areas, food insecurity is often linked to a single shock, such as a famine, which affects all households at the same time, thus making the crisis visible. In urban areas, food insecurity is rarely the result of absolute food shortages. These results are usually due to households being unable to access food, and different households will experience this challenge at different times. Because urban food

security therefore manifests at the household level, rather than on a community scale, and because affected households employ a range of localised coping strategies, urban food insecurity is therefore less visible to policy-makers.

The third reason is that, because of the ongoing perception that poverty and food insecurity are rural problems, national and city-level policy-makers are less inclined to see urban food insecurity.

Within this chapter, I argue that in South Africa, this perception is attributable to a long-standing ideological position on the relationship between the rural and the urban. It is also argued that this position has been reinforced by the methodological approaches used to assess levels of food insecurity. The outcome of this ideological and methodological approach is that urban food insecurity has been rendered invisible to policy-makers at both national and city scales.

The current neglect of the urban within South African food security policy and thinking is due to the fact that it has its roots—both in local and international thinking—in the relationship between rural and urban areas. Internationally, food security thinking is still influenced by the urban bias arguments developed by Lipton (1977), Bates (1981) and others, who argued that, due to their economic, political and social power, urban elites in developing countries disproportionately benefited from public policy. This argument profoundly shaped development practice and concentrated development focus on rural areas. Urban poverty (and therefore urban food security) thus largely fell off the development agenda. While the urbanisation of poverty is an increasingly recognised phenomenon, the influence of urban bias theory continues to act as a drag to shifting policy direction.

In its 2001 *State of the World's Cities* report, UN-Habitat states that:

> *Several international development agencies in Africa still have no department specifically in charge of urban development. In several agencies, the ruralist lobby is so strong that urban poverty is hardly recognized as such and "urban development" has to walk in disguise behind the imperatives of health, education, gender, family, micro-enterprise promotion, environment. (2001, 12)*

This point is elaborated on by Parnell and Simon:

> *That the urbanisation trend is so widely ignored is either a result of negligence on behalf of governments and major players such as the African Development Bank, donors and the UN, or it reflects vested interests (such as those of traditional authorities) that need to be exposed in the wider interests of development. (2010, 54)*

There is evidence that the urban is receiving greater attention from the development community. It has now been confirmed that there will be a specifically urban Sustainable Development Goal (SDG); however, this was subject to considerable negotiation.

Within South Africa, policy thinking is undoubtedly influenced by these international development debates and funding models. However, the framing of rural and urban in South Africa is also influenced by the post-apartheid efforts to redress apartheid and pre-apartheid inequities, which manifest spatially. In both the apartheid and pre-apartheid eras, black populations were systematically removed from urban areas. Rural areas were therefore sites of great poverty and economic exclusion. In South Africa, the urban development agenda has been viewed as endorsing the status quo and therefore doing little to address apartheid inequalities (Turok & Parnell, 2009).

The combination of local and international ideological approaches to rural and urban poverty has prevented policy-makers from engaging with the reality of urban food insecurity.

Methodological stance

The ideological stance that food security is primarily a rural problem is reinforced by the methodological approaches conventionally used to assess food security. Levels of food insecurity within South Africa are commonly derived from findings of large-scale general surveys, such as Statistics South Africa's *General Household Survey* (*GHS*), *October Household Survey* (*OHS*) and *Income and Expenditure Survey* (*IES*), as well as the Human Sciences Research Council's (HSRC) *South African Social Attitudes Survey*. The *National Food Consumption Survey* (*NFCS*), which only captures data on children from ages one to nine, has also been a key source of food security data. Within these surveys, levels of food insecurity have been found to be consistently higher in rural areas than urban areas, which would seem to reinforce the notion of food insecurity being a predominantly rural challenge.

The 1995 *IES* found an urban food poverty rate of 27 %, compared to a rural rate of 54 % (Rose & Charlton, 2002). The *NFCS* of 1999 found levels of urban food insecurity of 42 %, compared to 62 % in rural areas. By contrast, the *South African Social Attitudes Survey* found just 20.5 % of urban households and 33.1 % of rural households to be food insecure (Labadarios, Steyn & Nel, 2011, 893).

These very different levels of food insecurity between surveys can be attributable to the survey tools and proxies that have been used to approximate food insecurity. In their report for the DAFF, Du Toit et al reflect on the use of these surveys as follows: 'Although these surveys are not designed for the analysis of household-level food security per se, these datasets have some value in respect of understanding food security' (2011, 27). However, when these tools are examined, it is evident that they are blunt tools for assessing the depth or severity of food insecurity and cannot easily be applied to understand the wider extra-household drivers of food insecurity.

The *IES*, *OHS* and *GHS* all ask questions on total income or expenditure, and generally ask questions on total food expenditure. Outside a question on whether or

not the household grows food, there are no further food security questions in the *IES*. Both the *OHS* and *GHS* have asked questions of access failure (whether or not any children have gone hungry, and, from 1999, whether or not anyone has gone hungry) (Thomas, 2011). Food insecurity is not synonymous with hunger. Hunger is the extreme end of food insecurity. Many households experience significant food insecurity, but may never fall into actual hunger, as articulated in the survey. The surveys therefore miss the characteristics and experiences of all but the most severe manifestations of food insecurity.

The income and expenditure figures may also obscure the true extent and experience of food insecurity in urban areas. The *NDP* states:

> *Poor households feel the effects of food-price increases much more severely than more affluent households ... Furthermore, rural households pay more for a basic food basket than their urban counterparts because of the low volume of sales, limited competition, high transport costs and lack of adequate storage facilities in rural areas. (NPC, 2012, 231)*

The absence of an urban focus is because food is apparently cheaper in urban areas,[2] and urban wages are higher. However, this absence reflects a lack of appreciation of the lived reality of urban poverty. Ahmed et al (2007) found that the incidence of urban food insecurity was the same or higher than in rural areas in 12 out of 18 sampled low-income developing countries, despite the higher incomes of urban households. This is the result of the higher cost of living in urban areas and the greater dependence of urban populations on the market for access to food. The use of blunt survey tools reinforces the assumption that food insecurity is far less significant in urban areas than in rural areas.

The second methodological critique is the construction of the rural/urban binary in much of the existing food security work. All of the large-scale surveys support the notion that food insecurity is primarily a rural problem. However, this chapter argues that the ways in which the data are reported mask the prevalence of urban food insecurity by the use of percentages over absolute numbers, and by the way in which rural and urban are defined in the South African context.

The 2009 joint report by Oxfam GB, Concern Worldwide and CARE International argues that the 'common use of percentage rates over absolute numbers [of malnutrition] is greatly distorting when used for urban slums, as this masks the higher numbers … affected in such densely populated settings' (Oxfam GB et al, 2009, 14). The use of percentage rates comparing rural and urban leads to misleading data on the relative prevalence of food insecurity. If the proportion of the food-insecure households that live in urban areas were compared to the proportion of food-insecure households that live in rural areas, a fairly different representation would be generated of where the food insecure are, due to the population numbers in urban areas. This blurring

of percentages and absolute numbers is evident within the *IFSS* itself, which states, 'Gauteng and the Western Cape are wealthier provinces with the least number of poor households at less than 12 % each' (DoA, 2002, 22). These provinces may have the lowest proportions of people categorised as poor, but the population sizes of these provinces mean that they do not necessarily have the 'least number of poor households'.

Table 4 provided in the *IFSS* on household expenditure as an indicator of poverty shows that 6.1 % of Gauteng's 1 964 168 households spent R 600 or less per month, compared to 21.7 % of the Northern Cape's 186 984 households. Although the Gauteng proportion is far lower, this equates to 119 814 households, compared to 40 575 households in the Northern Cape. The use of proportions generates a particular understanding about the location of poverty and food insecurity in South Africa.

The second problem with the rural/urban distinction is the uncritical adoption of definitions of urban and rural. Parnell has argued that the urban poor have been consistently under-counted because of how urban is defined in South Africa. Urban is categorised by political jurisdiction. Only areas that have a proclaimed local authority are classified as urban. This is an old apartheid era definition, which has led to many poor areas being defined as rural when, under any standard definition, they would be urban. Parnell notes that: '[t]he problem with these overly "rural" figures is that they feed the myth that the South African poor are predominantly a peasantry whose sole need is land reform' (Parnell, 2005, 24). As a result, many households classified as being within rural areas in these surveys are, by all practical definitions, urban.

Under the official definition, places such as Botshabelo would be rural, despite having a population of 175 000. Given that these areas are predominantly poor, often being apartheid-created towns for surplus labour, they are likely to have high levels of food-insecure households. The definition therefore clearly skews the figures and over-attributes food-insecure households to rural areas.

For these reasons, finer-grained studies with food security as a central component of their data variables are useful. In a 2000 household survey of food insecurity in rural Eastern Cape (Mount Frere), rural Western Cape (Ceres) and Cape Town (Khayelitsha and Nyanga), the rural Eastern Cape households were found to be marginally more food insecure than the Cape Town households (83 % and 81 % respectively). Those in the rural Western Cape site were found to be the least food insecure (69 %) (De Swart, 2003 in Hendriks, 2005, 114).

These data begin to illustrate the extent of food insecurity in low-income urban areas and the need to disaggregate beyond the simple rural/urban binary.

Findings of the *AFSUN* Cape Town baseline survey

Out of the recognition of the weaknesses of existing survey methodologies, the *AFSUN* survey took a case study approach and sampled within specific areas of sampled cities,

rather than taking a stratified sample across the cities. While this approach makes generalising out from the survey challenging, it allows for a richer understanding of the relationship between household food insecurity and the social, economic and spatial characteristics of the neighbourhood in which that household lives. This case study approach therefore generates data which enrich the knowledge base and allow for the connections between food insecurity and other realms of policy to be interrogated.

The *AFSUN* conducted a 6 500 household baseline survey in low-income areas of 11 southern African cities in 2008.[3] The survey aimed to generate data on the extent of urban food insecurity, establish how low-income households accessed food and better understand the drivers of urban food insecurity.

Recognising the limitations of blunt survey instruments and proxy tools for establishing the extent and depth of food insecurity, the survey used three key measures to assess food security: the Household Food Insecurity Access Scale (HFIAS), the Household Dietary Diversity Score (HDDS) and the Months of Inadequate Household Provisioning (MIHFP).

The HFIAS was devised by the Food and Nutrition Technical Assistance Programme (FANTA) of the United States Agency for International Development (USAID), as a universally applicable food insecurity measurement tool (Coates, Swindale & Bilinsky, 2007). This tool uses a matrix of eight questions to categorise households into one of four categories: food secure, mildly food insecure, moderately food insecure and severely food insecure.

Within the *AFSUN* work, households falling into the moderately and severely food-insecure categories were considered to be food insecure. The HDDS and MIHFP were similarly designed by FANTA as 'two strategic objective level indicators of household food access', balancing the combined objective and subjective elements of the HFIAS (Swindale & Bilinsky, 2006, 1).

In addition, in order to understand the dynamics, drivers and impacts of food insecurity in urban areas, the survey collected data at both individual and household scale on income, expenditure, migration, health, employment, livelihood strategies, rural–urban connections, food sources, and a number of other variables.

Within the *AFSUN 11 City Survey* as a whole, 77% of households were found to be moderately or severely food insecure (hereafter 'food insecure') (Frayne et al, 2010, 43). In Cape Town, the survey sampled 1 060 households in three low-income areas, namely Ocean View, Ward 34 (Brown's Farm, Philippi) and Ward 95 (Enkanini and Kuyasa, Khayelitsha).

The three sites were selected to capture some of the diversity of lower-income areas of the city, in terms of race, housing, income distribution, location relative to sources of employment, food retail environment etc.

Of the households sampled in the three low-income areas of the *AFSUN* Cape Town survey, 80 % were food insecure, with up to 89 % of the Khayelitsha households falling into this category. These proportions are far higher than those found in the large-scale survey tools. The HFIAS has been used in many other case studies and so there is the possibility of comparison with other sites in which it has been used. Ballantine, Rousseau and Venter's (2008) case study of Klipplaat in the Eastern Cape found 100 % of their sampled households to be moderately or severely food insecure. It therefore appears from this two-point data set that rural food insecurity is more extensive than urban food insecurity, even when using a case study approach.

However, one of the benefits of the HFIAS is the four different food security categories, which allow for a finer-grained analysis than the tools used in the large household surveys discussed previously. When this is considered, a different interpretation emerges. While 69 % of the sampled Klipplaat households were severely food insecure, 80 % of the Ward 95 households and 71 % of the Ward 34 households fell into this category.

While the extent of food insecurity in the rural area was greater, it appears that the severity of the food insecurity in the urban sample was greater. While these figures may not be statistically significant, they do suggest that urban food insecurity is at a level that requires greater policy recognition and that it manifests differently than rural food insecurity, with food-insecure households likely to fall into severe food insecurity at a greater rate than those in rural areas.

These findings are supported by evidence from the 2013 *South African National Health and Nutrition Examination Survey* (*SANHANES*), which found that 37 % of study participants living in rural informal areas experienced hunger, and a further 32.8 % were at risk of hunger (food insecure). In urban informal areas, these proportions were 32.4 % and 36.1 % respectively (Shisana et al, 2014, 10).

The HDDS and MIHFP surveys provide further details of the nature of food insecurity in the sampled areas. The mean household dietary diversity of the sampled households was 6.75 out of 12. Figure 6.1 on page 106 provides an indication of the food types that households had consumed within the previous 24 hours.

As is evident, the main food groups consumed are largely non-nutritive. While 93 % of households had consumed some form of cereals within the previous 24 hours, the next most commonly consumed items were 'other foods', which were usually tea or coffee, 'sugar or honey' and then 'foods made with oil, fat or butter'.

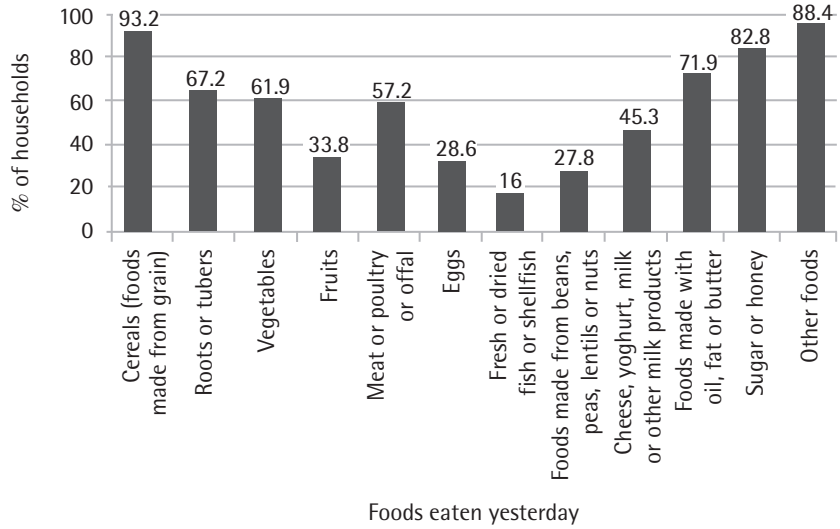

Figure 6.1 Food types consumed by households in the previous 24 hours
Source: Frayne et al (2010)

The mean HDDS score of 6.75 masks the limited diets of most households. These findings reflect those of Labadarios, Steyn & Nel (2011)—who found that dietary diversity in South Africa was lowest in tribal areas and informal urban areas—and of Oldewage-Theron and Kruger (2011)—working in a low-income peri-urban area. Popkin and colleagues have noted that there is a general trend in the developing world towards diets high in fats and caloric sweeteners, and that this trend is more marked in urban areas (Popkin & Bisgrove, 1988; Drewnowski & Popkin, 1997; Popkin, 2003). These HDDS scores are not the result of a lack of availability of other foods within Cape Town, but of income poverty, the nature of the urban food system and urban design (as will be discussed later).

In rural areas there is a strong seasonality to when households go without food, often linked to agricultural cycles. The *AFSUN* data revealed that there were also distinct hungry seasons within cities, despite a constant supply of food to the city. In Cape Town there were two distinct hungry periods during the year: January, and the winter months of June and July (see Figure 6.2 on page 107). This is due to the high proportion of income spent on food.

The poorest tercile of sampled households spent an average of 53 % of their declared income on food. With such a high proportion of household income going to food, any change in food prices will impact a household's ability to purchase food. Within the *AFSUN* Cape Town survey, 71 % of households indicated that they had gone without types of food, because of increased food prices.

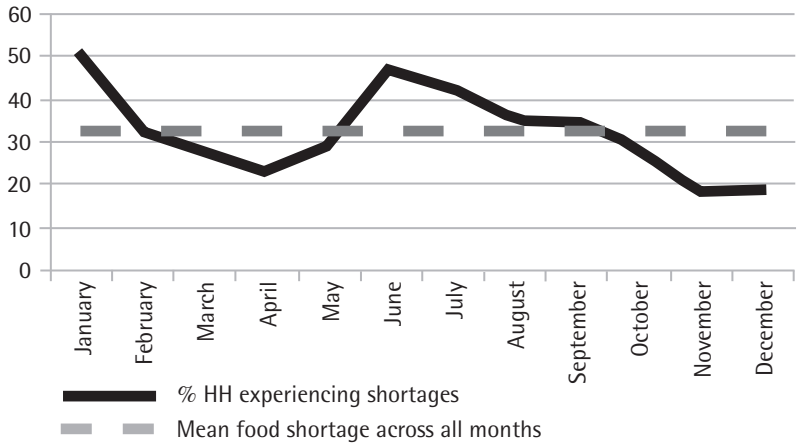

Figure 6.2 Months of adequate household provisioning
Source: Frayne et al (2010)

Likewise, any other increase in household expenditure—such as increased transport costs, payment of loans, and increased household fuel costs—will impact household food security. In addition, any reduction in income will also have an impact on food security. The seasonality of food insecurity in urban areas can largely be attributed to these periods of increased household expenditure and reduced household income; seasonal employment dips over these periods, and the start of the year brings annual bills and holiday loan repayments, and the winter brings increased fuel costs.

As suggested by the HFIAS and MIHFP figures, there are some distinctive characteristics of food insecurity in urban areas that mean that food security policy and work to ensure the right to food cannot simply replicate models designed for rural areas in the cities. The clearest indicator that rural, small-scale household food production as the solution to food insecurity is not appropriate for the urban context is the data on sources of food. Within the *AFSUN* survey, households were asked from where they sourced food and how frequently they acquired it from these sources. As Figure 6.3 on page 108 indicates, just 5 % of the Cape Town sample sourced any food from their own production. The vast majority (99.3 %) had purchased food from a supermarket at some point during the last year. However, daily or weekly supplies mainly came from small shops, restaurants, take-aways (mainly spazas), informal markets and street foods (61.5 % and 55.1 % respectively); compared to 26.8 % purchasing daily or weekly from supermarkets. A significant proportion of households had acquired food from neighbours and other households through sharing of meals (44 % in the previous year), eating food provided by others (34 %) and borrowing food (29 %).

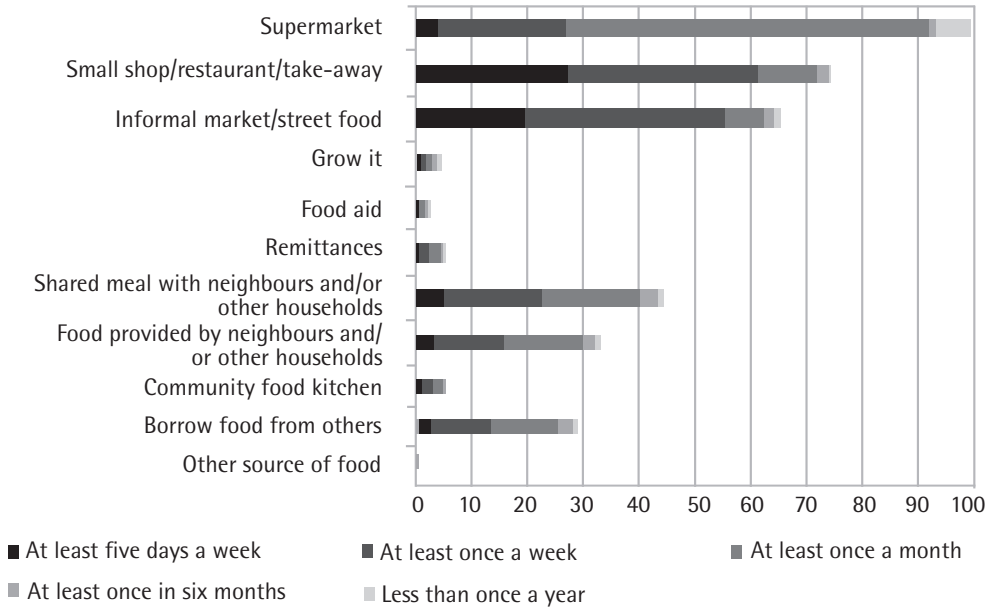

Figure 6.3 Sources of food
Source: AFSUN Survey (2013)

What then drives urban food insecurity and urban food consumption patterns? In order to understand food insecurity in urban areas, it is essential to go beyond the simple household scale, and consider the wider geography of the city and the neighbourhood. The following section therefore addresses the impacts of macro- and micro-geographical factors, food retail patterns and household asset bases on urban food security.

Macro-geography

South African cities remain shaped by their colonial and apartheid histories, and as an outcome of this design, the lowest income households are located at the cities' peripheries. This spatial logic persists in the post-apartheid era, as Oldfield has noted: 'the fabric of the apartheid city endures in segregation, uneven access, peripheral locations and marginal environments in African and Coloured neighbourhoods' (2004, 200). This geography impacts food security in a number of ways. First, it shapes the economic opportunities available for residents of low-income areas. Given the dominance of acquiring food through market sources, this is an important driver of food insecurity. The *AFSUN* survey found not only high levels of urban unemployment, but also limited uptake of alternative livelihood strategies. The uptake of common alternative livelihood strategies—such as renting of space, marketing, casual labour and self-employment—were all markedly higher in the better-located Philippi site than the peripheral Khayelitsha site. Urban geography does not simply reflect urban inequality, but also reinforces it.

In addition, the limitations of the public transport system ensures that many low-income workers in Cape Town have lengthy commutes, and still spend a high proportion of their income on transport. In a study of cleaning staff working at the University of Cape Town, conducted in 2011, workers had average commuting times to work of one hour and 15 minutes (Zager, 2011). The combination of long distances of travel and a poorly integrated public transport system means that daily commutes are both long and expensive. When transit times are long, the time available for cooking at home is reduced. Drewnowski and Popkin (1997, 37) have noted the mismatch between the 'time intensity' of traditional foods and urban life. They note a shift towards foods that take less time and skill to prepare. This has been modelled by Senuaer, Sahn and Alderman (1996) working in urban Sri Lanka, and noted by Andrae and Beckman (1985) in Nigeria, and by Moseley, Carney and Becker (2010) in Mali, Côte d'Ivoire and The Gambia.

Caballero (2005) suggests that the change may be a combination of the availability of cheap, energy-dense foods in urban areas (often from street traders), and the higher participation of women in the urban workforce, which limits their food preparation time. Households therefore choose to cook less time-intensive foods and buy and/or cook more pre-processed foods. These new foods are often more expensive and less nutritionally dense than more traditional foods (Cohen & Garrett, 2009). The macro-geographies of housing, employment and transport therefore need to be considered as drivers of food and nutrition security.

Food retail geography

The formal food retailing environment in South Africa is skewed towards wealthier areas. Battersby and Peyton's (2014) work, mapping the location of supermarkets in Cape Town over *Census 2001* income data, found that the highest income quintile sub-places in the city had over seven times more supermarkets per thousand households than the lowest income quintile sub-places. As a result, there is extensive 'out-shopping' as workers use supermarkets close to places of work and their first public transport connection to purchase foods. This is in part because of limited supermarket access nearer to their homes, but workers who have supermarkets in their neighbourhoods also purchase from stores in wealthier areas because they believe that the quality, variety and prices are better in these stores (Zager, 2011).

This reflects work on 'food deserts' in North America and Britain, where 'food deserts' are defined as 'those areas of inner cities where nutritious food is virtually unobtainable. Car-less residents, unable to reach out-of-town supermarkets, depend on the corner shop where prices are high, products are processed and fresh fruit and vegetables are poor or non-existent' (Laurence, 1997; Wrigley, 2002; Zenk et al, 2005). Major supermarket chains acknowledge this out-shopping and have chosen to locate stores close to transit hubs frequented by workers. While formal food retail remains skewed towards wealthier areas, supermarkets are rapidly expanding their reach,

focusing particularly on entering into township areas. The number of Shoprite stores (the largest formal food retail company in South Africa) in Cape Town increased from 38 in 1998 to 82 in 2012 (Battersby et al, 2014).

While out-shopping is common, it is not the most frequent source of food for households, as indicated in Figure 6.3 on page 108. Most households only frequent supermarkets once a month when they can afford to buy in bulk. Traveling with large volumes of shopping is difficult, particularly when most journeys include at least one change of vehicle and a long walk home. In addition, minibus taxis often charge for an additional seat if passengers have too much shopping (Zager, 2011).

On a day-to-day basis, households tend to purchase through the informal food retail sector, which tends to 'bulk break' and sell to customers in small units. Although food is usually more expensive per unit volume in the informal sector (with the notable exception of fresh fruit and vegetables from specialist traders), it is sold in unit sizes that are more affordable for shoppers than the large units sold in supermarkets. The informal sector traders are also more responsive to the lived reality of low-income households. They are located within the townships or near township transport hubs. In addition, they tend to be open longer than supermarkets, in recognition of residents' long journeys to and from work. Finally, they often sell food on credit (Ligthelm, 2005, 210). Given that households tend to lack the financial resources to buy food throughout the month, this makes these traders an essential food security resource for the urban poor.

Within the international food desert literature there is a tacit assumption that locating more 'full service' supermarkets in low-income areas is an appropriate policy response to urban food insecurity. However, in the South African context of rapid 'supermarket-isation' (Van Wyk, 2004; Tustin & Strydom, 2006; Planting, 2010), concerns have been raised that the impact of supermarkets on informal traders, and therefore on the food security of township residents, has not been adequately considered by policy-makers (Battersby, 2011 & 2012). It is important to consider what food security benefits to the urban poor are derived from access to supermarkets and to informal food retailers, and how these different forms of retail interact within the urban food system. The potential state response to these food retail dynamics are discussed later in the chapter.

Household asset base

Many of the indices used to estimate household food insecurity focus simply on income available to purchase food. While this is an important predictor, other extra-household factors, as described previously, play an important role in determining food security. Within the household, factors beyond income also impact food security. Within the *AFSUN* survey, households living in formal houses had higher food security than households living in shacks at comparable income levels. Although the survey

did not capture data on household assets, it may be reasonable to assume that the shack-dwelling households may have had more limited food storage and refrigeration capacity. In their work in the Eastern Cape, Ballantine, Rousseau and Venter (2008, 7) found there to be a correlation between access to refrigeration and food security. Limited food storage capacity and refrigeration therefore necessitates purchasing patterns, which favour buying small unit sizes and foods that are either pre-prepared or can be stored without refrigeration. This increases food costs and often reduces nutritional quality. In addition, increasing prices of electricity, LPG and paraffin mean that households are increasingly likely to buy more processed foods, which may be more expensive but are quicker and therefore cheaper to cook.

In her recent thesis, Cooke (2012) found that income stability also shapes food purchasing characteristics. Households with a regular and predictable income were better able to plan food purchases and were therefore more food secure than households with irregular, unpredictable incomes (in some cases, even if these incomes were higher). Cooke therefore argued that social grants were an important source of food security, not just because of their positive effect on gross household income, but because of predictability. Given the piecework nature of much of the employment of low-income urbanites, this is an important consideration.

Finally, food knowledge shapes household food purchasing and preparation, and therefore food and nutrition security. Within the *AFSUN* survey, female-centred households were found to be more food secure than male-centred or nuclear households with a similar income. On further analysis this was not because a greater proportion of income went to food purchase. It may be that these households purchase lower-cost, less processed foods and are therefore better able to feed their household members on the same amount of money. Food choice is shaped by the intersection of cultural practices, personal desires and the household and extra-household factors discussed previously.

Anecdotal evidence suggests that some 'traditional' foods are viewed as being less desirable in urban areas as migrants wish to identify themselves as modern. For example, residents express a preference for fried meat and argue that boiling meat is a marker of being 'rural' and 'traditional'. Moseley, Carney and Becker (2010) identify similar sentiments with regard to rice over sorghum in urban West Africa.

This section has demonstrated that urban food security cannot simply be understood at the household scale and as being primarily determined by household income. Urban food insecurity is shaped by personal choice, cultural norms, the household asset base, the local food system, the macro-geography of the city and other factors.

Writing from the US context, Cannuscio, Weiss and Asch (2010) have argued that food practices are shaped both by the food environment and 'foodways'. In this analysis, the food environment is the mappable geography of food in the neighbourhood or

city. 'Foodways' are 'the processes involved in the growth, purchase, preparation, consumption, sharing or absence of food within communities' (Cannuscio, Weiss & Asch, 2010, 382). This multi-scale, objective and subjective approach is essential if policies and programmes are to be developed to address urban food insecurity in South Africa.

Consequences of lack of urban food policy

Existing food security policy in South Africa has been shaped by the dominant framing of the issue as being predominantly rural. Food security interventions have been informed by a household scale analysis, and have aimed only to mitigate the negative effect of food system challenges, rather than aiming to address the food system itself. As Kirsten has noted with reference to food price increases, state responses were only those that 'did not require any regulatory or legislative changes since [they] could be taken care [of] under the existing social welfare system and were thus possible in terms of current government mandates and in some cases only required additional funding from the treasury' (Kirsten, 2012, 31).

If food insecurity is the manifestation of structural problems within the food system and the urban system—as suggested by the *AFSUN* data—then the state responses to realise the right to food need to be expanded beyond the current ideological framing and policy responses. Within local government there are many departments whose work impacts food security and the right to food in the city. However, the lack of mandate means that urban scale government and its constituent departments are unable to act to address the urban food system. Pothukuchi stated: 'If planners are not conscious [of food issues], then their impact is negative, not just neutral' (Pothukuchi, 2000 in Roberts, 2001). This chapter contends that this applies not just to planners, but to all departments and spheres of government.

This section builds on Pothukuchi's point to argue that the current framing of food security and the reach of food policy has led to a number of unintentionally negative food security impacts for urban residents. Although there are many potential examples of such impacts (including zoning of land for food production and the role of transport planning in food insecurity), this chapter focuses on the role of informal food retail sector regulation on food security, and the absence of a consideration of food retail in spatial planning.

As the *AFSUN* research has demonstrated, the informal food retail sector is an important source of food, particularly for the most food-insecure households. However, this sector's role is not recognised within current food security policy thinking. The National Agricultural Marketing Council was tasked with monitoring food prices after the rapid food price increases of 2002 (Food Pricing Monitoring Committee, 2003), but the CPIF (the food items included in the Consumer Price Index) calculations used to inform this monitoring tend to ignore sales through informal outlets in urban

areas, and formal and informal sales in rural areas (Vink & Kirsten, 2002, 60). The Department of Health's (DoH) *Integrated Nutrition Programme* (*INP*) neglects to mention the informal sector in its call for affordable food prices and VAT exemptions on basic foodstuffs (DoH, 2002, 31). The state appears to envisage food retail as predominantly formal, despite evidence that lower-income households continue to depend on informal retailers (D'Haese & Van Huylenbroeck, 2005, 107; Bissiker, 2006).

The outcome of this is that that the mandate and focus of local government—with regard to the informal trade sector—is blind to the food security function of this sector. Within South Africa, the informal sector's value has traditionally been argued as being in relation to its employment and livelihood provision (Battersby, 2011). However, if this sector was re-conceptualised as a key component of the food system, perhaps local government's engagement with it might change. The City of Cape Town (CoCT) has an informal trading policy and management framework (CoCT, 2004), an informal trading by-law (CoCT, 2009[a]) and an Informal Trading Unit, which is housed within the Economic Development Facilitation Branch of the Economic Development Department of the city. Although the CoCT acknowledges that informal trade produces 12 % of Cape Town's economy and employs 18 % of its economically active residents (CoCT, [undated][a]), the language of the CoCT's engagement with this sector is dominated by assertions of the need for regulation and enforcement of the by-law (CoCT [undated] [b]) and managing 'the informal economic activities without harming the formal sector' (Neilson, in CoCT, 2009[a]). This regulatory, rather than facilitative, approach (Skinner, 2000, 55) is reflected in the current understaffing of the Informal Trading Unit, which has two dedicated staff to manage a sector which the CoCT acknowledges generates 12 % of the city's economy. As such there is little the unit can do outside issuing permits and regulating trade.

If the CoCT had a food mandate, and if the vital role of this sector for food security was understood, then it is likely that the Informal Trade Unit would be better resourced and would be able to act more proactively to enhance the sector, rather than being bound by the registration and compliance enforcement role that it is currently capacitated to perform. Additionally, the absence of a food lens has led to some arguing that the CoCT has been too harsh in closing down food traders non-compliant with restrictive by-laws. Fresh-produce traders were removed from Mitchells Plain in 2012 (Schroeder, 2012). It is argued that if the CoCT had a food mandate and better understood the role that the informal food retail sector plays in the urban food system, more inclusive approaches would be taken to managing this sector.

This chapter has demonstrated that food security in urban areas is connected to the geographies of food retail, transport and housing. This is not recognised by the national food security strategy and therefore the vital role of spatial planning is neglected in food security policy. The CoCT's Spatial Planning Department therefore does not include planning for food security in its mandated work. As a result, there may

be unintended negative impacts on urban food security. Cities have no requirement to consider the location of food retailers, with applications for sites being left to developers. Supermarket chains use multiple models to determine location (Clarkson, Clarke-Hill & Robinson, 1996). Unsurprisingly, these are all based on profit maximisation, not on meeting the right to food for the urban poor. The lack of specific monitoring of food retail and food security has led to the highly inequitable access to formal food retail described in this chapter.

In addition, there is a further question about the desirability of the supermarket sector in low-income areas and its potential to displace informal food retailers (Battersby, 2011 & 2012; Battersby & Peyton, 2014). The lack of an urban food policy means that the location of new food retail stores is not considered by the CoCT from a food security perspective.

Given that the mix of retail—in terms of formal and informal retail proximity and nutritional quality provided—has been found to be one of the most important food system factors in determining food and nutrition security, it is essential to hold a high-level discussion on the role of retail on food security, and the role of spatial and economic planning in generating retail conditions that promote household food security.

There is no clear strategy for the strategic location of food retail as there is in a city such as Belo Horizonte in Brazil (Rocha, 2001). Although the CoCT's Planning and Building Development Management records building plans approved for development of new shopping malls, it does not keep records of supermarket numbers in these developments or other kinds of food retail establishments. The structure of local government—which locates the Informal Trading Unit within a sub-section of Economic Development and the Planning and Building Development Management Department in Spatial Planning—makes it difficult for the CoCT to consider the interplay between formal and informal retail sectors. However, without a clear mandate to address food security, this is unlikely to take place. The absence of a food security mandate for the CoCT therefore means that there is no food focus in spatial planning and economic development, which may lead to policies and by-laws that ultimately undermine urban food security.

In 2012, the company contracted to pay out social grants in South Africa was changed. The location of grant pay-outs shifted from the Post Office to branches of the major supermarkets (Government Communications and Information Systems, 2012). This potentially accelerates the process of supermarket domination of the local food system. A number of complaints have been made that store managers had been telling grant recipients that they needed to spend 10 % of their grants in store, before they could receive their cash from the pay-points in the store (Rondganger, 2012[a]). Although the companies in question have denied that this is common practice (Rondganger, 2012[b]), in 2014 PicknPay (one of the largest retailers in the country)

was investigating reports that pensioners were being charged to withdraw their grants from stores (Rorke, 2014).

The expansion of supermarkets into low-income areas, the use of these stores to disburse government grants and their displacement of local retailers are beyond the scope of local government, but all potentially impact the food security of urban residents. There are, however, also potential food security benefits associated with the expansion of supermarkets. The absence of a food security mandate means that the required high-level discussion on the positive and negative impacts of supermarket and shopping mall developments is unlikely to take place.

As asserted earlier, there are many other examples of how the absence of a food mandate and food lens may mean that city departments have unintended negative impacts on food security, such as the Department of Transport's plans for new public transport routes and public transport interchanges, the public health legislation on food sale, the zoning of mixed-use spaces, the design of new residential areas, and even the architectural design of new homes. Likewise, the lack of a food mandate means that the city is unable to act proactively and imaginatively across departments to improve food security through innovations, such as the incentivised sale of healthy foods near transport hubs, or the development of structures to connect small producers to small processors and to local markets.

Conclusion

This chapter has argued that the absence of a food security mandate for city government has led to the neglect of urban food security and even the worsening of urban food insecurity. This absence can be understood as the outworking of the ideological and methodological framing of food security in the *IFSS*, the new *Food and Nutrition Security Policy*, and the resultant institutional location of the policy. The progressive realisation of the right to food cannot be met by household food production and social safety nets alone. It requires a greater appreciation of the drivers of food insecurity at the food system, and how these connect to wider processes of social, spatial, political and economic exclusion.

This chapter therefore calls for the responsibility for the realisation of the right to food to be partially devolved to the city scale. This will provide local government with the mandate to develop local-scale, urban context-specific responses to the growing challenge of urban food insecurity. As indicated in this chapter, the roots of food insecurity in urban areas are found in the structures of both the food system and the urban system. A systemic approach that crosses departmental boundaries is required. In order to achieve this kind of planning, it will be essential to have some kind of inter-departmental working group established within the city. The resourcing and formal recognition of such a structure is unlikely to be viable without a mandate to address food insecurity.

The chapter therefore calls for the development of explicitly urban food policies and strategies that go beyond urban agriculture. This is likely to occur only if responsibility for the realisation of the right to food is partially devolved to the city scale.

Endnotes

[1] At the time of going to press, a number of organisations were mobilising to prevent the policy and implementation plan being passed on grounds of insufficient public participation. (Accessed from: http://section27.org.za/2015/03/joint-civil-society-food-policy-statement/. accessed August 2015).

[2] This is an assertion that often assumes urban residents have access to the lower food prices available through the formal food retail sector. This assumption is challenged later in this chapter.

[3] Blantyre, Cape Town, Gaborone, Harare, Johannesburg, Lusaka, Manzini, Maputo, Maseru, Msunduzi and Windhoek.

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Chapter

7

The gender dimensions of food insecurity:

Women's experiences of entitlements and deprivation in South Africa

Viviene Taylor and Chance Chagunda

Introduction

The stark realities of food insecurity in South Africa, and elsewhere in Africa, have their roots in a complex history of colonialism, racial capitalism and a gender hierarchy that contributes to a range of internal and external, social and economic policy outcomes that impact negatively on women. A critical review of food insecurity—people's experiences of hunger and deprivations—highlights the links among food, water and fuel as essential for survival. It also reveals the significance of gender and especially of women's on-going struggles in accessing rights to food, water, land and fuel. Gender inequalities determine women's entitlements to resources because of the relative position of both men and women in society (Taylor, 2004). There are many locations in which various forms of power influence social, economic and political processes, and determine whether or not men and women have access to basic resources to address their needs.

Although the SA Constitution Act 108 of 1996 guarantees gender equality, women's experiences highlight

that at a very basic level, their access to social and economic rights—especially when it comes to food security—are being compromised. This chapter provides a brief overview of the links between development policies and women's experiences in accessing food, as well as some features of contemporary households that illustrate the disjuncture between South Africa's constitutional rights and women's experiences. Research undertaken in two communities in the Western Cape shows how women's experience of food insecurity is being mitigated by coping mechanisms that include social grants.

Development policies, food security and gender

Development policies on food security over the past two decades fail to fully account for the lack of women's access to affordable and adequate nutritious food despite the availability of food in South Africa. Gender inequalities are significant when comparing the difference between men's and women's access to food. Almost three decades ago, Sen and Grown (1987) wrote of the food, water and fuel crisis affecting the poorest women in the South as a systemic development policy failure. Their analysis points to a neglect of women's positions as food producers, providers and managers within households and communities. Neglecting these roles of women not only undermines their development but also fails to integrate the policy aspects that relate to food, land use, water and energy.

Because of the persistent marginalisation of women in key sectors, this chapter reveals the failure of the dominant development model to address inequalities between men and women when it comes to access to food, water and energy. The dominant model of economic and social development—with its primary focus on economic growth, privatisation of public services, and de-regulation of markets for food, water and energy—affects women's access to these essential resources directly (Taylor, 2007). The privatisation of core public services in the healthcare sector, and in water and basic services—such as waste disposal and transport—and the introduction of user fees for such services, makes it extremely difficult for poor women and households to afford them (Taylor, 2001). This model of development—with its inherent culture of competitiveness, promotion of acquisitive lifestyles, and focus on the accumulation of wealth—contributes to food insecurity, even though food is available and the supply is adequate for the needs of the population (Taylor, 2000).

It is in the limited access to food, especially of income-poor households headed by women, that the paradox of women's guarantee of political, social and economic rights in the SA Constitution is exposed. Development proponents and women's movements in Africa have consistently called for coherent, organised initiatives that are responsive to both the context and the present period in our history. Such alternative approaches, it is argued, should be based on a critical analysis of both the gendered nature of the food, water and fuel crises, and the new compacts of power emerging between political and economic elites in South Africa and elsewhere in the African region (Taylor, 2014).

Yet policy-makers and development proponents seldom link these factors as part of a comprehensive food security system within countries. There is a lack of policy coherence with regard to access to food, land, water and energy, and this is reflected in the lack of integration of policy outcomes when it comes to food security. It comes down to *who has* access to power to make decisions affecting food security policies, and *who does not*. Women are directly affected by the lack of policy coherence in their struggles to produce food, provide food and manage both household and community resources (Taylor, 2007). Although poverty and multiple deprivations affect both men and women who are poor, it is black women who are disproportionately impacted in South Africa, as Table 7.1 indicates.

Demographic features, gender and women

Demographic features have significant impacts on household structures, social and economic conditions, and the type of public-policy interventions required to address food security. A notable increase in female-headed households[1]—concentrated among the poor in developing countries—not only has implications for household composition, but also for the division of labour between production and social reproduction activities. Women are experiencing increasing time, space, labour and financial pressures, which affect their abilities to achieve their rights.

Table 7.1 Poor households' access to food by demographic and household characteristics, 2011

Source: Statistics South Africa (2011[a], 23)

	Rural			Urban		
	Adequate access	Inadequate	Total	Adequate access	Inadequate	Total
Head population group						
Black African	96.7	98.9	97.4	71.3	86.4	76.0
Coloured	1.7	1.0	1.5	9.8	10.9	10.1
Indian/Asian	0.2	0.1	0.1	4.8	0.8	3.6
White	1.5	0.1	1.0	14.1	1.8	10.3
Head sex						
Male	45.8	47.8	46.5	61.0	56.1	59.5
Female	54.2	52.2	53.5	39.0	44.0	40.5

	Rural			Urban		
	Adequate access	Inadequate	Total	Adequate access	Inadequate	Total
Head age group						
18 to 34	23.7	21.7	23.0	25.9	26.1	26.0
35 to 59	48.2	55.9	50.8	54.3	58.6	55.6
60	28.1	22.5	26.2	19.9	15.2	18.5
Total (in thousands)	**2 007**	**1 027**	**3 034**	**2 461**	**1 099**	**3 560**

Gender differences in exposure and vulnerability to hunger

Comparing the status of men and women between the period 2002 and 2012, Statistics South Africa (2012) reflects that there is a noticeable drop in both men and women reporting hunger. It is important to note that, despite this drop in reports of hunger, the evidence highlights that black women and men are more vulnerable to hunger, with Coloured people close behind. Differences in male and female reports of hunger in 2012 are small with 14.9 % of black men and 15.3 % of black women indicating that they experienced hunger. This trend nevertheless reveals that black women remain the face of hunger and vulnerability in South Africa. Thus, policy responses to hunger and food insecurity require a particular focus on the needs and situation of this group.

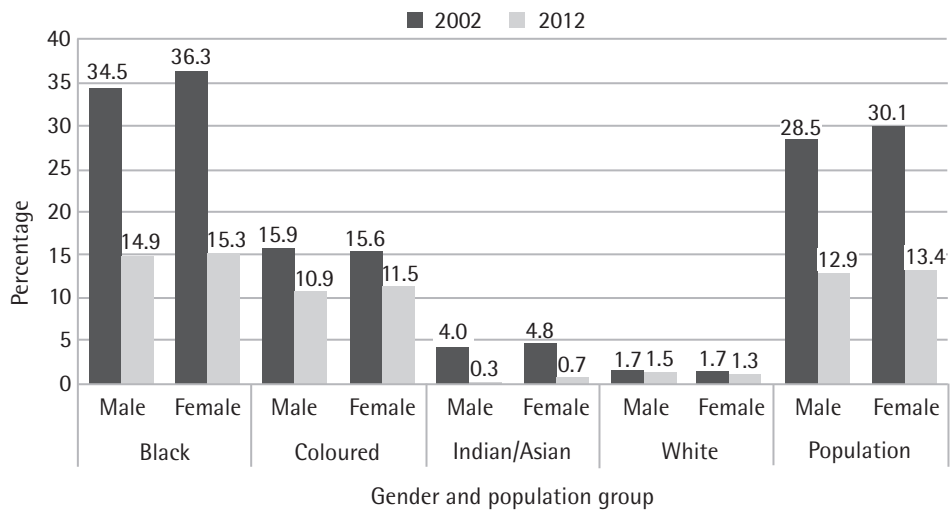

Figure 7.1 Percentage of males and females living in households that reported hunger—by gender and population group—2002 and 2012

Source: Adapted from Statistics South Africa (2012, 78)

Gender and age as factors in food insecurity and hunger

Across all age cohorts—when age and gender are taken into account—women heads-of-households are more vulnerable to hunger than men, as reflected in Table 7.2.

Table 7.2 Percentage of male and female heads-of-households that reported hunger by age group, 2002 to 2008 and 2010 to 2012
Source: Statistics South Africa (2012, 78)

Age	Gender	Year									
		2002	2003	2004	2005	2006	2007	2008	2010	2011	2012
18 to 34	Male	17.5	19.1	15.1	14.5	10.0	8.4	11.8	10.9	11.0	9.5
	Female	24.7	23.5	18.3	19.9	13.7	10.3	14.3	14.5	11.9	13.4
35 to 59	Male	19.6	18.5	15.3	12.9	9.6	9.0	11.6	11.1	11.1	9.5
	Female	33.3	30.0	24.8	21.4	15.7	15.8	17.5	18.5	14.9	15.5
Over 60	Male	21.9	20.5	15.8	14.3	9.4	8.7	10.1	9.9	8.0	7.7
	Female	30.8	29.2	24.4	18.3	12.7	12.5	14.0	13.7	11.9	11.2

Table 7.2 shows that women's exposure to risk and vulnerability to hunger are not reduced when they are heads-of-households during different ages in the life cycle. The highest difference between men's and women's vulnerability to hunger occurs in the age groups 35 to 59 and over 60, when women reflect a higher incidence of vulnerability to hunger than men. This is not surprising since women—as caregivers, food producers and household and community managers—continue to experience greater difficulties in accessing paid work, land and other resources than do male heads-of-households.

Gender and race differences in hunger and food insecurity

Despite changes in policy to improve women's access to education and healthcare, the structural inequities of land dispossession and lack of access to other economic assets still influence race and gender differentials in experiences of hunger and food insecurity in South Africa. Black women constitute the highest proportion of those who experienced hunger and food insecurity between 2002 and 2012, and women overall are more likely to experience hunger and food insecurity.

Demographic trends and social and economic data show that—despite aggregate improvement at national and provincial levels in reports of hunger and declines in food insecurity—income poverty and hunger disproportionately affect households headed by women (see Table 7.1 on pages 122–123). Focusing in particular on women ensures that policy attention is given to women's human rights, including the right to food.

The tables and graphs in this chapter show that households headed by black people are more likely to have adequate access to food in urban areas than in rural areas. This explains why people migrate from rural to urban areas, not only in search of employment, but because they are more likely to have access to food there.

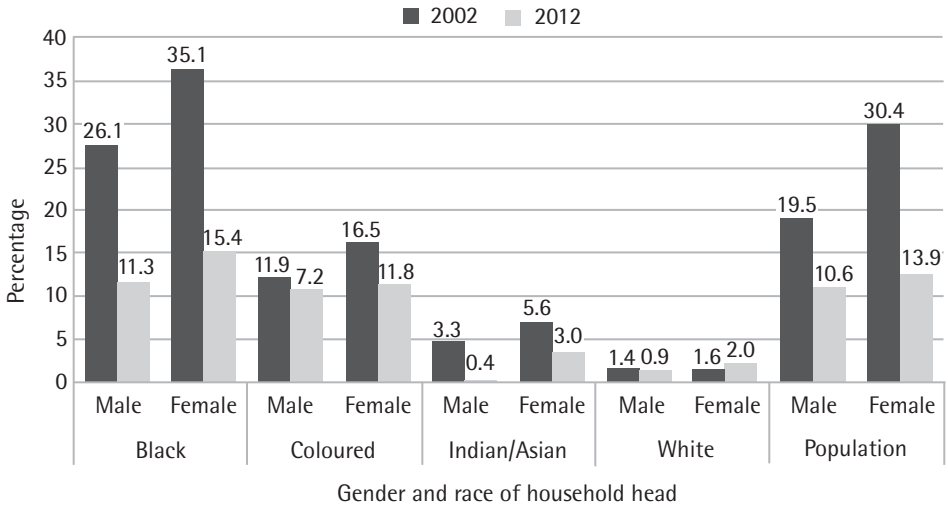

Figure 7.2 Experiences of hunger according to race and gender of the household head, 2002 and 2012

Source: Statistics South Africa (2012, 79)

The *General Household Survey* (*GHS*) (Statistics South Africa, 2013, 23) finds that 37.5 % of all households in the country are headed by women, and that female-headed households constitute a noticeably higher percentage of households in Limpopo (49.2 %), the Eastern Cape (44.7 %) and KwaZulu-Natal (43.5 %)—provinces that historically have a large out-migratory population. The indicators reveal that rural households headed by women are more likely to have inadequate access to food than women-headed households in urban areas. Households headed by individuals in the age group 35 to 59 are most likely to experience inadequate access to food in both rural and urban areas. This reinforces the social policy gap in the transfers to people who are without waged or other sources of income in this age category. It correlates with the high incidence of unemployment of the economically active population of close to 30 % of both men and women (Statistics South Africa, 2013). Women-headed households in rural areas are often characterised by high dependency rates, unemployment and reliance on social grants.

Table 7.3 Characteristics of poor households with and without social grants, 2011
Source: GHS Series, IV, Food Security and Agriculture (2002 to 2011, 27)

	Adequate access to food			Inadequate access to food		
Characteristics	**Poor HHs* with at least one social grant**	**Poor HHs without any social grant**	**All poor HHs with adequate access to food**	**Poor HHs with at least one social grant**	**Poor HHs without any social grant**	**All poor HHs without adequate access to food**
Household size						
1	0.1	33.7	8.8	0.0	40.6	12.6
2 to 4	34.2	51.9	38.7	37.0	50.5	41.2
5 to 9	59.1	14.2	47.5	52.0	8.7	38.5
>10	6.7	0.3	5.0	11.0	0.3	7.7
Sex of household head						
Male	40.0	66.9	47.0	39.1	70.5	48.8
Female	60.0	33.1	53.0	60.9	29.5	51.2
Age of household head						
<18	0.4	2.5	0.9	0.4	1.6	0.7
18 to 34	20.1	41.1	25.8	20.8	38.9	26.4
35 to 59	59.4	52.0	57.5	63.3	56.3	61.1
60+	19.7	4.5	15.8	15.6	3.2	11.7
Geographical location						
Urban	41.6	57.9	45.8	45.1	57.0	48.8
Rural	58.4	42.1	54.2	54.9	43.0	51.2
Main source of income						
Salaries, wages and commission	27.5	32.3	28.8	18.1	21.4	19.1
Income from business	3.9	8.4	5.1	3.1	8.2	4.8
Remittances	11.3	43.7	19.8	7.9	44.1	19.6

Characteristics	Adequate access to food			Inadequate access to food		
	Poor HHs with at least one social grant	Poor HHs without any social grant	All poor HHs with adequate access to food	Poor HHs with at least one social grant	Poor HHs without any social grant	All poor HHs without adequate access to food
Pensions	0.1	1.5	0.5	0.1	0.2	0.1
Grants	55.6	0.6	41.1	70.0	0.1	47.4
Sales of farm products	0.0	0.0	0.0	0.0	0.2	0.1
Other income sources	1.54	1.9	1.6	0.8	2.1	1.2
No income	0.0	11.6	3.1	0.0	23.6	7.6
Main dwelling						
Formal dwelling	72.6	71.4	72.3	61.7	60.9	61.4
Traditional dwelling	20.2	9.2	17.4	25.1	14.2	21.6
Informal dwelling	7.1	19.1	10.2	13.1	24.5	16.7
Other dwelling	0.1	0.4	0.1	0.1	0.4	0.2
Agricultural participation						
None	60.7	79.1	65.5	61.3	80.0	67.1
Subsistence farming	37.5	19.9	33.0	36.2	17.8	30.5
Smallholding/ commercial	1.8	1.0	1.6	2.6	2.2	2.5
Total number of households in thousands	**1 173**	**409**	**1 582**	**795**	**359**	**1 154**

*HH refers to household.

The policy intervention of social cash grants has a significant impact on households headed by women and on poor households generally. Table 7.3 highlights the impact on household access to food, with and without social grants. Households which receive a cash grant would be food insecure without these grants.

Gender, food security and environmental security are intimately linked. Women are generally responsible for providing food for the family and maintaining family nutrition. To do this, they must have access to environmental resources, such as fuel or energy and clean water. Particularly for those who live in rural areas, economic and household food security are intimately connected to the natural environment. Families rely on forests for fuel and on agriculture for subsistence. Many who depend on the environment for their survival are also poor. In sub-Saharan Africa and Asia, 75 % of the poor live in rural areas (Pinstrup-Andersen & Pandya-Lorch, 2001, 9). Most are heavily reliant on common lands for necessities, such as wood for fuel and fodder.

Women's experiences in accessing food

Empirical research conducted over three years in two Western Cape townships—Graafwater and Khayelitsha—reveals the difficulty women experience in accessing food and the role of social transfers, such as cash grants, in keeping women from starvation.

The aim of the research study, conducted by Chagunda (2014), was to gain deeper insight concerning poor women's experiences as grant recipients and the impacts of government cash transfers on recipients' households. The sampling method was purposive non-probability and the data collection instrument was a semi-structured interview schedule. Using qualitative research methods, questions in the interview schedule focused on the experiences of women living in poor households. The purposive sample of grant recipients consisted of 146 women and 14 men from different households. The relatively small sample of male respondents was included to compare and contrast their perspectives on the usage of social grants (Chagunda, 2014). Data from this study is used to analyse women's ability to produce food, provide food and manage both household and community resources.

Chagunda's research (2014) shows that without an entitlement to social transfers in the form of cash grants, all households in the study would be without food and experiencing hunger on a daily basis. Households in which women were the recipients of grants were more likely to use the grants to provide food. In the households receiving social grants, women are mainly recipients of the Child Support Grant (CSG), because they continue to be the main caregivers. The criteria for receiving the CSG are such that the grant follows the child, and the caregiver receives the grant as a proxy for the child. Generally aunts, grandmothers and mothers of the child are the caregivers, and if these relatives are not available, then other extended family members take care of the child or children. Most of the households covered in the research are female-headed. A recurring theme in the findings reinforces the significance of cash transfers as the main source of income to relieve absolute destitution in the poorest households.

Graafwater is a small township with a population of 2 261 (Statistics South Africa, 2011[b]), located between Clanwilliam and Lamberts Bay in the Cederberg Municipality, approximately 300 kilometres north of Cape Town. The name is an Afrikaans term referring to 'water from a spade'. Khayelitsha is an IsiXhosa word meaning 'new home', and it is a peri-urban settlement, historically a black South African township. The last official South African Census for 2011 revealed that Khayelitsha had a population of 391 749 living in 118 809 households, with 3.30 persons per household (Statistics South Africa, 2011[b]). These townships were chosen because of their poverty and unemployment and because, according to Statistics South Africa, the majority of residents rely on social transfers (social grants) for their security (Chagunda, 2014).

Consumption patterns of women grant recipients

This section focuses on the instrumental role of cash transfers in improving consumption patterns of women and others living in the poorest households—in terms of income—in two areas in the Western Cape. It reveals how women, through a social entitlement, are able to address deprivations in access to food and other resources.

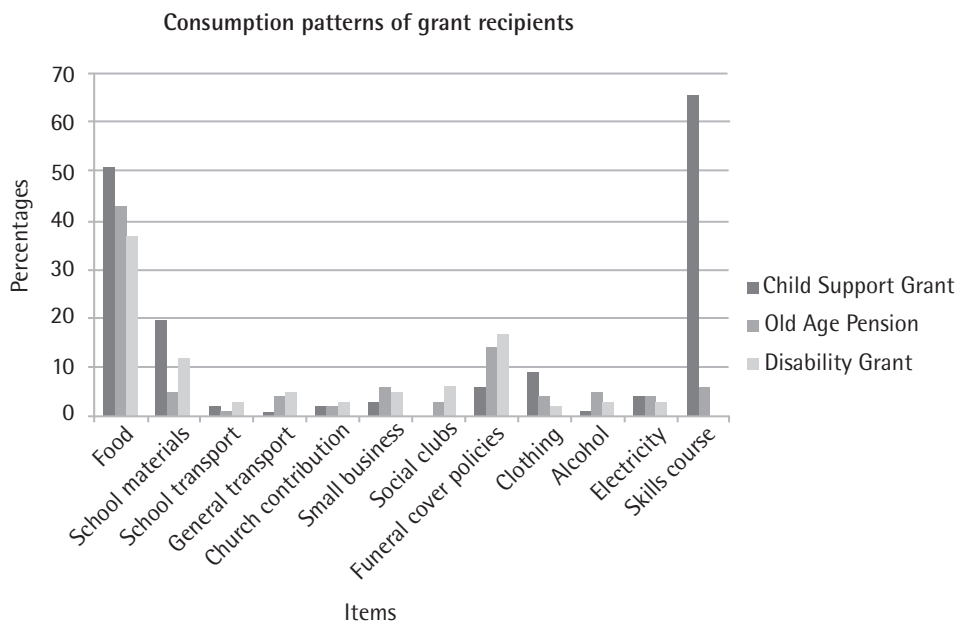

Figure 7.3 Items on which recipients spend grant money
Source: Chagunda (2014)

Figure 7.3 shows the items on which women grant recipients spend their cash. It is interesting to note that, in as much as these recipients were involved in skills training programmes for employment, they allocated the largest percentage of their cash transfers to relevant courses. These recipients were in training programmes at the time of the survey. It can be assumed that once the training had been completed, the

expenditure on skills training would be reduced. The second largest percentage was spent on food items. Food was regarded as a priority in terms of expenditure for most of the respondents and the majority of them depend on the grants to purchase food items. At an individual and household level, grant income is predictable. This gives recipients the flexibility to choose the items they wish to purchase and to spend some of their income on other important needs that have developmental outcomes. The training courses that the grant income funds enable respondents to attend improve recipients' ability to get paid work and better their living standards (Chagunda, 2014).

Respondents in the study report that they are able to use their grant to buy items every month—depending on their most critical and urgent needs at the time—and that the major portion of the grant income is consistently used to buy food, as shown in Figure 7.3 on page 129. Respondents from Khayelitsha indicate that they spend the greatest portion of their CSG on skills training courses. The second item that CSG recipients use their cash for is to buy food. The recipients were able to pay for skills training using CSG, because they were paying in instalments over a certain period of time (Chagunda, 2014). The predictability of the cash transfer allowed them to make such commitments. There were two ways that grant recipients were able to buy food:

1. The first strategy involved female grant recipients pooling their income and buying food items in bulk, direct from wholesalers at reduced costs, and thereafter sharing the various food items amongst members of the group. This is a co-operative strategy that poor people use to increase the purchasing power of grant income.
2. Others purchase food in relation to their needs through local shops when they have the means to do so. Because cash transfers are predictable, it is possible for recipients to find alternate ways of purchasing food items and ensuring access to a wider range of foods with better nutrient values. By applying various strategies to acquire household food security, the grant recipients are better able to access a wider range of foods and ensure that they have basic food items on a regular basis.

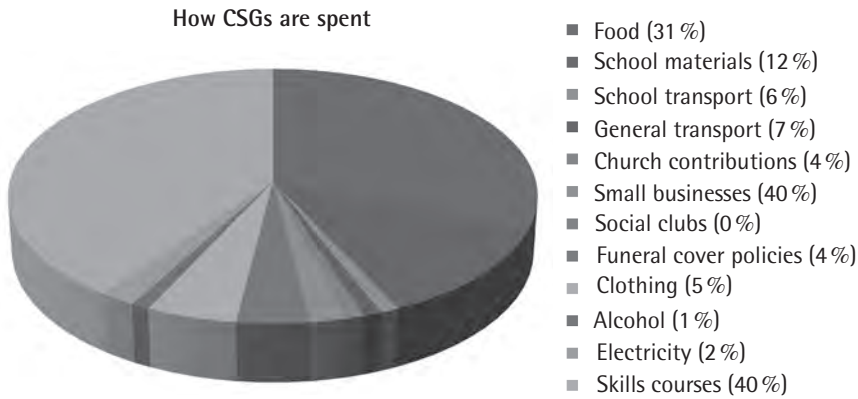

Figure 7.4 Usage of CSGs
Source: Chagunda (2014)

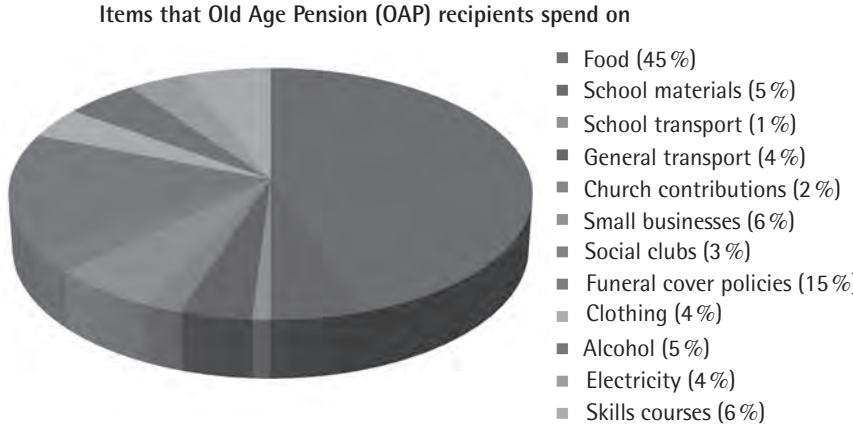

Figure 7.5 Usage of OAPs
Source: Chagunda (2014)

The largest portion of the OAPs was used to buy food, followed by paying for policies to cover funerals, and investing in small businesses and skills courses. Other expenses include the purchasing of school materials, alcohol, transport, clothing, electricity, making church contributions, and obtaining school transport.

Elderly people spend 45 % of their OAP on household food items. These findings are consistent with similar findings from research undertaken by Duflo (2003), Case (2000) and Patel et al (2012). The elder person's grant income is used to buy food and other essential items for the entire household. Households in which female pensioners live report a substantial improvement in the weight-for-height and height-for-age status of children (Duflo, 2003). Case (2000) also finds a lower incidence of malnutrition in households with female pensioners, because they use their income to buy food. Case (2000, 16) characterises pensioners as the 'guardians of health' within their households, because of the invaluable role of cash grants in ensuring access to food and other essential items.

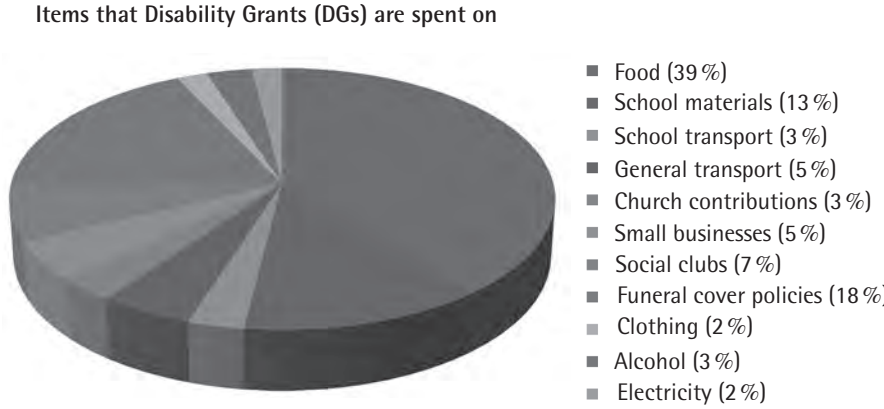

Figure 7.6 Usage of DGs
Source: Chagunda (2014)

The main share of the DG is spent buying food and paying for funeral coverage. Other expenses for which it is used include school materials, social clubs, small businesses and general transport.

Research undertaken in KwaZulu-Natal by Johannesmeier found that the DG was primarily used for basic needs (especially food), school expenses and electricity (2007, 30).

Based on the spending patterns of women grant recipients, the research evidence highlights that all households in the study would be food insecure and experience hunger on a daily basis without cash grants. Cash transfers provide income support to reduce poverty. Because they are an entitlement transfer, they give expression to the SA Constitution, and can be understood as part of the democratic dividend that the poor receive to redress past injustices. As the Preamble to the SA Constitution states:

> *We, the people of South Africa,*
> *Recognise the injustices of our past;*
> *Honour those who suffered for justice and freedom in our land;*
> *Respect those who have worked to build and develop our country; and*
> *Believe that South Africa belongs to all who live in it, united in our diversity.*
> *We therefore […] adopt this Constitution as the supreme law of the Republic so as to Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; (Republic of South Africa, 1996, 1)*

The SA Constitution is founded on the ideals of human dignity, equality and the advancement of human rights and freedoms. That is why it contains aspects of equality (Section 9), human dignity (Section 10) and life (Section 11). Furthermore, the SA Constitution provides access to specific socio-economic rights that include social assistance (Section 27 [10]*[c]*).

When it comes to gender relations, another study finds that men continue to see women as having low status in society and do not want women to be considered as their equals. Nor do they believe that women have the right to question their authority (Ross, 1996). In contemporary South Africa, such systems of patriarchy in which the male perceives himself to be the main income earner, the head of the family and the sole provider of food are slowly being eroded through social policy interventions, such as cash transfers. In many households in South Africa, women as wives, mothers and heads-of-households are involved in roles of providing, preparing and cooking food for the entire household. Transfer entitlements in the form of government cash income enable poor women to fulfil these roles at a very basic level. As a female OAP recipient living in Harare-Khayelitsha states:

> *… This grant enables us as old people to buy food which is critical to the whole of the household but most importantly to join social clubs … I belong to a burial*

club since I am no longer young, thus have not much to expect in life. Soon God will take me and my children will not suffer because I have already prepared for my funeral … (Chagunda, 2014)

Land dispossession and women's access to food

The distribution of income-generating assets is heavily skewed in favour of men. Less than 2 % of land—globally—is owned by women,[2] even as the proportion of female heads-of-household continues to grow. In South Africa the historical dispossession of black people from the land—together with labour migration to the mines—has left many households without land to engage in subsistence farming. Throughout the apartheid period, it was illegal for black South Africans to own and cultivate land in most parts of the country, especially where there was arable land (according to the Natives Land Act 27, 1913). The Natives Land Act 27 of 1913, also known as the Black Land Act, formalised the land dispossession of black South Africans. This prohibition destroyed agricultural activities for subsistence black South African farmers to the extent that most of them were not able to produce food for their families.

The loss of land intensified food insecurity and income poverty among South Africans, mainly black South Africans. White farmers that took over the arable land started commercial agriculture, and with that, the food economy took centre stage. South Africa's race-based land dispossession caused severe suffering for millions of black Africans (SPP, 1983). In 1994 in South Africa, whites owned 87 % of the land and by 2012, only 7.5 % of the land had been transferred to black African ownership (PLAAS, 2014; Nkwinti, 2012).

By 2014, ownership of land was changing, with 67 % of land owned by whites, 15 % owned by blacks, 10 % by the state and 8 % by eight metropolitan areas (PLAAS, 2014). Importantly, such shifts in ownership of land do not necessarily lead to changes in women's ownership of it. This is because the policy emphasis on land is largely driven by the restitution of land to those who can prove that they occupied and had historic rights to land. Largely this has meant that, despite the existence of land restitution policies, many South Africans still do not have land to cultivate and sustain their livelihood. As a result, social transfers play a great role in providing resilience for the livelihood of poor communities. An elderly female respondent, and an OAP recipient, in the study undertaken by Chagunda (2014) notes the links between land dispossession and the importance of social transfers:

… since the whites took land from our forefathers we cannot depend on the land to provide us with daily food; we have to buy food every time; thus grants enable us to buy food for ourselves and the household. I support two orphans and their mother died three years ago … (Chagunda, 2014)

In addition, restitution does not lead to changes in patterns of ownership of land between men and women in contemporary South Africa, because traditionally, men were given rights to land ownership.

Access to land is not only dependent on government policy related to restitution of land to those who were historically dispossessed, but also links to issues of redistribution of land to address women's unequal access to land ownership. Correcting inequities in women's access to land through changes in policies on land restitution and land redistribution are critical for gender equality, for the achievement of women's human rights and for empowering women to improve access to subsistence farming for household consumption. Without access to assets such as land, poor women rely on social transfers in the form of cash grants to address destitution and hunger.

The UN Food and Agriculture Organisation (FAO) defines food security as achieved when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life (FAO, 2002). Miller (2012, 5) rightly states that a household is not food secure if it exists in a context where, even though there is much food in markets, people do not have the money to purchase it. Research conducted in Khayelitsha and Philippi in Cape Town (Gosling, 2013, 1) finds that eight out of ten households had, at times, gone without food on many days in the previous six months. This finding affirms Joubert's (2012, 11) contention that, even though South Africa produces enough food for everyone, 14 % to 52 % of households experience food insecurity, because they do not earn sufficient income to purchase it. The supply and availability of food in South Africa does not guarantee women's access to food, as revealed in the statement made by a female recipient of a CSG in Chagunda's study in 2014:

> *… There is nothing more painful than seeing so much food in stores but no one in your household has the money to buy such food … children crying and begging people for food … My husband used to try to do casual jobs but when he became sick it was so hard … We are fortunate now that I am receiving two child support grants that we all survive on by purchasing food and other things … (Chagunda, 2014)*

According to the recipient, the household was able to buy food because she was caring for two children who qualify for and receive the CSG. These two grants provide a predictable income for the household.

The means to acquire an income intended to buy food is fundamental. Cash transfers have, at times, helped women to give up behaviours emanating from the need to address food and nutrition insecurity that expose them to various risks, such as prostitution. As a female recipient of a state old person's grant reflects:

> *… I remember some days before I started receiving the pension grant, going to bed hungry and my daughter started prostitution to buy us food. Since I started*

getting the grant I said no need now my girl because we can manage to buy food with the grant … (Chagunda, 2014)

This statement confirms women's experiences of the close relationship between poverty and food insecurity throughout their life cycle, and the risks and vulnerabilities to which they are exposed when they attempt to eke out an existence. Cash grants—in the form of social transfers—limit poor women's and households' exposure to risk and vulnerability, but address neither the structural issue of land dispossession of the black majority, nor the status of women when it comes to ownership of productive assets, such as land and access to economic resources.

The findings in Chagunda's study (2014) reveal that, while social grants do not remove households from chronic income poverty, they do provide reliable basic income to ensure that the destitute are able to provide a minimum basket of food for household members. They also reveal that the gender inequalities related to land restitution policies and traditional beliefs have resulted in limited access to land, thereby restricting access to essential means for obtaining nutrition and food security for women. Without addressing gender inequities in the land restitution policy and ensuring policy action that enables gender justice when it comes to land redistribution, women's access to food security remains a long-term structural issue.

Women's experiences as food producers

In the early period of industrialisation, black South Africans were able to produce food for their own consumption using communal land. Many women living in rural areas were regarded as subsistence farmers. In sub-Saharan Africa and Asia, for instance, 75 % of the poor live in rural areas, in which subsistence farming remains the most significant contributor to access to food.

The majority of black South Africans were forcibly removed by the apartheid government from their ancestral and communal land where they had closely practised Ubuntu,[3] which was at the core of kinship systems of social assistance and social protection. These black South Africans who had been forcibly removed from fertile land were settled in townships where they could not cultivate crops or graze their livestock (Khoza, 2007). Subsistence farming for household consumption became unviable. However, in rural areas in which many elderly women (especially grandmothers) live, small vegetable gardens provide a means of survival. Producing food for household needs in these rural areas is only possible if women are not disabled, do not suffer from ill health, and have access to seeds, fertiliser, water and other gardening essentials. Without income, due to unemployment and reduction in remittances from migrant workers, food production for household and community needs has dropped.

Income took on an additional value in that black South Africans could not live a decent life without it. Kanbur and Squire (2001, 183) state that a number of people live in unbearable situations where hunger threatens their survival. Khoza (2007) argues that black South Africans were, in the early 20th century, successful farmers—thanks to a practice known as 'sharecropping'. Under this system, a white farmer allowed a black farmer to farm on part of his land in return for a share of the food produced. According to Khoza, this practice was soon prohibited by law. In the end, this meant that black South Africans could only depend on cash to buy their daily food. It is in this context that we have to understand the critical role of cash in general, and cash transfers in particular, in putting food on the table. Du Toit, in agreement with the critical need of cash that black South Africans have to stay alive, argues:

> *… In the context of this lack of access to land and resources for household food production, and with the absence of much linkage to a social hinterland of subsistence agriculture, it is no surprise that the major focus of household livelihood strategies was access to cash and paid employment … (2004, 15)*

Of the respondents in the study area, 80 % indicate that lack of land is a factor contributing to their persistent poverty and food insecurity. Women in general are more at a disadvantage in accessing land, because male heads-of-households still retain inheritance of land rights, especially in the traditional rural areas of South Africa where Chiefs still have significant authority. Most female grant recipients indicated that they wished they had land where they could produce some food. Hiensch (2007) correctly states that social protection is based on a redistribution of resources to the poor to protect their livelihoods against poverty traps, and to reduce chronic poverty by ensuring access to food and diminishing vulnerability. Section 27 (1)*(c)* of the SA Constitution provides for the right to social security: 'Everybody has the right to have access to social security, including, if they are unable to support themselves and their dependents, appropriate social assistance' (Republic of South Africa, 1996).

Interesting insights are provided by female grant recipients who indicate that they are able to use portions of their grant income to produce adequate food. Others indicate that they are able to use their grant income to start up micro-businesses, such as selling prepared food and other items for local consumption. As a female respondent, and OAP recipient, in the study states:

> *… I have been getting this grant for 11 years but it was difficult to cover the household needs. So I decided to start a small business so that my unemployed two sons and daughter could find something to do and make money … I started by buying four sheep from Worcester, which I sold in Khayelitsha ... I am able to put meat on the table regularly ... I consider myself a business lady running a family business. We make R4 450 profits per month, but during circumcision*

ceremonies and Christmas time we can make up to R 12 000 profits per month… I am a proud food producer … (Chagunda, 2014)

This respondent found ways to increase her income to produce additional food for the household. After 11 years of receiving an OAP, she realised that because her state grant was predictable, she could use it to leverage funds to buy additional resources, such as sheep for resale. Although her business began at a micro, survival level, it grew over a few years and she was able to employ two of her sons to help her in the enterprise.

Findings in this section show that combining grant income with income generated through other survival mechanisms, such as a small business, has the potential to help female grant recipients produce more food, thus improving household food security. It can be concluded that this strategy contributes to women's empowerment, albeit on a micro-level. Respondents have shown how they used the money to start small businesses, thus contributing to the economic life of their households and communities. Once people have predictable sources of income, they are able to enhance their capabilities. Transfer entitlements improve exchange relationships in many ways (Sen, 1982). Micro-initiatives at household level contribute to food production, leading to self-reliance (Oakley, 1991, 17) and self-improvement (Burkey, 1993, 58).

Women's experiences as household and community managers

In Chagunda's study, 26% of the respondents revealed that the cash transfer had an influence in changing relationships within households, because they could undertake joint planning and budgeting with other members. The respondents revealed that receiving the grant improves how household members relate to each other. These respondents indicated that in the past, only husbands or men were viewed as household breadwinners and now that they as women have a cash grant income, they have a say in how the household income can be spent, as described by a female DG recipient:

… My husband is not working. He was retrenched two years ago. When he was working, we could not discuss anything and most of the money was spent on him. Since I started receiving my grant now we plan together. Joint planning is very important to make sure we prioritise … We discuss how to spend the grant and the income from the business which originated from a social grant … my husband says I am a good household financial manager … (Chagunda, 2014)

The DG appears to have helped members of the respondent's household to foster joint planning, achieve better gender relations and enjoy a better quality of life. There is a big contrast between the behaviour of the woman and the man quoted here. When the man used to work, he never discussed with the household how to spend the income. Furthermore, most of the income was spent on him alone. The woman, on the other hand, involved her husband in planning and budgeting the cash transfer, even though her grant income was small. This example shows that a grant can lead to household

development and a better quality of life. According to the recipient, the husband acknowledged that the wife was a good household manager.

The words of a male respondent and OAP recipient from Harare, Khayelitsha, reinforce the idea that cash transfer increased participation in joint planning and decision-making within households:

> *…We always discuss, plan together and budget together since we started receiving the pension grants … This is important so that we focus on important items that are needed at home … People that stay and eat together must do things together too … I am the only one that drinks alcohol so I have to ask for that to be included in the Budget … (Chagunda, 2014)*

From the statements made by female and male respondents, it is clear that receiving a social grant plays a major role in increasing joint planning and decision-making. Even the use of alcohol for recreational purposes by the husband is included in a household budget. In poor households, a grant provides a basic guaranteed income that makes it possible for the recipients to participate in decisions on the use of resources. The grant changes the status of the recipient within the household from being perceived as a burden, to being seen as a source of income. As other researchers find, social transfers have the effect of enabling people to take control of their lives and get involved in both individual and collective action to improve their conditions (Coetzee & Graaf, 1996).

Interestingly, 21% of the respondents indicated that as grant recipients, they became more aware of local government processes within their communities. They saw social grants as part of the government's intervention to address poverty and engaged in community meetings so that they could follow any decisions that might influence the grant allocations. This also made them aware of other community interactions. Some respondents linked receiving a grant to their need to be part of decision-making processes. Others even took up leadership roles in local community forums so that they could have a stronger influence on decisions and ensure that their grant income would not be negatively affected. As a female respondent and OAP recipient in Khayelitsha explains:

> *… I do not want to be a leader who does not lead by example … I was not involved in community decision-making forums because I did not have a source of income to contribute … my husband could not give any money even when I would plead with him but now I have my state grant and, saving on community structures, when asked to contribute I gladly do … (Chagunda, 2014)*

When households begin to achieve a basic level of food security through cash transfers, it has a ripple effect on other parts of grant recipients' lives. The study by Chagunda (2014) shows that recipients do not become dependent, or passive beneficiaries of government support. Instead, their status within the household and within their community changes and they take part in activities that they were not able

to engage in before receiving the grant. In South Africa, unemployment and income poverty are structurally based, and as such, it is not possible for the majority of black South Africans to save for contingencies—such as old age, sickness and disability.

The state guarantees the right to social assistance and in doing so, mitigates the effects of income poverty. Achieving food security through rights and entitlements reduces the stigma attached to being a social pensioner, and enables individuals to become more actively engaged in development processes. This makes it possible for these processes to promote active citizenship (NPC, 2011, 429) and activities to encourage values of responsible citizenship and solidarity. As the following respondent, an OAP recipient, indicates, she was able to fulfil her role as an active citizen through her membership in a municipal structure:

> *… Because of the pension grant money, I pay for my own travelling expenses especially when I have to attend meetings ... I have been on the ward forum since 2006 and I state categorically that we have influence in decision making on a number of issues, because they make it to the council agenda. But on some of the topics, decisions are made above us … (Chagunda, 2014)*

This female OAP recipient demonstrates the importance of an income to the performance of civic duties. In a world where travelling is only possible through transport systems, which can only be accessed if one has income, citizens with no or limited income find it difficult to travel to central gathering places where decisions on community welfare are made. Thus, for citizens such as this last respondent, receiving a grant has played a great role in enabling her to take part in community welfare decision-making processes, thus enhancing her civic duties.

The study reveals that transfers and entitlements also influence gender roles in planning and decision-making processes by strengthening women's capabilities in household management. As gender roles of men and women change, established patterns of patriarchy are being challenged in intra-household relations. Women as grant recipients are increasingly regarded as the head of the household and as breadwinners.

Conclusion

In this chapter, we find that men and women in the poorest households experience food insecurity differently, and suffer from its consequences in varying degrees. Despite the positive influence of social grants as a critical element of social protection, there are crucial policy gaps that affect women in poor households. A comprehensive social protection system should include other measures to ensure that women are able to engage in exchange relations in an equitable manner.

Women's access to critical resources—such as credit, land and inheritance—as well as access to nutritious and adequate food, and social infrastructure for health

and education, all remain obstacles to gender equality. As Chagunda's research in Khayelitsha and Graafwater reveals, patterns of gender inequality are being reproduced because of poverty and inequality. Gender has an enormous impact on women's ability to obtain well-remunerated work and attain economic security, as many are pushed into high-risk, informal and casual employment. Older women who receive cash transfers in the form of government OAPs have to support entire families, because of extreme poverty and unemployment in these areas.

Although gender equality and access to food are guaranteed by the SA Constitution, in communities where poverty is endemic women are more vulnerable than men. Even in the field of agriculture and food production, women have limited access to resources and services to enable them to improve their level of economic security. While access to resources is generally limited in South Africa, further restrictions are imposed on women as a result of cultural and traditional factors, especially in rural and peri-urban areas in South Africa.

We also find that, although vulnerability and exposure to risks varies through people's life cycle, when it comes to access to food, it is young women and women over 60 who are more likely to experience risks in efforts to obtain food, than are men. Vulnerability related to food insecurity has several overlapping aspects in South Africa. Poor women are vulnerable and are at greater risk because of gender, race, ethnicity, language and geographic location.

In this chapter we highlight that an exclusive focus on income or economic status as a way of understanding vulnerability and disadvantage when it relates to food insecurity is just not enough in South Africa. Many groups experience disadvantage because of race, ethnicity, or being a woman, child or migrant. When these factors combine with gender inequality, it reproduces patterns of food insecurity and general forms of human insecurity.

Moreover, we note that when age-related vulnerabilities of respondents combine with other conditions—such as disability and race-based prejudice—the result is an accumulation of risks (Taylor, 2004). Studies of recipients of social transfers and their expenditure patterns in two areas in the Western Cape show that the outcomes of unemployment and income poverty are mitigated through government cash transfers, which are crucial in reducing women's exposure to risk and vulnerability arising from unequal gender relations. Respondents in the study use social transfers to reduce household food insecurity, and such transfers become a springboard to improve women's ability to buy food, produce food and better manage decisions related to food at household and community levels. Despite significant shifts in policy, household characteristics reveal the stark reality that, the policy rhetoric of constitutional and women's human rights notwithstanding, poor households in which women live are reproducing structurally based inequalities.

Endnotes

[1] The concept of 'head-of-household' in South Africa is used to acknowledge that households consist of a wider number of members than the typical nuclear family with a husband, wife and children. As a result of initially forced labour migration to the mines and other industries, men left their homes and women were left in households to care for the needs of their immediate and extended family members. Today in South Africa, there are many different family types (two-parent families, same-sex families, skip-generation families, extended families with a number of relatives, child-headed and women-headed families). These different family types are categorised, for statistical and other reasons, under the heading of households. Increasingly, more women are heads-of-households and this changes gender relations significantly in households and in communities.

[2] See: www.fao.org/sd/fsdirect/fbdirect/FSP001.htm.

[3] Ubuntu derives from the Nguni languages and is used to mean 'humanness'. This concept states that a person is a person through other people. The term incorporates principles of community solidarity and collective responsibility for the good of all those who are members of the community. Ubuntu places emphasis on the importance of social responsiveness and cohesion.

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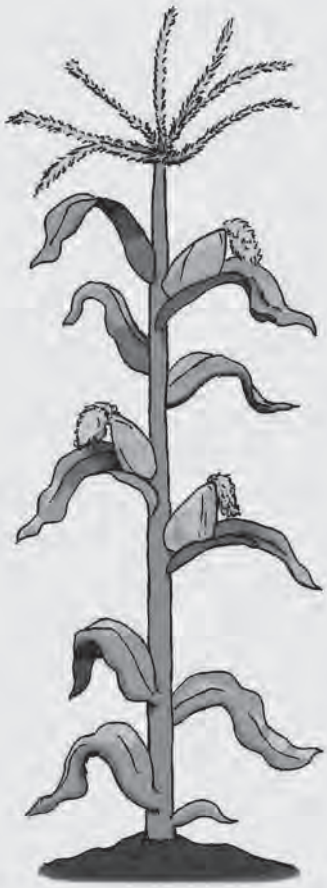
part

III

Social and economic policies to strengthen exchange, transfer and production entitlements



Chapter

8

Achieving food security through social policies: Comprehensive social protection for development

Viviene Taylor

Introduction

This chapter provides an analysis of how people's access to the right to food is being realised, in part, through social policies on social assistance, or as Sen (1982) states, through transfer entitlements. The chapter focuses on how shifts in social policy over time result in improvements in access to food through social transfers, especially for those categories of people who live in chronic poverty and experience age- and gender-related vulnerabilities. A central theme in the chapter is that, while there is a growing recognition of the chronic dimension of hunger and food insecurity arising from poverty and vulnerability, implementation measures to ensure the right to food lag behind policy intentions.

We therefore ask the following questions: Is this an outcome of path dependence on a residual policy approach arising from a lack of state commitment to addressing structural poverty and inequalities? Or is it a lack of understanding of the significance of a comprehensive approach to social protection? Or are there institutional capacity failures that prevent the state from pursuing a comprehensive social protection agenda to achieve access to the right to food?

In answering these questions, the chapter provides an analysis of some shifts taking place in social policy that reflect a move away from a residual approach towards one that is more developmental—although existing policies do not provide universal access to social assistance. The chapter also provides an analysis of the context of multi-dimensional poverty, and identifies those who are in chronic poverty and food insecure, to show the structural roots of poverty and the limited reach of social policies within this context. Significantly, the chapter argues that while government social assistance in the form of cash transfers is an essential policy instrument in reaching the destitute and reducing hunger, it also serves as a humanitarian relief measure. From a transformative and developmental perspective, such an instrument— to have optimal policy impact— should be part of a comprehensive basket of goods and services that ensures a decent standard of living for all South Africans at all times.

In his seminal work, *Poverty and Famines* (1982), Sen reinforces the significance of analysing poverty through entitlement relations. He analyses ownership relations as part of a broader entitlement system in market economies in which those who own resources through certain rules of legitimacy (for example through inheritance or one's own labour) have entitlements and thus do not experience starvation and poverty. He refers to four dimensions of entitlements. These are trade, production, own labour and inheritance, and transfer entitlements.

These entitlement systems derive from complex relations that get legitimised through rules that market economies adopt. According to Sen, when people experience starvation, it says something about the entitlement relationships they have and about the supply of food and the structure of ownership of food as a commodity in a particular society.

By focusing on the factors that determine what individuals can access as exchange entitlements, Sen also exposes the significance of ownership patterns in perpetuating unequal entitlement relations. Unequal ownership structures affect people's ability to engage in exchange relations and reduce their claims to entitlements, leaving them in conditions of poverty and starvation. A person's ability to engage in exchange relations that in turn influence conditions of poverty and starvation relates to, among others, what a person can produce with his or her own labour power and resources, or can buy and manage through the social security benefits that a person receives and the taxes that the person pays (Sen, 1982, 4). As a result of institutional racism and structural constraints, black South Africans' ability to engage in exchange relations were deeply compromised, which led to conditions of mass-based poverty and inequalities. In this context, social transfers from the state are a critical factor in providing access to food. Using the dimension that Sen (1982) refers to as transfer entitlements, the chapter focuses on government cash transfers as a social policy instrument that plays a critical role in preventing starvation and enabling poor people to maintain a level of exchange relations that reduces absolute destitution in South Africa.

Constitutional rights, international imperatives and developmentalism

Since the dawn of democracy in 1994, many shifts in social policies have become evident as the government attempts to align policies and legislation with the SA Constitution Act 108 of 1996. Chapter 2 of the Bill of Rights in the SA Constitution gives specific recognition to social and economic rights, and their content aligns well with international human rights treaties and conventions.

In Section 27 (1) of the Bill of Rights, there is specific mention of the right to healthcare, food, water and social security. This section states that 'everyone has the right to have access to health care services, including reproductive health care; sufficient food and water; and social security, including—if they are unable to support themselves and their dependants—appropriate social assistance' (Republic of South Africa, 1996). Section 27(2) of the SA Constitution further elaborates that, 'The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights' (Republic of South Africa, 1996, 13).

The right to social assistance and the right of access to food and water are inter-dependent within the Bill of Rights, and they are inter-connected in how they are realised in practical policy terms. These rights are of special significance, because they affect the lives of millions of people who live in chronic poverty and are denied opportunities to engage in exchange relations because of inequities in ownership structures. Social assistance—in the form of cash transfers—is considered as the main transfer entitlement to provide income support for South Africa's poorest citizens.

Despite South Africa's constitutional guarantees, the reality is that many households and individuals remain food insecure. Responding to the demands for food security requires a stronger focus on developmental approaches, as articulated in the SA Constitution, and the *International Covenant on Economic, Social and Cultural Rights* (*ICESCR*) 16 of 1966, which recognises that:

> *… the right of everyone to an adequate standard of living for himself and his family, including adequate food […] and to the continuous improvement of living conditions (Article 11, para. 1) as well as the fundamental right of everyone to be free from hunger (Article 11, para. 2). (ICESCR, 1966)*

The right to access food also means giving effect to the progressive and developmental realisation of the constitutional imperative. Yet when it comes to realising the right to access food, millions of households are food insecure because they are without any source of income as a result of long-term unemployment. Household members who are between 18 and 59 years of age, and who are not medically disabled, do not get cash transfers because they do not meet the criteria for receiving them. This is a critical fracture point in South Africa's social transfer policy and programme. It also shows

that South Africa has a long way to go to realise the right to food, as expressed in the Constitution SAL, and by the UN Committee on Economic, Social and Cultural Rights (CESCR), which states:

> *The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The core content of the right to adequate food implies [...] the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture (and) the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights [...] Accessibility encompasses both economic and physical accessibility … (CESCR, 17)*

The emphasis in this statement is not only on the right of every person to adequate food, but also the importance of physical and economic access to the quality and quantity of food that will meet the needs for full and sustainable human development. Importantly, the right to food is understood within a context that ensures achieving this right does not undermine the achievement of other human rights.

Social policy, social protection and the right to food

Do social policies have the capacity to reverse such distortions and provide alternatives that not only maintain human well-being, but also alter social relations to result in more equitable outcomes? The answer to this question is in the affirmative, as the evidence and analysis in this chapter reveals. According to Marshall (1965, 7) 'social policy' refers to the policy of government that provides income or services to citizens and that has a direct impact on their welfare. This definition of social policy links well with Sen's (1982) understanding of social transfers as a critical dimension of exchange relationships, especially in situations of poverty and multiple deprivations.

In South Africa and other countries, social and economic policies become conceptually delinked and, as a consequence, practical programme interventions to address poverty and food insecurity are reduced to a residual relief role. Economic policies are often seen as conceptually distinct from social policies and this bifurcation leads to the perception that economic activities are 'disassociated from human needs, social values and social purpose' (Gil, 1992, 38). Treating economic and social policies as separate reduces the potential for transforming unequal social relations and inequities. It leads to the primary purposes of economic activities becoming wealth accumulation, and the social purposes or human ends of such activities being secondary. Separating the economy from its social purposes creates an environment that reproduces patterns of structural inequality and poverty, and leaves large sectors of the population without access to the means to provide for their basic needs. Gil (1992, 38 and 39) notes that eliminating and preventing poverty requires policies that overcome lopsided control

over resources and unequal access to work, goods, services and rights. The distortions arising from racial capitalism in South Africa illustrate how delinking economic and social objectives reproduce systemic and structurally based patterns of inequality (see Fukuda-Parr and Taylor in this volume).

Under apartheid, black[1] African people were denied citizenship rights, and access to social and economic opportunities were restricted to their role as cheap, unskilled or semi-skilled labour, serving the interests of largely white monopoly capital (Nattrass & Seekings, 1997). Labour policy on the mines, in manufacturing and in agriculture left most black people outside of any formal occupation-based social security system, and generally without recourse to fiscal welfare through state provision. This historical exclusion of black people as an outcome of race-based policy discrimination and capitalism became embedded in the country's social and economic structures and systems, and its effects are visible in the inter-generational cycles of chronic poverty today. Structural inequalities and distortions imposed by apartheid result in high and persistent levels of unemployment, chronic poverty and growing informal work. Social policies have a central role to play in protecting and empowering people living in such conditions.

The redistributive role of social policies and the ways through which they can change individual and household patterns of current and future claims on resources set by markets—by the accumulation of past rights that privilege certain sectors of the population and by government action—are part of on-going discussions in South Africa. Historically, the black majority experienced exclusions from occupational welfare (in the form of unemployment insurance benefits, minimum decent wages, healthcare and retirement pensions), from direct welfare provision of public goods and services (such as education, healthcare and housing) and from fiscal welfare, which includes income-support measures in the form of cash benefits through the tax system (Titmuss, 1969, 192–193). The progressive realisation of Chapter 2 of the SA Constitution will not only address these historic exclusions, but will also embed the process of achieving a democratic developmental state that achieves social protection for all.

Social protection ensures inclusive social development by ensuring that protective, preventive, transformative and generative measures are in place for human well-being across all sectors of society (Taylor, 2008). A comprehensive social protection framework provides minimum standards of well-being to enable people in dire circumstances to live with dignity. This reflects the thinking in the *Taylor Report* (Republic of South Africa, 2002). Comprehensive social protection measures (income support, food security, education, health, housing, assets and basic services) should constitute a foundation or floor at a societal level for the promotion of social justice and social cohesion, the development of human capabilities and the promotion of economic dynamism and creativity (Taylor, 2007). The question then is: to what extent is South Africa transforming social policies and advancing social protection to ensure that the redistributive role of social policies is realised?

If one takes social policy measures as those that provide income (cash) and/or consumption (food) transfers to the poor, and measures that protect the vulnerable against livelihood risks and enhance the social status and rights of socially excluded and marginalised people, then South Africa is indeed advancing the rights of certain categories of people. These categories include children up to the age of 18 who are income poor, people living with disabilities that prevent them from being in paid work and people who are 60 years and over who are without income. Although people receiving cash transfers are means tested to ensure that they qualify for these transfers, because of the levels of income poverty, all those in need receive the grants. In this way social policy in South Africa is not only advancing rights and entitlements, but also embeds the social and economic aspects of well-being within the democratic developmental state.

An example of embedding developmental approaches through social policy is the approach to social protection that was proposed by the *Report on Comprehensive Social Security* (known as the *Taylor Report 2002*) and that was subsequently adopted by the South African government. In this report, comprehensive social protection measures include the social wage.[2] Systems of social protection are outcomes of social policies and have the potential to address structurally based poverty and inequality. As part of a broader social protection system, social assistance in the form of cash grants reflects a policy shift from an ad hoc, short-term emergency welfare response to deprivations, to a response designed as a part of a comprehensive package of measures to eradicate poverty and reduce inequality.

There are four ways in which social transfers—through cash grants—produce such policy outcomes:

1. Social grants as a policy instrument achieve a welfare function when they provide temporary relief designed as a short-term intervention to address shocks, such as unemployment and related risks, hunger and malnutrition, and other vulnerabilities.

2. Cash grants also protect people living in extreme poverty or those defined as living in income-poor households (estimates are that close to 52 % of South Africa's poor live below a threshold of R 450 per person per month), by ensuring a minimum level of well-being for people who live in extreme destitution due to income poverty.

3. Studies in South Africa show that cash grants have a developmental or generative function, because the grants act as a platform or springboard for household economic activity and can generate local community economic activity. For example, Reynolds found in 2005 that the benefit or multiplier effect on the local economy of R 60 billion paid to grant recipients was R 78 billion. He argued at the time that if cash transfers were part of other measures, including decent work for non-working economically active poor individuals, the multiplier effect could be four times higher than it was, or as much as R 240 billion (Reynolds, 2005).

4. Social cash grants have a transformative function when they become institutionalised interventions to address income disparities over the life cycle of income-poor households, and when they change power relations in terms of race, gender and spatial locations of people (Taylor, 2008).

Taking these four policy outcomes into account and looking back over 20 years of democracy, it is generally in the last decade that the South African state began to acknowledge the developmental potential of social grants as a policy instrument that addresses multiple dimensions of poverty. The last decade shows changes in South Africa's social assistance system: from that of a fragmented, race-based and residual approach underpinned by conservative liberalism, to an approach that is comprehensive, inclusive and buttressed by human rights as framed within the SA Constitution.

Moreover, the South African government has introduced social reform initiatives to move away from racially discriminatory policies and address poverty and vulnerabilities of large sections of the population (see Table 8.1 for a summary of some of the major policy initiatives). Among the policy reform initiatives undertaken by the post-1994 democratic government that led to such a shift in emphasis was the Committee of Inquiry into Comprehensive Social Security (referred to as the *Taylor Report 2002*).

Table 8.1 Policy and legislative changes in social assistance grants: Towards comprehensive social protection post-1994
Source: Taylor (2014)

	Policy processes	Changes in social assistance/social security
1996	**The SA Constitution**	5.27 (1)(c) 'Everyone has the right to have access to social security including if they are unable to support themselves and their dependents, appropriate social assistance. Benefits and entitlements are linked to citizenship within a human rights framework.'
1996	**The Report of the Lund Committee on Child and Family Support (Lund Committee, 1996)** Lund Committee of Inquiry into the affordability of the State Maintenance Grant. It undertook an appraisal of the existing State	➢ Regulation R417 of 31/03/1998 phased out the State Maintenance Grant through amendments to the Social Assistance Act no 59 of 1992 and introduced a Child Support Grant (CSG) for children up to the age of six (under the age of seven) years according to a 'means' test. ➢ It also introduced the concept of a 'primary caregiver'.

➠

	Policy processes	Changes in social assistance/social security
	Maintenance Grant system of support to children and families, and investigated the option of compelling parents to provide financial support for their children through the private maintenance system.	➢ It de-racialised grants to children and introduced means tests according to which children became eligible for a grant that was considerably lower than the State Maintenance Grant in monetary value.
1997	**White Paper for Social Welfare**	➢ Makes provision for 'a welfare system that facilitates the development of human capacity and self-reliance within a caring and enabling socio-economic environment' (Republic of South Africa, 1997, 9). ➢ Promotes the provision of developmental social welfare services through partnerships with the non-governmental sector and private sector providers. ➢ Provides a strategy for provision of social security, including social assistance. ➢ Places emphasis on selectivity according to means tests—targets vulnerable, special needs and the poor (Republic of South Africa, 1997, 8.4).
1999	**Findings of the Inter-Departmental Task Team (1999)**	➢ Focused on the lack of employment-based private insurance among low-income workers as a potential burden on fiscal resources (1999). ➢ Recommended extension of state funding for Unemployment Insurance Fund (UIF); mandatory contributory retirement pensions to reduce claims for state Old Age Pensions (OAPs). ➢ The report rejected universal coverage, and focused on social security for three categories—residual social assistance would be given to the poorest; the middle-income earners would receive state-subsidised benefits; and high-income earners would have access to private provisions through their own arrangements.

➡

	Policy processes	Changes in social assistance/social security
2000 to 2002	**Taylor Committee of Inquiry into Comprehensive Social Security (Republic of South Africa, 2002, 41)** The Committee's terms of reference covered a number of areas related to government social assistance, social insurance including health, unemployment and retirement benefits linked to employment, measures to address poverty and to address gaps in the existing social security system. The Committee was to propose institutional arrangements to ensure the feasibility, sustainability and affordability of the social security system. This involved considerable planning, political and policy debate, and consultations with social partners and all sections of the community.	The Committee made significant recommendations on the entire social security system and argued for a social protection system that would integrate government social assistance, compulsory social insurance measures and private contributory arrangements into a single benefit system. It recommended a comprehensive social protection (CSP) package. CSP seeks to provide the basic means for all people living in the country to effectively participate and advance in social and economic life, and in turn to contribute to social and economic development. CSP is broader than the traditional concept of social security, and incorporates developmental strategies and programmes designed to collectively ensure a decent acceptable living standard for all citizens. It goes beyond social safety nets to focus on causality through a policy approach that includes economic and social objectives.

The *Taylor Report* proposed in 2002 that South Africa expand its social assistance coverage as the first pillar of a comprehensive social protection system. This first pillar should be designed to provide universal protection for all citizens as a guaranteed social minimum and act as a springboard for wider developmental possibilities for South Africa's poorest citizens. Included in the first pillar are government social assistance cash transfers and a comprehensive range of other measures to address access to food and to remove deprivations in health, education and basic services. The cash transfer as part of the first pillar and social floor was called a Basic Income Grant and was to be funded through the tax system. The financial and social impacts of such an intervention were modelled, and it was found that the Basic Income Grant would alleviate destitution and ensure access to food; on its own, however, it would not remove people from poverty.

The option chosen by the government to address income poverty of people from 18 to 59 years of age was to expand opportunities in public works programmes for unemployed individuals. This option has not addressed the structural issues of unemployment; rather it provides limited short-term assistance to a few unemployed.

The right to food and social policy advances and gaps

Sen (1982) points out that social transfers play a significant role in ensuring outcomes for poor people that markets—left to their own processes—cannot achieve. There is growing international recognition that comprehensive social protection systems, especially cash transfers, can improve redistributive outcomes and reverse patterns of inequality by ensuring the right to food and by preventing hunger and malnutrition, which, in turn, enables people to achieve food security. A widely accepted definition on food security from the Committee on World Food Security states that:

> *Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life. The four pillars of food security are availability, access, utilization and stability … (FAO, 2009)*

This definition links well with the thinking that emerged in the first African Union Conference of Ministers of Social Development—held in Windhoek, Namibia, from 27 to 31 October 2008—when a Social Policy Framework for Africa (SPF) was adopted. This framework promotes the gradual building of social protection in African countries to address the vulnerability and risk of the growing numbers of people who experience food poverty, epidemiological crises, environmental crises, and financial and economic crises. It promotes social policies that have their basis in:

> *… comprehensive longer-term national social protection action plans. Measures will include: extending existing social insurance schemes (with subsidies for those unable to contribute); building up community based or occupation based insurance schemes on a voluntary basis, social welfare services, employment guarantee schemes and introducing and extending public-financed, non-contributory cash transfers … (African Union, 2008)*

Government cash grants targeted to the destitute and poor in South Africa increase the opportunities for those living in absolute poverty to access essential food items (see Taylor & Chagunda in this volume). Statistics South Africa (2013[a]) indicates that household food insecurity has fallen since 2001. Statistics South Africa attributes this fall largely to increases in social grant coverage of poor people into three main categories: the elderly over 60 years of age who receive a social pension, people with disabilities, and children who are now given a CSG up to the age of 18.

Figure 8.1 on page 155 shows the growth in the number of grant beneficiaries per province from 1998 to 2013. Social assistance—in the form of cash transfers—is non-contributory and is financed entirely from government revenue.

Because the cash transfer system is categorical (only those who meet specified criteria qualify to access the cash grant), there is a huge gap in support for those who are without waged income and in the 18-to-59-year age category. This social policy gap

or fracture point in assistance refutes the government's characterisation of the social assistance system as rights-based and non-conditional (DSD, 2013).

While the social assistance programme increased its coverage from 2.7 million recipients in 1994 to 16 million recipients by 2013, there remains a fracture point or gap in provision to people who are living in extreme destitution and without income support because of unemployment and lack of economic opportunities. Cash transfers through the social assistance programme reach approximately 2.9 million income-poor adults who are above the age of 60, and 11.3 million are beneficiaries of the CSG. Another 1.1 million who receive cash grants are people with disabilities (Presidency, Republic of South Africa, 2014, 45).

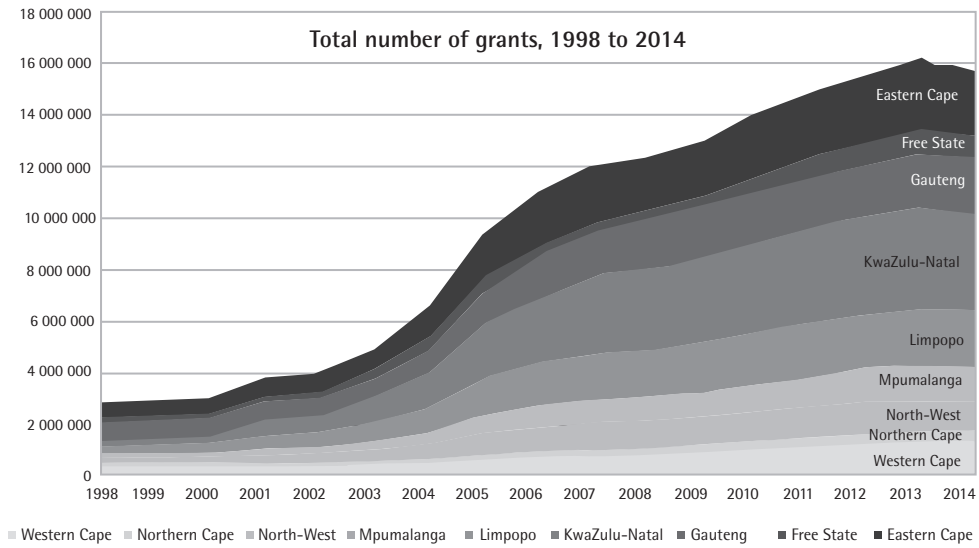


Figure 8.1 Numbers of grant beneficiaries per province, 1998 to 2014

Source: Graph from own calculations compiled from Department of Social Development (DSD) SOCPEN Data (2014)

Despite the extension of social grants from just over 3 million people in 1998 to close to 16 million today, there is still widespread and deep nutrition insecurity in the poorest households. The *General Household Survey* (*GHS*) (Statistics South Africa, 2012) points out in Table 8.2 (see pages 156–157) that out of 6.5 million households in the poorest quintiles, over 2 million households report inadequate access to food. Given that this is out of a total number that approximates 14 million households, it is a significant indicator of the extent of food insecurity in South Africa. Another significant characteristic in Table 8.2 is the higher reports of inadequate access to food by female heads-of-households in rural areas (52 %), while male heads-of-households report a higher incidence of inadequate access (56 %) in urban areas.

It is important to note that the number of people in the age range of those who report inadequate access to food correlates to the poorest households who do not meet the age category criteria for social grants. As Table 8.2 shows, the age of members of the poorest households that report inadequate access falls into the 18-to-59-year cohort. These economically active adults who report inadequate access to food are income poor and do not meet the criteria for social cash transfers. Besides access to food, the *GHS* raises a question about the quality of food that South Africans eat, and points out that the average South African consumes items from less than four of nine nutritious food groups. This has particular relevance for close to 30 % of largely black South African women who are estimated to be HIV positive and whose health is compromised by under-nutrition.

Food insecurity in South Africa has declined at an aggregate level because of social grants, but an analysis of race, gender and age disparities within the poorest households reflects that this overall decline has not made a difference to patterns that reproduce inequalities. Moreover, access to food and under-nutrition of South Africa's poorest people is not a temporary problem associated with poor domestic harvests and supply shortages. Rather, it is a problem of systemic failures to promote labour-absorbing waged work in the economy, and access to assets such as land, education and healthcare. Reactive, short-term social policy responses—in the form of food or relief for the destitute—are unlikely to address these conditions.

Table 8.2 Poor households' access to food by demographic and household characteristics, 2011

Source: Statistics South Africa (2012, 23)

	Rural			Urban		
	Adequate access	Inadequate access	Total	Adequate access	Inadequate access	Total
Head population group						
Black Africans	96.7 %	98.9 %	97.4 %	71.3 %	86.4 %	76.0 %
Coloured	1.7 %	1.0 %	1.5 %	9.8 %	10.9 %	10.1 %
Indian/Asian	0.2 %	0.1 %	0.1 %	4.8 %	0.8 %	3.6 %
White	1.5 %	0.1 %	1.0 %	14.1 %	1.8 %	10.3 %
Head sex						
Male	45.8 %	47.8 %	46.5 %	61.0 %	56.1 %	59.5 %
Female	54.2 %	52.2 %	53.5 %	39.0 %	44.0 %	40.5 %
Head age group						
18 to 34	23.7 %	21.7 %	23.0 %	25.9 %	26.1 %	26.0 %

	Rural			Urban		
	Adequate access	Inadequate access	Total	Adequate access	Inadequate access	Total
35 to 59	48.2 %	55.9 %	50.8 %	54.3 %	58.6 %	55.6 %
Over 60	28.3 %	22.5 %	26.2 %	19.9 %	15.2 %	18.5 %
Total poor households (thousands)	**2 007**	**1 027**	**3 034**	**2 461**	**1 099**	**3 560**

South Africa's social grants are having an impact on the depth of poverty within households, but there are fracture points that leave millions of poor households food insecure. It is not the availability of food that is in question in South Africa, but rather the inability of the poorest households to have physical and economic access to adequate food or the means to procure it. Income support measures through cash transfers are crucial to food security. The Economic Policy Research Institute (Samson et al, 2013) finds that social grants make a significant impact on household incomes in helping families to cope with vulnerability and in mitigating risks. Looking at the grants that form the government's social assistance programme, the study (Samson et al, 2013) finds that today they have a significant impact on reducing the intensity of household poverty, or that of the poverty gap, which measures the distance below an income poverty line for all poor households (see Table 8.3 on page 160).

Significant growth in grant beneficiaries links to the policy proposal that government phased in the expansion of the CSG—between 2002 and 2014—to cover children age 12 to 18 who qualify to receive that grant (Republic of South Africa, 2002). The coverage of the grant expanded to initially include children up to 13 years of age, then those between 15 and 16, and today includes children up to 18 years of age. The increase in the number of children receiving the grant,[3] importantly, reduces the intensity of poverty or the depth of poverty, but does not remove individuals from below the poverty line. Figure 8.2 on page 158 provides an indication of the growth in CSGs against all grant types (Statistics South Africa, 2014, 20). The impact of this increase in the number of grants on reducing child poverty and malnutrition is significant.

Cash transfers as a social policy instrument move government away from the typical emergency food-relief measures that characterise conventional welfare responses to hunger. Such conventional measures treat those who are food insecure as vulnerable and as victims of their own inabilities. Evidence shows that cash transfers are not only an effective instrument for alleviating hunger and food insecurity, but have the potential to reduce hunger and food insecurity on a sustainable, long-term basis by providing direct beneficiaries with the means to build more resilient livelihoods, and indirectly by reducing inequality and promoting inclusive growth (Rook, 2011).

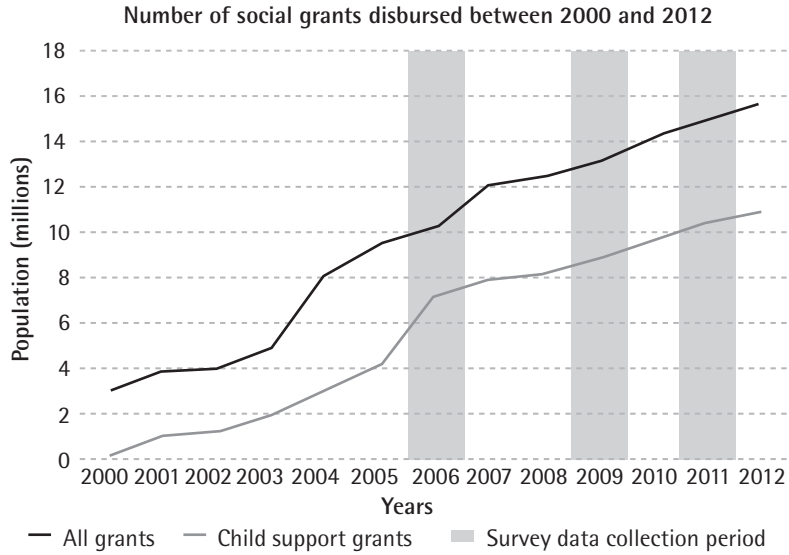


Figure 8.2 Growth in grants, 2000 to 2012
Source: Statistics South Africa (2014)

While cash transfers make a significant impact on the depth of poverty within households, they do not remove individuals from poverty. Formal unemployment and the lack of waged work are among the main reasons why many households remain income poor. The *GHS* (Statistics South Africa, 2012) finds that while most South African households continue to rely on incomes from salaries, with nationally 64.9% relying on salaries as the main source of income, social grants remain a critical, and at times, the only source of income for 43.9% of households. This is why government cash grants targeted to the destitute and poor should be part of a broader programme of social assistance. This broader programme is a focus on comprehensive social protection—one that includes health, education, social welfare services, food security measures, housing and access to basic services for all. Unless policy-makers make deliberate choices to promote a comprehensive social policy approach, fracture points will remain and those whose needs matter and the conditions under which they live, will continue to exclude them from transfer entitlements and as a consequence, deny them social citizenship (Taylor, 2007; 2014).

There are many reasons why urgent social policy action is required to address the gaps in responding to access to adequate and quality nutritious food in South Africa. In addition to the many aspects of their lives affected by poverty, the chronically poor in South Africa share a history of deprivation which produces economic, political, social and cultural isolation across generations. Chronic income poverty remains a persistent form of economic insecurity and, therefore, food insecurity for millions of people. Millions of people in South Africa are unemployed or underemployed, with Statistics South Africa putting this figure at close to 30% (Statistics South Africa, 2013[b]). Others do not earn enough to meet the most rudimentary of human needs,

much less cope with shocks ranging from catastrophic injury to uncontrolled inflation, and downside risks that emanate from financial and economic globalisation. Poor families allocate more than half of additional income (remittances, public transfers and pensions) to increased food consumption (Strauss & Thomas, 1995; Bouis & Haddad, 1992; Statistics South Africa, 2013[b]).

Economic security and social capabilities can be enhanced by maintaining proper nutrition among the vulnerable. Conditions resulting from childhood deprivation lead to long-term strains on a nation's health and education systems, draining resources that could efficiently be targeted at other social priorities. Early deprivation is transmitted through manifold ways. For instance, early malnutrition also reduces the capacity of the immune system of individuals, especially women, to protect their health and well-being (Chandra, 1975; Miler, 1982). Women who themselves suffered from pre-natal malnutrition are more likely to give birth to low birth weight babies—even if they have proper nutrition during their own pregnancies—thus perpetuating the inter-generational transmission of deprivations in development (Lumey, 1992).

These inter-generational impacts of food insecurity can be mitigated to some extent through integrated programmes in early child development, through cash transfers and through interventions that address structural conditions such as health, education, household food production, effective land use and access to nutritious food, among others. Such programmes can help prevent malnutrition, stunted cognitive development and insufficient preparation for schooling. They can even improve primary and secondary school performance, thereby increasing children's future earning capacities (Young, 1996).

When hunger and food insecurity are linked to inter-generational poverty—rather than inter- or intra-seasonal harvests—a much more complex picture emerges. Of concern in South Africa is the combination of factors that keep children in poverty, and the numbers of households in which children report hunger. Statistics South Africa (2013[a]) (see Table 8.3 on page 160) shows that the incidence of households in which children live and report hunger drops from a high of 29.3 % in 2002 to 13.1 % in 2012 for South Africa. Disaggregating this trend across provinces does, however, reveal an extremely troubling situation.

The Western Cape, for example, had 20.3 % of children reporting hunger in 2002, and the province shows only a slight drop to 17.1 % reporting hunger in 2012. Contrast this with the Eastern Cape, which reported 52.1 % of children living in households reporting hunger in 2002, a figure which drops to 22.5 % in 2012. This drop in the Eastern Cape, however, still leaves more than one-fifth (22.5 %) of children in households reporting hunger. The drop in the reports of hunger also correlates with the numbers of households in these provinces that receive the CSG.

It is also important to note that while social grants do make an impact on the distribution of income to the poorest households and to gender inequality, because 98 % of caregivers who receive the CSG are women (DSD, 2013), it is female-headed households that contained children that were most likely to report hunger.

Table 8.3 Percentage of children living in households that reported hunger by province, 2002 to 2008 and 2010 to 2012
Source: Statistics South Africa (2013[a], 19)

Province	Year									
	2002	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2010**	**2011**	**2012**
Western Cape	20.3	20.8	17.6	21.2	13.9	17.3	14.1	17.5	13.6	17.1
Eastern Cape	52.1	46.2	40.5	34.2	20.8	24.2	22.7	24.4	18.4	22.5
Northern Cape	30.9	19.3	21.3	21.5	20.2	18.3	15.0	35.1	16.0	20.4
Free State	31.4	30.1	25.2	23.2	20.0	11.7	14.5	14.9	9.8	11.5
KwaZulu-Natal	37.3	37.8	30.1	22.9	19.3	16.2	25.1	25.5	11.9	16.9
North-West	32.8	35.7	35.5	27.2	19.9	16.2	26.9	25.4	18.2	22.1
Gauteng	20.4	21.4	16.0	15.8	13.0	13.4	12.9	10.5	10.3	13.6
Mpumalanga	38.2	36.3	29.2	25.2	13.2	16.6	18.4	12.8	9.7	12.6
Limpopo	33.2	25.8	21.8	22.1	14.4	9.9	13.3	8.7	4.3	3.9
South Africa	**29.3**	**27.6**	**23.0**	**20.1**	**14.4**	**13.7**	**15.9**	**15.9**	**13.1**	**13.1**

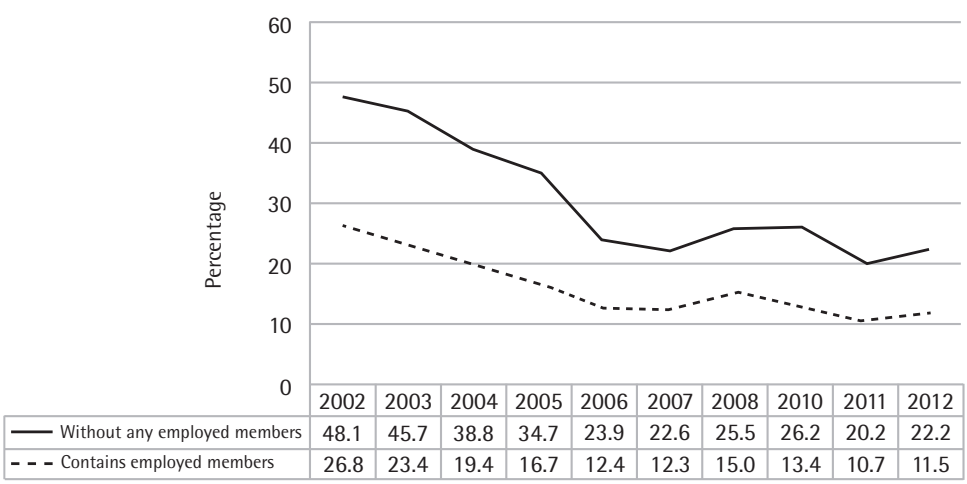


Figure 8.3 Percentage of children living in households that experienced hunger whether or not households contain employed adults, 2002 to 2008 and 2010 to 2012
Source: Statistics South Africa (2013[a], 20)

The data in Figure 8.3 also reinforces the relationships between food security and poverty, and reveal that for children who report living in households that experience hunger, there is a correlation with unemployment. Reports of hunger increase in households without any employed adults. Figure 8.3 also shows that these children are more vulnerable to hunger than children who live in households that contain at least one employed adult.

While unemployment is a proxy for income insecurity and inadequate access to food, Figure 8.4 does reflect that there are changes in food adequacy in the period 2010 to 2012. These changes link to social and economic conditions in South Africa, especially the impacts of retrenchments and unemployment in the mining and agricultural sectors, due to global financial volatility. As shown in Figure 8.4, more than two-thirds (69.4 %) of children lived in households that reported adequate access to food in 2012 (up from 67.2 % in 2010). Another 22.8 % lived in households that reported inadequate access, while 7.8 % lived in households that reported severely inadequate access to food (Statistics South Africa, 2013[a]). The graph points to an overall improvement in households' access to food between 2010 and 2012, and this improvement is attributed to the expansion of social grant coverage to children up to the age of 18 years.

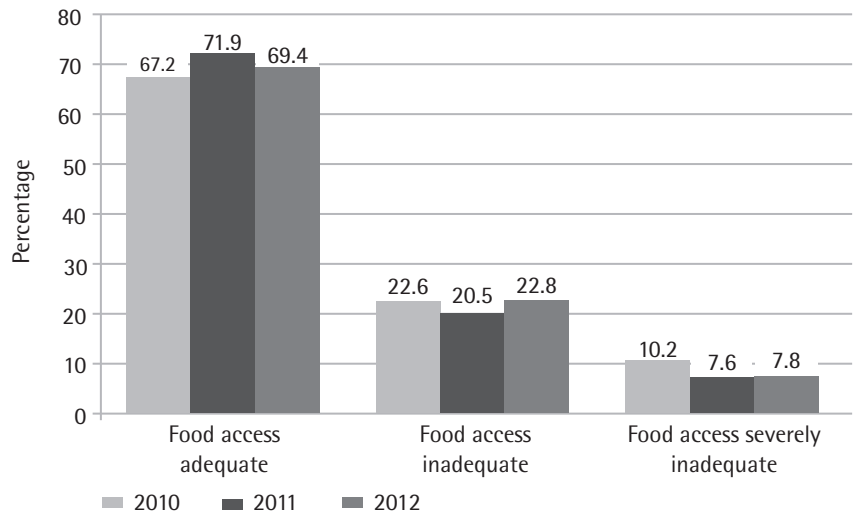
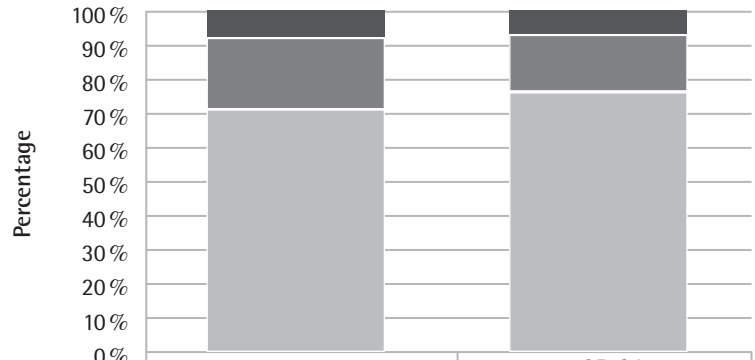


Figure 8.4 Percentage of children living in households by food adequacy, 2010 to 2012
Source: Statistics South Africa (2013[a], 21)

Inadequate access to food remains fairly constant between 2010 and 2012. The trends point to approximately 22.8 % of children living in households that report inadequate access to food, and 7.8 % who report severely inadequate access to food in 2012. Figure 8.5 on page 162 also reveals that youth who are in the age cohort of 15 to 35 years are particularly vulnerable to inadequate and severely inadequate access to food.

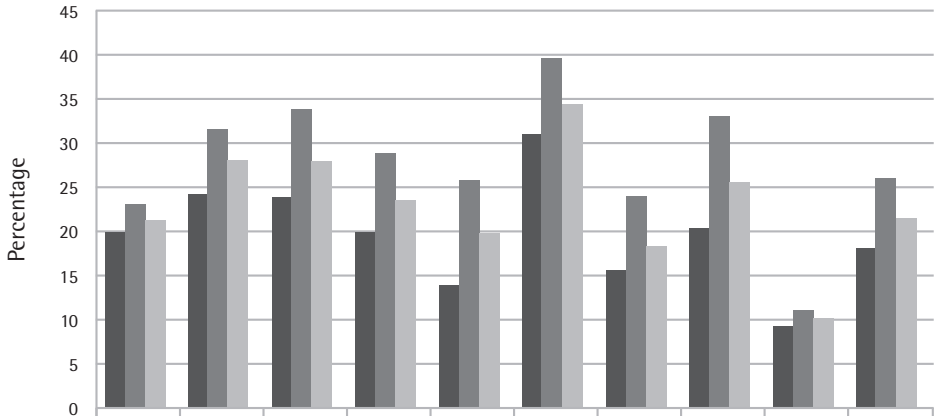


	15–24	25–34
Severely inadequate food access	8.0	6.7
Inadequate food access	20.8	16.9
Adequate food access	71.3	76.5

Figure 8.5 Percentage of youth (aged 15 to 24 and 25 to 34 years) that lived in households that had experienced adequate, inadequate and severely inadequate access to food, 2012

Source: Statistics South Africa (2013[a], 49)

The gender dimensions of severely inadequate access to food in Figure 8.6 highlight that, in all provinces in South Africa, it is women-headed households that experience the worst impacts.



	Western Cape	Eastern Cape	Northern Cape	Free State	KwaZulu-Natal	North-West	Gauteng	Mpuma-langa	Limpopo	South Africa
Male	20.1	24.4	24.0	19.9	14.0	31.2	15.7	20.4	9.2	18.2
Female	23.1	31.7	34.1	29.0	26.0	39.8	24.1	33.2	11.3	26.2
South Africa	21.3	28.0	28.1	23.7	19.8	34.6	18.3	25.7	10.2	21.5

Figure 8.6 Percentage of male- and female-headed households that experienced inadequate or severely inadequate access to food by province, 2012

Source: Statistics South Africa (2013[a], 80)

The impact of cash transfers on poor households' access to food is evident in Table 8.4. The proportion of the poorest people in the different age cohorts who receive cash transfers correlates well with the severity of access to food.

Table 8.4 Proportion of grant recipients by household, 2003 to 2012
Source: Statistics South Africa (2013[a], 104)

Household characteristics	Year									
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Average proportion of grant recipients										
Male-headed	0.27	0.30	0.33	0.36	0.37	0.37	0.42	0.42	0.44	0.44
Female-headed	0.27	0.32	0.37	0.39	0.41	0.44	0.47	0.49	0.50	0.51
All older-person-headed	0.27	0.31	0.35	0.37	0.39	0.41	0.44	0.46	0.47	0.48
Households including elderly	0.27	0.30	0.34	0.36	0.38	0.39	0.43	0.44	0.45	0.46
Elderly-headed with children	0.25	0.30	0.34	0.37	0.40	0.42	0.45	0.48	0.50	0.52
Headed by 18-to-59-year-olds	0.08	0.12	0.15	0.16	0.18	0.19	0.23	0.22	0.23	0.24
South Africa	0.12	0.16	0.19	0.20	0.22	0.24	0.27	0.28	0.29	0.30

From Table 8.4, it is clear that households headed by people in the age cohort 18 to 59 years receive the lowest proportion of cash transfers. These are generally economically active individuals who are not in employment, and do not qualify for social grants according to current government policy criteria.

Social policy responses that are relief oriented, that target symptoms and are short term, incremental measures will not address the structural roots of poverty such as unemployment, inequality and food insecurity in South Africa.

South Africa's townships and informal settlements are outcomes of apartheid planning and are part of the contemporary social reality in which patterns of poverty and inequality are being reproduced. Income support measures alone will not address the multiple dimensions of poverty spawned by such a system. Statistics South Africa finds that approximately 3 million people live in informal settlements and roughly 15 million in townships (Statistics South Africa, 2011). It is these households that remain trapped in extreme poverty because of social and economic barriers. Increasing consumption patterns of poor households, and ensuring that income circulates within townships and informal areas, is critical to creating local economic enterprise.

Conclusion: Towards new directions in social policy

Although South Africa has made significant advances on the social policy front, when it comes to addressing extreme levels of destitution through cash transfers, these advances are limited because of shortfalls in the labour market and in agricultural and industrial policy environments. There are many issues related to *who* should have access to cash transfers and under *what* conditions, and these issues are yet to be resolved.

We do know that in countries that have introduced unconditional cash transfers, significant impacts are being made in reducing destitution and deprivation of the poorest, as well as in increasing levels of consumption and productivity. The local economic activity in increased consumption patterns leads to positive economic and social returns. There are multiplier effects, mainly through local cash circulation, although these effects are limited by high transaction and/or administrative costs. As Sen reminds us, modes of production, access to social security and employment entitlement, and access to food, allow us to understand who in society can command what resources and under what conditions (1982).

The triad of poverty, inequality and unemployment continue to be among South Africa's major challenges. Twenty years since the country attained political freedom, economic insecurity and un-freedoms leave many in situations of extreme destitution. Social protection measures in South Africa that include cash transfers—such as pensions for the elderly, grants to children and households, and cash for food and public works programmes—increase access to nutrition, healthcare, housing and education. In its most direct form, a cash transfer provides support that helps individuals, households and communities to better manage risks and actively participate in all spheres of life.

At a fundamental level, the transformative and developmental impacts of social grants are reduced because South Africa's social protection system excludes a large proportion (approximately 70 %) of young black youth between the ages of 18 and 35, who fall outside the social policy system and who are without waged work. Achieving food security through social transfers is not a new direction, but extending such policies to respond to the needs of the majority does make new inroads in achieving developmental outcomes for all in democratic South Africa. By locating cash grants within a comprehensive approach to social protection, such social policies have the potential to become part of a wider process of social transformation.

Endnotes

[1] 'Black' in this chapter is used to denote all people of colour in South Africa. According to apartheid racial classifications, 'black' was used to denote people who were classified as African. In the period of the early 1970s, the term 'black' was used by progressive movements such as the Black Consciousness Movement to bring together all those who identified themselves as oppressed

because of being black (people of mixed race/coloured, people of Indian descent and Africans). The category of black African is used in this chapter to identify people who are black and are of African descent. Racial categories are still used in South Africa for statistical purposes to provide indicators of racial disparities when it comes to the allocation of resources.

[2] The social wage includes access to certain basic services, such as primary and secondary schooling, healthcare, housing, specified allocation of water and units of electricity.

[3] Although children are said to receive the grant, it is actually paid on their behalf to their primary caregivers.

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Chapter

9

Household-level food insecurity and agriculture in South Africa

Michael Aliber

Introduction

The dualism of South Africa's agricultural sector is well known; while there are approximately 30 000 to 35 000 large-scale, generally white commercial farmers, there are some 2.7 million black small-scale farmers. The large-scale sector occupies approximately 80 % of the farmland area *versus* 7 % for post-1994 land reform beneficiaries, and 13 % across the mainly black former 'homelands'.

Dualism is also a simplification. The large-scale sector is highly skewed, whereby a minority account for a large share of total production and profits. Roughly 10 000 white farmers are too marginal to meet Statistics South Africa's definition of 'commercial', and thus represent an in-between category about which little is known. Meanwhile, in the small-scale sector one can differentiate between approximately 170 000 commercially oriented smallholder households and 2.5 million subsistence (or some would say 'sub-subsistence') households. Among the smallholders, most are poor; however, some (5 % to 10 %?) are doing well to the extent that they are often regarded as 'emerging farmers'.

With agriculture's share of gross domestic product (GDP) having sunk to less than 3 %, the contribution of the sector is first and foremost identified with its role in feeding the country,[1] while earning foreign exchange, employing large numbers of workers and providing feedstock to

manufacturing are also cited.[2] A common generalisation is that the country is food secure in the sense of having enough food through a combination of own production and imported food—thanks to the agricultural trade surplus. Yet, because of stark inequalities, many people remain under-nourished (NPC, 2012, 230). While this characterisation is more or less correct, there is a great deal more one can say.

The purpose of this chapter is to provide a critical overview of the relationship of agriculture to household food insecurity in South Africa. In the process, the chapter covers the following elements: how this relationship is construed in government policy, how one can understand the contribution of large-scale commercial agriculture to household food security, the extent of small-scale farming and its contribution to food security, and the nature and performance of government support programmes to small-scale farmers, including via land reform.

The government view on agriculture and food security

The ANC's 2009 Election Manifesto featured food security prominently, promising among other things that an ANC-led government would 'expand access to food production schemes in rural and peri-urban areas to grow their own food with implements, tractors, fertilizers and pesticides,' as well as render support to 'existing community schemes, which utilise land for food production in schools, health facilities, churches, and urban and traditional authority areas'(ANC, 2009). Apart from the ambitious tenor of these and other promises, what stands out is the importance of self-provisioning and the government support that will promote it. On the face of it, the Manifesto echoes the ANC's Reconstruction and Development Programme (RDP) of 1994, which had harsh words to say about 'the inefficient, debt-ridden, ecologically-damaging and white-dominated large farm sector' (ANC, 1994, 84, Section 4.3.8).[3]

By contrast, the *National Policy on Food and Nutrition Security* (*NPFNS*) for the Republic of South Africa—approved by the Cabinet in September 2013—places an almost monolithic emphasis on boosting and stabilising national food production and overall market efficiency. This is despite acknowledging the distinction between national-level *versus* household-level food security, and that 'food and nutrition security is a multifaceted and multidimensional issue …' (DAFF, 2014[a], 30).

The *NPFNS* analysis of South Africa's food security challenge focuses largely on promoting food availability, which must be accomplished by means of improving 'land utilisation' and 'food storage and distribution networks'; while also pursuing 'reform of domestic markets'. In respect of 'land utilisation', the *NPFNS* declares:

> *Currently there are about 40,000 farming units in the country. There has been an overall loss of high agricultural potential land to non-agricultural activities such as mining and housing developments, and in the period between 1994 and 2009 the overall area under food production declined by 30 %. (DAFF, 2014[a] 36–37)*

Together with references to 'the challenge of ensuring food security for our rapidly expanding population', the grossly exaggerated claim regarding the decline in area under food production betrays a simplistic Malthusian anxiety.[4] And yet, despite the *NPFNS*'s productionist orientation, the solution would appear decidedly hands-off: what we need are 'Food Security Response Mechanisms', which shall comprise a 'Food and Nutrition Security Information Management System', 'Food Safety Controls' and 'Food and Nutrition Security Risk Management' (DAFF, 2014[a], 26].

What is also interesting about the reference to the '40,000 farming units' is the non-mention of the roughly 2.7 million smallholder and subsistence households who also produce food. The policy does not even pay lip service to production entitlements via self-provisioning, although there is one ambiguous statement which could be read as a concern about its limitations: 'In cases where productive land is available, it is not always optimally utilised for food production, often for want of inputs … or skills' (DAFF, 2014[a], 28).

However, it is important to note that at the same time the Cabinet approved the *NPFNS* it also approved two subsidiary policies or programmes, namely the *Fetsa Tlala Food Production Initiative* and the *Household Food and Nutrition Security Strategy*. On the face of it, *Fetsa Tlala* would appear to be all about enhancing production entitlements among the poor; however, as we will see shortly, in a very qualified manner. As for the *Household Food and Nutrition Security Strategy*, it does highlight the importance of supporting 'small scale producers, including family production' (echoes of Brazil?). While the *NPFNS* was written by the Department of Agriculture, Forestry and Fisheries (DAFF), the *Household Food and Nutrition Security Strategy* was, and is, regarded as the domain of the Department of Social Development (DSD). This reflects a common manner of thinking in South African policy circles, namely that the promotion of commercial agriculture—whether large scale or aspiring to large scale—is an 'economic intervention', whereas support to subsistence production is a 'social intervention', in other words a sort of poverty relief measure for which national and provincial social development departments should assume responsibility. However, perhaps due to their myriad of other responsibilities, such departments have a negligible impact on subsistence production. It is perhaps for this reason that the *Household Food and Nutrition Security Strategy* has largely disappeared from sight.[5]

To be fair, DAFF does have a Subsistence Farming unit—and most provincial agriculture departments have some kind of 'food security' sections. However, as we will see shortly, their *modus operandi* suggests profound ambivalence about the value of subsistence farming.[6]

Reflecting this ambivalence is a document abruptly released for discussion in March 2015, namely DAFF's *Food and Nutrition Security: Draft Policy Implementation Plan,* that is, the draft implementation plan for the *NPFNS*. In contrast to the *NPFNS*

itself, the draft plan does make specific mention of 'subsistence producers', notably in relation to the 'establishment of food value chains for improved rural economies':

> *This outcome focuses on promotion of rural food value chain supply in order to ensure better market access for both subsistence and smallholder producers. This is envisaged through establishment of agro-processing and distribution of commodities including contractual markets, synchronization of production and demand, processing and packaging of commodities and agro-logistic support. Through this outcome, both subsistence and smallholder producers will be supported with production capital (inputs and resources) to act as agricultural hubs for the establishment of the primary, secondary and tertiary industries. (Republic of South Africa, 2015, 7)*

This is a very important goal with much to commend it. Indeed, this author would agree that there is a need to develop local value chains, that there is scope for promoting local or semi-local food economies, and that government intervention is in order.[7] But the statement also evokes concern, and in two distinct respects. First, it is concerning that within its 57 pages, the draft plan mentions subsistence producers *only* in the context of their becoming future market participants;[8] there appears to be no strategic or other value given to the enormous number of subsistence producers in their own right. The second respect in which the statement is worrying is the implausibility of achievement of the state goal, given where we are and what we are doing—which brings us back to *Fetsa Tlala*, still to be discussed.

Why the gap between the small-is-beautiful grassroots vision of the ANC and the real-life undertakings of the ANC-led government? One possibility is simply that the ANC's utterances are mere populist slogans aimed at attracting support, whereas the government has to deal with the cold realities, of which one of the coldest is that supporting small-scale producers is just too difficult. An even less tangible possibility—but one which the author favours, based on personal observation—is that the civil service attracts upwardly mobile individuals who identify less with the poor than with the petty and not-so-petty *bourgeoisie*. As Aliber and Hall (2012) have argued, most small-scale black farmers are invisible to government, and the most invisible of all are subsistence producers. A related diagnosis is that policy-makers are in thrall to large-scale commercial agriculture (Hebinck, Fay & Kondlo, 2011; Aliber et al, 2010) and thus mainly appreciate small-scale agriculture to the extent it is a rung on the ladder towards large-scale farming.

The contribution of large-scale commercial agriculture to household food security

There is broad agreement on two fronts. On the one hand, national-level food security does not guarantee household-level food security, and this is the disjuncture South

Africa presently faces. On the other hand, national-level food insecurity more or less guarantees a higher incidence of household-level food *in*security. But what precisely does national-level food insecurity mean? There is no doubt that large-scale commercial agriculture accounts for the majority of food produced in South Africa, although how overwhelming this majority may be, is largely a matter of conjecture.[9] Anxiety about future food deficits therefore relates to the health and competitiveness of the commercial farming sector. A decade prior to the adoption of the *NPFNS*, the government approved the *Integrated Food Security Strategy* (*IFSS)*. Under the heading 'Future trends', the *IFSS* ventured the following:

> *Projections indicate that should current production trends hold, domestic wheat production would be outstripped by domestic consumption by nearly 60 % in 2010, and by over 100 % in 2020 ... Maize consumption is expected to exceed production by 2010 … Beef demand is expected [to] increase to 150 % of production, and mutton to more than 130 %, if production trends continue … Demand for poultry products has already outstripped domestic production by an estimated 22 % in 2000, and is expected to increase to 92 % in 2010 and to 192 % in 2020. Fresh milk production is expected to fall short by 207 % in 2020, if current production trends are not changed. The production shortfall of horticultural products and potatoes in particular, is expected to increase by 74 % by 2010, and to 152 % by 2020. (DoA, 2002, 20–21)*

And yet, to date, few of these alarming predictions have come to pass to the full extent forecast in 2002, if at all. The wheat deficit has indeed worsened, but to half the extent predicted in the *IFSS*, maize continues to be produced in excess of demand (with the possible exception of the 2014/15 season), the beef deficit has narrowed to less than 10 % rather than ballooning to 50 %, and the white meat deficit has stabilised at less than 20 % rather than surging to over 90 %.

Even so, those who purport to speak for large-scale commercial farmers provoke concerns over future adequate food production as a scare tactic, in order to argue against radical (or even not-so-radical) land reform,[10] while in truth, even among government policy-makers, there is a pervasive sense that commercial agriculture must be protected. The current (at the time of publication) Minister of Rural Development and Land Reform is himself at pains to stress that land reform must be conducted with great care: 'Land reform must represent a radical and rapid break from the past without significantly disrupting agricultural production and food security' (Nkwinti, 2014, 5). Minister Nkwinti's current proposals are predicated on maintaining some kind of large-scale commercial farming model.

Apart from the lingering and generally exaggerated concern about population outstripping production, the worries expressed about commercial agriculture and food security relate to food price inflation and volatility, and the growing dependence on

food imports, especially wheat and wheat flour. The reports of the government's Crop Estimates Committee are closely watched for what they might imply for future food prices—with particular focus on the production of white maize, from which is derived maize meal, the national staple.[11] The 2014/15 production season appears to be one of the worst in recent years, owing to poor rainfall in the Free State and North-West, leading to dire predictions as to the implications for consumers, especially the poor.

While the rise of food prices is indeed a reality, and one we will discuss more in this chapter, what is somewhat odd about the preoccupation with domestic maize production together with maize meal prices is how loosely correlated they in fact are.

For example, for the period from 1996/97 through 2012/13, the correlation coefficient between maize production and the inflation-adjusted producer price for maize was virtually zero, meaning that poor production years are not associated with high farm-gate prices. The reason is that South Africa's producer prices are influenced by international commodity prices far more than by local production conditions. So although it might indeed turn out to be bad news for maize meal consumers if South Africa has to import white maize during 2015, it is worth recalling that during the country's unprecedented rise in grain product prices between 2005 and 2007/08, South Africa was exporting white maize.

So while variable maize harvests are a concern, they do not determine the producer price of maize, and thus neither do they greatly influence the maize meal price that consumers see. On the other hand, there is a correlation between international/producer prices and consumer prices, but even this is somewhat deceptive. Consider Figure 9.1 (see page 173), which shows the retail value per tonne *versus* the domestic farm value per tonne for 'super maize meal'.[12] The two prices follow a very similar pattern, to be sure, but note that between the trough of mid-2005 to the (local) peak of mid-2007, producer prices went up by 360 %, whereas consumer prices rose by 74 %. The difference between the volatility seen by producers and consumers is largely explained by the fact that the farm value share of the final consumer product varies so greatly over time. In mid-2005, farmers took home about 25 % of the final consumer value of maize meal sold, but by mid-2007, this had grown to 70 % (NAMC & DAFF, 2013, 57), the reason being that export parity prices of white maize have risen significantly over this period.

Does one thank the millers and retailers for the role they play in smoothing consumer prices, which they are able to do by adjusting their margins? Or does one bemoan the fact that their margins are often so high in the first place, meaning that consumers pay higher food prices than they otherwise would? This margin, and its tendency to grow in the medium and long term, is probably the main reason why food prices in South Africa have risen relative to general consumer inflation since the 1970s.

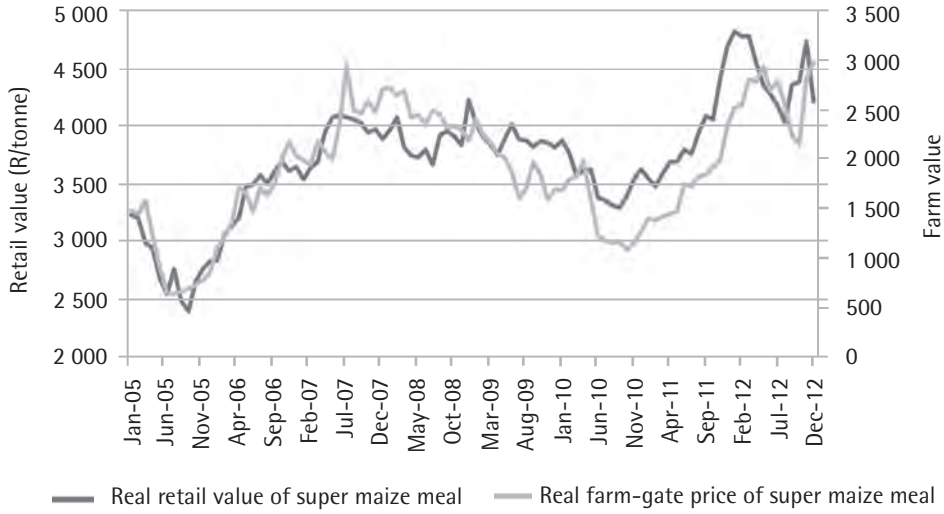

Figure 9.1 Real retail value and farm-gate value of super maize meal
Source: NAMC & DAFF (2013, 57)

How problematic are these price increases and volatility to household-level food security? Recalling the price rise of 74 % of maize meal between 2005 and 2007, this might be far lower than the rise in farm-gate prices over the same period, but it is still very high. The reality is that the data at our disposal lend themselves to different interpretations. Especially intriguing are the Statistics South Africa's data from the 2010/11 *Income and Expenditure Survey* (*IES*), which indicate that households in the poorest expenditure decile dedicated only 35 % of their total expenditure to purchases of food, down from 38 % in 2005/06; of their total food expenditure, on average 12 % was on maize meal.[13]

Large as it may seem, a 74 % increase in maize meal prices translates into an increase in total household expenditure of 3 %, *ceteris paribus*. But of course, *ceteris* is not always *paribus*, meaning, among other things, that even this 3 % impact could be offset by substitution of still cheaper foods.

This story is inconsistent with the notion that South Africa's poor are at dire risk of starving due to food price changes. Arguably, the bigger problem is poor dietary quality—first, because of the over-dependence on refined food, such as white maize meal and bread, and second, because South Africa's efficient retail markets appear to be especially efficient in the distribution of junk food.

While the poorest decile of South Africans devote 12 % of their food expenditure to maize meal, they devote 11 % to sugar, sweets and non-alcoholic beverages. The supermarkets that have sprouted up across South Africa's former homeland areas do offer a range of fresh produce and meat, yet these are generally not on a par with their offerings of fizzy drinks and snack foods.

To summarise, while large-scale commercial agriculture produces most of the food that South Africans eat, integration into the global economy generally mitigates the sort of price volatility that 'domestic dependence' might otherwise imply. On the other hand, this same integration sometimes means the transmission of international price volatility to South African food consumers, which is precisely what happened during 2005 to 2007. Also important is the fact that agro-processors and retail chains significantly moderate the volatility before it reaches consumers, but at the cost of margins that are sometimes high and apparently rising. Notwithstanding the downsides, this would appear to suggest the benefits of modern agro-food markets and even integration into the global food trade.

However, the situation is not so straightforward. Is it the case that South Africa consistently 'earns a trade surplus from agricultural exports and is able to cover the cost of food imports from those exports' (NPC, 2012, 230)? Historically, perhaps, but less and less, and particularly not in the past decade or so. In roughly half of the years of this past decade, this has not been true, specifically if one takes into account the importation of agricultural inputs: diesel, fertiliser, machinery, and even protein for animal feed. Industrial maize production is especially dependent on imported inputs—to the extent that in a bad production year, the agricultural sector overall contributes negatively to the trade balance—although this is generally not noticed because the implications of imported inputs are not factored in. Sometimes this negative contribution is very large. For example, in 2011, South Africa's input-adjusted agricultural trade balance was negative R 12 billion.

So while it may generally be true that South African food consumers depend on South Africa's large-scale farmers—whether directly or indirectly as indicated by the *National Development Plan* (*NDP*)—to an alarming degree, commercial agriculture is itself dependent on the capital inflows that allow for the country's frequent trade deficits; South Africa's claim to 'national-level food security', in the sense defined by the *NDP*, must be heavily qualified. In short, the looming Malthusian imbalance between commercial production levels and population is a silly distraction; what we should concern ourselves with now is that the South African diet's reliance on maize exerts too much pressure on the trade balance, and therefore acts as a drain on South Africa's already anaemic macro-economy, which in turn contributes to ongoing poverty.

There is one rather different aspect of the relationship between commercial agriculture and household-level food security that must be mentioned, and this relates to the massive decline in farm jobs. The process of shedding farm jobs goes back several decades, and not, as some observers would have it, to the market liberalisation of the 1990s. In 1971 there were about 1.5 million farm jobs, more or less evenly split between 'regular' or 'permanent' jobs on the one hand, and casual and seasonal jobs on the other. By 1993, total farm jobs had declined by 420 000, and by 2011, another 510 000 had disappeared, leading to an accumulated loss of jobs since 1971 of 940 000, or 60 %. Given a rural black population of about 4.6 million households, this is

a significant share of livelihoods lost, and it is not difficult to imagine the consequences for household-level food security.

This propensity to shed jobs in favour of further mechanisation was one of the ANC's original rationales for using land reform to change the prevailing structure of agriculture, as expressed for example in the previously mentioned RDP. However, not only has land reform been slow, it has done little to challenge or change this structure; thus the continued shedding of farm jobs.

This is the broader context in which many South Africans engage in small-scale agriculture. People can afford food, most of which is produced by commercial farmers. Food prices are volatile, and on the whole rising, but not unaffordable to the extent that, on their own, they are responsible for continued under-nutrition. Many households respond by producing some of their own food, and many do not.

The extent of small-scale farming and its contribution to household-level food security

What we know about the current extent of small-scale farming in South Africa is largely owed to Statistics South Africa's household surveys, in particular the *General Household Survey* (*GHS*). Disaggregating by Statistics South Africa's four-fold 'settlement type' variable, as of 2013, the numbers were as follows:

Table 9.1 Number and share of households growing food, by settlement type
Source: Statistics South Africa (2014)

Settlement type	No of HHs growing food	As share of all HHs	No of black HHs growing food	As share of all black HHs
Former homelands	2 057 833	50%	2 057 833	51%
Commercial farming areas	131 870	20%	104 987	18%
Urban formal	512 661	6%	411 135	6%
Urban informal	117 539	8%	117 539	8%
Total	**2 819 904**	**19%**	**2 691 494**	**21%**

The vast majority of food-producing households reside in the former homelands. Moreover, of households in the former homelands, a relatively large share practise agriculture. Urban formal areas come in a distant second; urban agriculture exists, but relative to the size of the urban population, it is rare. Overall, about one-fifth of households practise agriculture; on the whole, a black household is much more likely to grow food than a white household.

The *GHS* also allows a crude categorisation of small-scale producers, as those who grow mainly for their own consumption—whom we designate 'subsistence producers'—*versus* those who grow mainly to derive an income, whom we regard as 'smallholders'.[14] As previously stated, the number of smallholder households stands at approximately 170 000, or 6% of food-growing households. While trends over time are difficult to discern—owing to inconsistent survey methodologies—there is some indication that the smallholder sector has grown since 2009, at which time it was around 110 000 households.

Subsistence households have increased more or less in line with the growth of the rural population. There is also evidence to suggest that, between 2001 and 2006, the number of households depending on agriculture as a 'main source of food' declined dramatically, from almost half a million to less than 250 000, most likely owing to the expanded roll-out of social grants.

As for what we know about the contribution of small-scale farming to household-level food security, this depends mainly on localised surveys and case study evidence, of which quite a bit has accumulated over the past two decades. Furthermore, most of this evidence supports the idea that small-scale farming—inclusive of subsistence production—contributes to household nutrition specifically, and household food security more generally.

For instance, based on a survey of rural households in KwaZulu-Natal which, among other things, examined the relationship between participation in agriculture and stunting of children, Kirsten, Townsend and Gibson concluded that:

> *… agricultural activities make a positive contribution to household nutrition, which suggests that designing effective programmes for improving agricultural productivity in the less-developed areas of South Africa could have a potentially positive impact on household and child nutritional status. (1998, 586)*

Also using evidence from rural KwaZulu-Natal, Hendriks (2003) found that production for home consumption increased households' intake of micro-nutrients, but also enabled savings that could be directed to the purchase of other nutritious foods which would otherwise have been unobtainable.

Using household survey data from two villages in the western part of Limpopo province, Van Averbeke and Khosa (2007) found that, even while (non-agricultural) income is critical to household food security, small-scale farming makes a noticeable contribution to household nutrition, especially among the ultra poor. Dovie, Witkowski and Shackleton's study (2003) of another village in Limpopo imputed very high values to production for own (non-marketed) consumption, and by inference, a significant contribution to household food security.

There are, however, notable exceptions to this general pattern of affirmation. An interesting and useful case is that of Webb (2000), who scrutinises three published case studies of the nutritional benefits of food gardens, of which one was from Zimbabwe, and the other two from South Africa, specifically the Eastern Cape (which was his own, earlier study) and North-West. Webb concludes:

> *However unpalatable the idea, this paper has questioned claims linking cultivation to the improved nutritional status of cultivators in general. These claims are found in both the general literature and in a few case studies. Promotional material might be excused for extravagant claims; case studies need to be taken far more seriously. (2000, 66)*

In other words, there is a danger that we see a connection between food gardening (and presumably by extension small-scale agriculture) and nutrition, because that is what we wish to believe. Webb's critique underscores, among other things, the danger of taking at face value respondents' subjective notions about the nutritional value of their diets, and the inconsistency and low consumption levels associated with food gardening.[15] [16]

Another important dissenting finding is that of Palmer and Sender (2006), who analysed the *IES* of 2000. Observing the minimal difference between the per capita food expenditure levels of farming *versus* non-farming rural households, they concluded that 'on-farm self-employment' does not represent an escape route out of poverty. In fact, they did not claim that small-scale production offers no nutritional benefit; however, this can be deduced from the fact that the per capita expenditure levels were so similar between farming and non-farming households.

Nonetheless, using a similar approach to Palmer and Sender's, but employing Statistics South Africa's *IES* of 2010/11, Aliber and Mdoda (2015) found that, controlling for expenditure decile, agriculturally active households enjoyed significant savings on food expenditure. For former homelands and urban formal areas, these savings were in the order of 10 % to 20 %, taking into account input costs, apart from family labour (see Figure 9.2 on page 178).

Altogether, Aliber and Mdoda (2015) estimated that the aggregate cost savings enjoyed by small-scale producers was in the order of R 10 billion, of which most accrued to those living in former homeland areas. Beyond this, they found discernible food expenditure savings enjoyed by non-farming households in former homeland areas—relative to their non-farming counterparts in urban areas—suggesting that the density of small-scale food production in former homeland areas renders benefits to non-farming households there as well; this effect amounted to approximately R 2 billion.[17] As with Palmer and Sender's article, this does not speak directly to nutrition or even food security, but it is highly suggestive and encouraging.

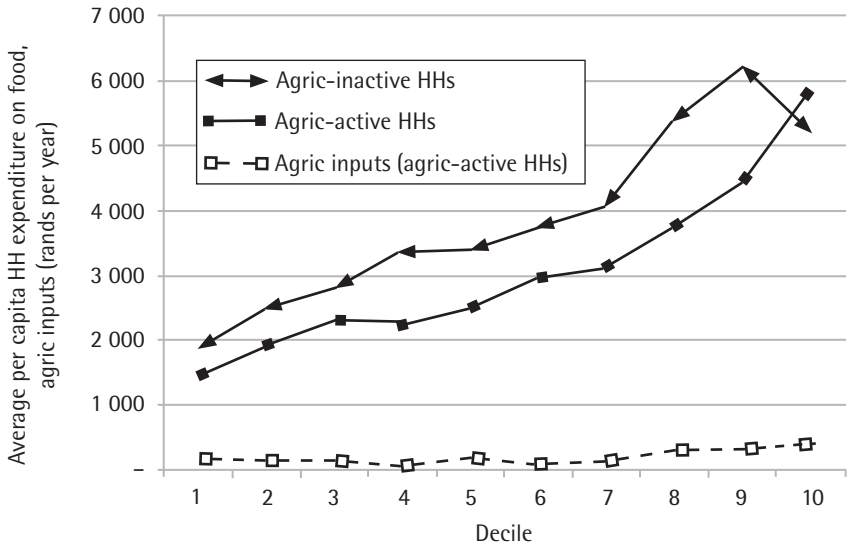

Figure 9.2 Comparison of average per capita food expenditure between active and inactive households, former homelands

Source: Aliber & Mdoda (2015)

Government support to small-scale farmers and implications for household food security

With the advent of South Africa's multi-racial democracy in 1994, agricultural support services underwent an enormous shake-up. One aspect of this shake-up was the re-organisation of government bureaucracies, in effect replacing a system that was fragmented along the lines dictated by apartheid (i e with one national agriculture department serving white farmers everywhere, and a number of other departments and parastatals serving their respective homelands), with a new system consisting of a national agriculture department making policy for the whole country, complemented by province-based departments largely responsible for implementation. In provinces such as KwaZulu-Natal, the Eastern Cape and Limpopo, the staff of the former homeland departments were largely absorbed into the new provincial departments.

A second aspect of this shake-up was a fairly wholesale shift of support from white farmers to black farmers, which to a large degree meant to *small-scale* black farmers. A third shift was the reduction of subsidies available in the form of commodity price supports, although most of these reductions began a few years earlier.

'Agricultural support' is a broad and diverse topic. For purposes of this chapter, we focus on two main issues. The first issue relates to the budgeting and 'incidence', i e how much are we spending, and for the benefit of how many small-scale producers? The second issue, to which we have already alluded, is the deep-seated ambivalence regarding the small-scale farming sector, especially subsistence producers.

Regarding the question of incidence, our best single source of information is again the *GHS*. Table 9.2 uses the *GHS* of 2013 to report the extrapolated numbers and shares of black smallholder and subsistence households who received various forms of support from government—at least once in the 12 months leading up to the survey—as well as who received any one or more of the types of support listed.

The numbers suggest that both types of producers are generally neglected by government; however, subsistence producers especially so. The saving grace is—to some extent—access to livestock health services, which probably relates mainly to the fact that many cattle owners in the former homelands use community dipping tanks for which the treatment chemicals are provided by the local agriculture office. Access to 'inputs for free' could also be regarded as being on the (relatively) impressive side, although one might question the wisdom of and rationale for distributing free inputs to so many more households than appear to receive extension support. As for access to extension services, the findings are shocking: only 8 % of smallholder households had contact with an extension officer over the preceding 12 months, while among subsistence households the share was not even 2 %.[18]

Table 9.2 Number and share of black smallholder and subsistence households receiving support in the previous year
Source: Statistics South Africa (2014)

	Smallholder households		Subsistence households	
	Number	Share	Number	Share
Training	13 747	8.2 %	60 579	2.6 %
Advice from government extension	13 012	7.8 %	39 986	1.7 %
Grants	1 526	0.9 %	1 804	0.1 %
Loans	328	0.2 %	1 154	0.0 %
Inputs as part of a loan	5 528	3.3 %	23 236	1.0 %
Inputs for free	16 639	9.9 %	163 669	7.0 %
Livestock health services	24 594	14.7 %	164 191	7.0 %
Other	699	0.4 %	4 034	0.2 %
Any one or more of the above	43 282	25.9 %	352 148	15.0 %

Interestingly, in response to the follow-up question as to whether or not the household finds this agriculture-related assistance useful, 79 % of supported households replied 'very useful', 18 % 'somewhat useful', and only 3 % 'not useful'. This on its own does not mean that these services are good or effective, and least of all that they are cost-effective, but it certainly suggests keen appreciation for such support as exists.

Why the reach of government support services—and of extension particularly—is so poor is a discussion in its own right. It has been suggested in the past that it is not exclusively a function of lack of government budget, but at least as much due to a poor use of the budgets that are in fact available (Aliber & Hall, 2012). This is borne out in Table 9.3, which shows expenditures and budgets for the 2013/14 fiscal year for most functions of direct relevance to black farmers, regardless of scale or type (i e these figures exclude core administration, environmental programmes often offered by provincial departments of agriculture [PDAs], and expenditures via DAFF's forestry and fisheries branches, among others). The total for that year was R 12.54 billion, of which about a third was for land reform. The column headed 'Budget per agric-active black HH' is a naïve calculation where the denominator is taken from the *GHS* of 2013; what these numbers show is that, even withstanding the large number of agriculturally active black households (i e 2.7 million), this is an appreciable amount of money per household, particularly given that the vast majority of these households produce small amounts of food.

By contrast, the column headed 'Est budget per recipient black HH' takes as the denominator the number of agriculturally active black households who, in 2013, received at least some kind of support, except for land reform, where the denominator is based on numbers of beneficiaries for 2013/14 in reports of the Department of Rural Development and Land Reform (DRDLR). Between the PDAs and DAFF, the average budgeted expenditure per recipient household is an appreciable R 22 800, but in truth this masks the fact that this is an average over a highly skewed distribution, whereby a relatively small number of recipients account for the bulk (not shown). Even so, it stands apart from land reform, whereby the budgeted expenditure per recipient household is of a higher order of magnitude altogether.

Table 9.3 Budgets and expenditures for 2013/14 in support of 'black agriculture', by source

Sources: Various national and provincial budgets from the National Treasury's website; DRDLR (2014[a]); CRLR (2014)

Budget entity	Total budget (R billion)	Budget per agric-active black HH (R)	Est budget per recipient black HH (R)
PDA core agric support*	6.58	2 436	22 800
DAFF (small-scale farmer focused**)	2.03	751	
DRDLR (land reform only***)	3.94	1 458	723 800
Total/Average	12.54	4 646	31 300

* The figures are for revised budget appropriations. The main constituents of this are:

- R 1.12 billion for 'Farmer Settlement'
- R 1.77 billion for 'Extension and Advisory Services'

- R 0.81 billion for 'Veterinary Services'
- R 0.61 billion for 'Research and Technology Development'
- R 0.61 billion for 'Food Security'

The latter subsumes a number of provincial initiatives that seek to support home gardens, as well as community gardens and gardens at schools and clinics.

**These are actual expenditures. They include expenditure on *Ilima/Letsema* from 'Programme 2: Agricultural Production, Health and Food Safety' and all of the expenditure on 'Programme 3: Food Security and Agrarian Reform'; the latter subsumes the 'Comprehensive Agricultural Support Programme' (CASP), for which expenditure was R 1.30 billion.

***This comprises actual expenditures on land restitution and redistribution, but excluding financial compensation to restitution claimants, and administration costs for both; the underlying number of beneficiary households for redistribution is somewhat speculative owing to vague documentation.

Table 9.3 has some gaps, but minor ones. For example, it misses loan pay-outs via the Micro Agricultural Financial Institutions of South Africa (MAFISA) scheme, for which we know that the average loan dispersal per year between 2009 and 2013 was about R 63 million (and thus trivial in relation to these figures, for example relative to the R 1.30 billion spent on CASP, or the R 438 million on the *Ilima/Letsema Food Security Initiative*). While the table includes about R 607 million in Research and Development (R&D) budgeted by the PDAs, it misses the R 1.21 billion spent on and by the Agricultural Research Council (ARC), although it is very difficult to pin down in monetary terms how much of this R&D is of particular relevance to the average black farmer—if one were to hazard a guess, it would be a relatively small share.

The conclusion is that large amounts of money are budgeted (and indeed spent) for the benefit of black farmers, but this assistance reaches relatively few households, especially among those near the subsistence end of the spectrum. To the extent small-scale producers play an important role in supporting their own food security, they are doing so largely on their own.[19]

Regarding the ambivalence about small-scale farming, and especially about subsistence farming, this is illustrated by the *Fetsa Tlala Food Production Initiative*. Like the *Household Food and Nutrition Security Strategy, Fetsa Tlala* (SeSotho for 'end hunger') was approved by the Cabinet, together with the *NPFNS*. In a report presented in 2014 to the Portfolio Committee on Agriculture, Forestry and Fisheries, *Fetsa Tlala* was described as follows:

> *Fetsa Tlala is an integrated government framework that seeks to promote food and nutrition security and to address structural causes of food insecurity, which continue to perpetuate inequality and social exclusion. The Initiative is aimed at implementing the food production pillar of the National Policy to maximize cultivation of food by putting 1 million hectares of land under production by 2018/19 production season. It is expected that beneficiation of One Million Hectares programme will in the main accrue to the indigent and vulnerable*

> *sections of the society … In order to achieve the set target, an estimated budget of R11.4 billion is required over the MTSF period … This is aimed at increasing food production and making staple food accessible, affordable and available for the impoverished South Africans. (DAFF, 2014[b], 1)*

The importance attached by DAFF to *Fetsa Tlala* is demonstrated by the intention to commandeer 70 % of the budget of CASP, which erstwhile was used to support land reform projects and, increasingly, agricultural development in the former homelands. Until *Fetsa Tlala* appeared, CASP was the government's primary vehicle for injecting funding for infrastructure development and machinery acquisition for land reform and former homeland farming.

As the government's new flagship approach to addressing rural food insecurity, *Fetsa Tlala* reveals a great deal about how the government perceives the role of small-scale farming in relation to the problem of food insecurity.

For one, the focus is on land more than on people. While still in the concept phase, *Fetsa Tlala* was in fact called the *Million Hectare Scheme*, but as shown in the quote previously, this seemingly symbolic amount of land is still very much part of the initiative. By contrast, there is no mention in DAFF's reports to Parliament as to how many individuals or households are meant to benefit.

Second, it would appear that most of the food produced via *Fetsa Tlala*—which initially was to be 80 % maize and 20 % dry beans—is meant not for direct consumption, but for markets:

> *Markets provide glorious prospects to incentivize producers to steam ahead with anticipation. Producers must be linked to formal markets to sell the yields harvested. For sustainable linkages with market opportunities, preconditions such as guaranteeing the supply and quality of products should be determinant reciprocates for off-take agreements with retail outlets and exports. (DAFF, 2014[b], 5)*

And third is the question of *Fetsa Tlala's* approach to production. In short, 'farmers' in former homeland areas are grouped together and their land is pooled; contractors are brought in to do the land preparation, planting (in most cases using Roundup Ready GM [genetically modified] maize) and spraying.

In the three cases with which the author is familiar in the Eastern Cape, the contractors trucked in their tractor and equipment from over 120 kilometres away, planting was late and not according to the variety of crops the 'beneficiaries' would have wished, and such harvest as was produced was difficult to dispose of because of the absence of any plans or arrangements, meaning there was an immediate local glut. As for the contribution to food security, it was at best indirect: the crop in question was yellow maize, thus meant for animal consumption.

While sale for animal feed can result in income with which to improve one's diet, this was undermined by the absence of any marketing plan. For the Eastern Cape at least, participation in *Fetsa Tlala* requires an upfront contribution of R 1 800 per participating household, seemingly in order to demonstrate commitment; thus it cannot be said to be targeting the poorest and most vulnerable households. One of the three projects examined had recipients that received support through *Fetsa Tlala* for two years running (the first year was the so-called 'pilot', before the programme was formally announced), but then it was dropped; none of the hectares planted in the first two seasons were planted subsequently, reflecting the fact that there was no pretence at making the intervention self-sustaining; the only enduring benefit was some perimeter fencing.[20]

Rural dwellers in the Eastern Cape do not call *Fetsa Tlala* by its name; they know it as 'Massive', short for the 'Massive Food Programme', which was an initiative of the Eastern Cape agriculture department starting in 2003/04. 'Massive' operated in a very similar manner to what was described regarding *Fetsa Tlala*, with similar results,[21] although, at least in principle, there was thought given to building in some kind of sustainability and using the programme to promote conservation agriculture. However, Massive, in turn, bears more than a passing resemblance to some of the schemes attempted by the homeland governments of Ciskei and Transkei, which involved massive (at least for a few years) state-subsidised tractor services, among other things.

It is difficult not to be cynical. Rather than promoting or strengthening small-scale farming, or taking household-level food security seriously, *Fetsa Tlala* and its antecedents seek to helicopter in a kind of large-scale commercial farming model, which is both expensive (approximately R 7 000 to R 10 000 per hectare for production costs alone) and ineffective. It also focuses largely on the production of maize for the market, despite the fact that maize is not in short supply, is not particularly expensive even for rural dwellers, and contributes relatively little to household nutrition. While there is indeed a rationale for trying to boost the productive use of land in the former homelands, it would appear that the symbolic value of doing so has taken precedence over a genuine interest in farmer development or food security.

The trajectory of the government's land redistribution programme paints a similar picture.[22] Without going into detail, the first phase of redistribution focused on small amounts of support to large numbers of people, but with the unfortunate idea of having beneficiary groups seek to carry on the commercial farming operations of the previous owners. When this did not work, from around 2001 the approach was re-engineered, in such a way that smaller groups—indeed often single families—could acquire whole farms, but again with the idea of large-scale commercial production. This worked better in terms of keeping land in production, but it sidestepped the issues of poverty reduction and food security, which were very much part of the original RDP thinking about land reform. In order to augment the chances of project success further,

from about 2009 there began to be more focus on targeting going concerns, boosting additional investment in farm infrastructure, and pairing beneficiaries with mentors or strategic partners. Despite a resurgence of rhetoric to the contrary, land redistribution has become and remains irrelevant in terms of creating opportunities for small-scale farming, contributing to poverty reduction and/or promoting household food security.

The proposal currently (at the time of publication) on the table is Minister Nkwinti's so-called '50:50 policy'.[23] The proposed policy is alarming both for its ambiguity and for what it might mean. One reading is that a current farm owner would forfeit 50 % of his farm (by area? by value?) to his farmworkers, who would presumably co-own their new property by means of a legal entity, such as a trust. Another reading is that the current farm would be maintained as an operational unit in which the 'historical owner' now has a 50 % equity stake, while the farmworkers collectively own the other 50 %; as in most 'farmworker share-equity schemes', the idea would be that the established farmer has the management and marketing skills necessary to keep the farm going as a successful commercial entity for the common benefit of himself and his erstwhile workers.

There are many reasons to doubt the viability of the proposal, and for that matter the likelihood of the proposal ever translating into practical action at any meaningful level. For our purposes, what it reveals is the continuity in the government's thinking about land reform since 2001, in that it should remain fixed in the mould of large-scale commercial farming.

Conclusion

South Africa has a large number of households involved in subsistence production. While even now too little is known about the nutritional and food security contribution of this production, such evidence as exists suggests that the per household benefits are modest, and yet are significant in aggregate owing to the sheer numbers of households involved. And yet, perhaps because the scale of this contribution is under-appreciated, it is also the case that subsistence producers tend to be badly neglected by the government. Despite some rhetoric to the contrary, subsistence production is not accorded value in its own right; rather, subsistence producers are valued insofar as some of them may one day become small-scale or even large-scale commercial farmers.

This is not to suggest that there is no value in supporting some subsistence producers to 'graduate' to a kind of commercial status, but the lack of genuine regard for subsistence production is problematic. It is problematic on the one hand because, significant as it already seems to be, it stands to reason that with proper support, subsistence production could in fact make a larger contribution than it presently does. Only half of rural dwellers are involved in agriculture at all, and only a tiny fraction of urban dwellers. The majority of producers who receive some form of government

support appear to be very grateful for it, but they are few in number relative to producers who receive no such support. And as the government seems increasingly aware, there is ample under-utilised arable land in the former homelands, i e exactly in those areas where food insecurity remains relatively rife.

The government's disregard for subsistence production is furthermore problematic when one considers what the government seems to prefer—large-scale commercial farming—and what this type of agriculture truly has to offer. To be sure—thanks to large-scale farmers—South Africa has achieved a high degree of food self-sufficiency, and the main staples (maize meal and wheat-based bread) are reasonably accessible and affordable. On the other hand, South Africans appear to be highly dependent on not very nutritious staples that are either imported, or that are produced in large measure based on imported inputs, suggesting that this food self-sufficiency comes at a (macro-economic) cost. At the same time, over the past two decades, commercial agriculture has further shifted along its capital-intensive trajectory, resulting in about half a million households losing their wage exchange entitlements.

The government's new flagship food security initiative, *Fetsa Tlala*, epitomises the present policy incoherence. For one, *Fetsa Tlala* addresses itself to the production of maize, which is already in plentiful supply, and not of great nutritive value. Lest one assume that the advantage of *Fetsa Tlala* is in ensuring that many more people can access this maize, there is little evidence that this is or will be the case, not least owing to the pre-occupation with hectares planted—rather than with people fed. This, in turn, relates to its other salient feature, namely its reliance on the same capital-intensive farming technology characteristic of the large-scale farming sector. Notwithstanding the ruling party's talk of a 'radical and rapid break from the past', in truth there is no stomach for it.

Endnotes

[1] DAFF's stated vision is a 'United, prosperous and transformed agricultural sector that contributes to food security for all' (DAFF, 2015).

[2] 'Agriculture in South Africa remains an important sector despite its relatively small contribution to the gross domestic product (GDP). The sector plays an important role in terms of job creation, especially in rural areas, but is also a foremost earner of foreign exchange … Agriculture's prominent indirect role in the economy is a result of backward and forward linkages with other sectors.' (AgriSA, 2015).

[3] However, as we shall see, 'self-provisioning' can mean different things, and it is not clear that the ANC in 2009, or in 2015, in fact embraces small-scale farming as it once did.

[4] The area under field crop production has declined by less than 18 % since the mid-1990s, and it is unclear how much of this involved shifting land out of farming altogether, as opposed to shifting from crop to livestock production. It is commonly acknowledged that price supports up to the mid-1990s encouraged crop production on 'marginal land' which should never have been planted in the first place (AFR, 1994).

[5] The actual fate of this strategy is difficult to trace. In the first place, it is not clear by what means one can obtain a final official version of the document. Curiously, in early 2014, the DSD circulated for discussion a draft *Household Food and Nutrition Security Programme*, which in fact bore little relation to the *Household Food and Nutrition Security Strategy*. The strangest aspect of this programme was that it proposed to shift the focus of the DSD's erstwhile partnership with FoodBank South Africa away from 'food recovery' (a cost-effective means of collecting not-yet-expired overstock from retailers and redistributing it to food-insecure households), in favour of procuring from small-scale farmers. While on the face of it a good idea, the ultimate effect would have been to reduce the reach of FoodBank's assistance by more than half.

[6] How the 2012 *National Development Plan* (*NDP*) treats this issue is a story in its own right. The *NDP* construes subsistence agriculture first and foremost as a promising locus of job creation: 'If the livelihoods of one in every 10 of those with access to less than half a hectare improve, a total of at least 300,000 potential new job opportunities will come directly from agriculture' (NPC, 2012, 221). The statement is peculiar in that there is no economic rationale for supposing an equation between an 'improved livelihood from less than half a hectare' and a 'potential new job opportunity,' whatever this latter term could conceivably mean. It is also peculiar in that subsistence production is only obliquely linked to food security or nutrition, even in the *NDP's* section on food security. Yet the plot thickens. In the *NDP's* introductory chapter, which is entitled 'Policy Making in a Complex Environment,' there is a paean to 'emerging economies' which among other things asserts: 'Continued economic dynamism will depend largely on policy, steering economies away from low-productivity activities, such as subsistence agriculture and informal trading, to sectors that lift the country up the sophistication ladder' (NPC, 2012, 82). As though the prevalence of subsistence agriculture reflects a deliberate policy choice?

[7] In this respect, the *Draft Policy Implementation Plan* at least shows more ambition and, some would say insight, than the *NDP*, which opines that 'there is no point setting up parallel agro-processing initiatives and ignoring the industry giants' (NPC, 2012, 228). See Aliber and Mdoda (2015) for a critique.

[8] To be precise, 'subsistence producers' also feature in the plan's tables on annual targets.

[9] Speaking of agriculture generally, the national accounts cover only large-scale commercial agriculture, and exclude the 'informal sector'. This is in contrast to construction and transport, whose 'informal' components are included in the national accounts.

[10] 'Commercial farmers' capacity to feed the nation shouldn't be tampered with,' said Agri Eastern Cape President Ernest Pringle. 'This is based on the example of human consumption of maize products ...' (*Farmer's Weekly*, 2011, 48).

[11] Broadly speaking, two types of maize are grown in equal measure, namely white maize, which is largely for human consumption, and yellow maize, of which most is destined for animal feed. Unfortunately, white maize is less nutritious than yellow maize in that it has lower levels of pro-vitamin A carotenoids (Nuss & Tanumihardjo, 2011).

[12] 'Super maize meal' is the premium grade maize meal in South Africa, insofar as its fibre and fat content are especially low; in other words, such that it is the least nutritious maize meal on the market.

[13] The food expenditure shares are far higher according to the *National Income Dynamics Study* (*NIDS*) *DataSet*. However, the enormous variations in expenditure shares in general from one wave to the next are such as to cast doubt on the usability of *NIDS'* expenditure data.

[14] Together with (large-scale) 'commercial' farmers, this is roughly in line with how government has categorised farmers under the Zuma administration's plan of action, specifically 'Outcome 7', which deals with rural development. Needless to say, numerous other farmer typologies have been proposed; see Cousins (2010) for an example.

[15] One of Webb's claims, however, is certainly open to dispute: 'Another factor that has to be considered when expectations about nutritional benefits of vegetable gardens are set, is the fact

that vegetable gardens do not directly address the main nutritional problems in rural areas. It is well known that insufficient intake of protein and energy, and not necessarily vitamins and minerals, is at the root of most nutritional disorders in the developing areas of Southern Africa' (Webb, 2000, 66).

[16]Regarding the issue of subjective notions, it is interesting to note that in Jacobs's (2015) case study of households in Colesburg, Northern Cape, gardening households achieved far higher dietary diversity scores than non-gardening households, and yet virtually none of the former chose to garden for its nutritional benefits; rather, they simply wanted to reduce the grocery bill. In contrast to Webb's concern that households may derive less nutritional benefits from gardening than they like to imagine, Jacobs's study implies that at least some households derive nutritional benefits of which they are unaware, or to which they are indifferent.

[17]The nature of this 'indirect effect' is not well understood. However, Aliber and Mdoda (2015) also produced econometric evidence that, holding household size and total expenditure constant, a greater reliance on informal and independent retailers is associated with lower food expenditure; while reliance on informal and independent retailers is associated with the density of farmers. An alternative explanation is that when producers in the former homelands have a surplus, they tend to share it freely or cheaply with neighbours.

[18]'Training' consists mainly of short-term courses offered by service providers contracted by provincial agriculture or other departments. The fact that it rivals or even exceeds the reach of extension is difficult to comprehend.

[19]According to the *GHS* for 2013, 53 000 households also received support from sources other than government, but it turns out that all of these households were receiving this support in addition to what they were receiving from government.

[20]This is in stark contrast to the picture painted by President Zuma at the launch of *Fetsa Tlala* in October 2013, which was of a programme aimed at recovering household food production, the smallholder sector, and a/the peasant economy: 'There was a time in our history, not too long ago, when households had gardens and grew their own vegetables and fruit. They kept chickens and livestock. That is what *Fetsa Tlala* seeks to revive. Through *Fetsa Tlala*, all under-utilized agricultural land must be put under production. We are encouraging people to go back to farming. We are encouraging every household to develop a food garden. We want to see women's cooperatives and community groupings focusing on vegetable production, livestock or chickens to earn a living and fight hunger and poverty … Ultimately we want to see an increase in the food production capacity of both subsistence and small holder producers. We want to increase the availability and access to locally produced food products' (Zuma, 2013).

[21]For useful case studies of the Massive Food Programme, see, for example, Jacobson (2013) and Madyibi (2013).

[22]For more detail, see Aliber et al (2013).

[23]The proper title is 'Final Policy Proposals on "Strengthening the Relative Rights of People Working the Land"', released for comment in February 2014 (DRDLR, 2014[b]).

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Chapter

10

Testing the government's emergency relief mechanism:

What happens when poor households attempt to access the Social Relief of Distress Grant?

Jackie Dugard[1]

Introduction

The SA Constitution Act 108 of 1996 contains a range of socio-economic rights, including a right of access to social security and a right of access to sufficient food.[2] These rights are explicitly justiciable, albeit under the progressive realisation caveat, meaning that the state is obliged to progressively realise each right within its available resources. While the right of access to social security has attracted several campaigns and legal cases, including coming before the Constitutional Court in the case of *Khosa,*[3] the right of access to sufficient food has not yet been litigated in South Africa, nor has there been a concerted social campaign around the right to food.

Undoubtedly, the absence of a mobilised campaign or litigation on the right of access to food does not indicate

that there are no unmet food-related needs in South Africa. Indeed, in the context of racialised and systemic poverty, disadvantage, inequality and unemployment in South Africa (as well as the notable gap in the Constitution of a guarantee to work), millions of households live precariously close to the breadline.[4]

So why has food not become an issue over which to mobilise or litigate? This question requires more research. However, one likely reason is the general success of the government's social assistance programme, which, for recipients, has alleviated the most extreme forms of poverty, including starvation.

Although there is much evidence that food security does not straightforwardly equate to an issue of income (or grants)[5]—not least because grants are limited and fungible and must be used for a variety of purposes—obviously access to the means to secure adequate nutrition is a necessary (although not always sufficient) requirement. Whatever this means in rural areas where growing food crops might be possible, in South African urban areas, access to the means to secure adequate nutrition means some form of income or government transfer. With unemployment estimated at around 36.5 %, and unemployment within the African population group estimated at 42.4 % (SAIRR, 2011, 256), approximately a quarter of South African households rely predominantly on social security to survive (Goebel, 2011).

However, while social grants are responsible for making inroads into poverty and do ensure many poor households do not starve (Leibbrandt et al, 2010, 10), even the largest grants (mainly Disability Grants [(DGs] and Old Age Pension [OAPs]) are (by themselves) incapable of transforming the potential of recipients to participate fully in social and economic life. Nor is it clear whether such grants facilitate adequate nutrition, especially given the multiple competing demands on the grant, particularly where many people rely on one grant. Moreover, the main grants—Child Support Grants (CSGs), DGs and OAPs—are available only to specific groups. Critically, there is no substantive grant available to able-bodied persons who, by virtue of being unemployed, are unable to provide for themselves.

Against this backdrop—and understanding all the while that social security does not directly translate to food security—a research team from the Socio-Economic Rights Institute of South Africa (SERI) and the University of Johannesburg,[6] together with the shack-dwellers movement called *Abahlali baseMjondolo* (*Abahlali*), sought to examine the workings of the Social Relief of Distress (SRoD) benefit, to see whether or not it played a role in increasing food security in poor households and whether or not any deficiencies could potentially be taken forward in campaigns or litigation.

Not considered a social security grant *per se*, the SRoD is conceived as a stop-gap measure to assist people during periods of crisis, one of its implicit aims being to stave off malnutrition.[7] Yet there is scant information on the uptake, and impact on the SRoD. In particular, therefore, we sought to understand how the SRoD works in practice and, in our initial research, whether it was readily available to formally

qualifying individuals. Beyond this, we wanted to ascertain whether the SRoD was capable of meeting food and other basic needs—however, given the results of our initial inquiry, we were unable to move to this stage of research at the time of writing this chapter.

This chapter first provides an overview of the available social security grants before outlining the SRoD policy and qualifying criteria. Then it presents the results of our empirical inquiry into the SRoD applications process, highlighting the shortcomings in terms of the stated policy. The chapter concludes with some tentative observations about the limits of the SRoD and the opportunities for mobilisation and litigation, as well as by pointing to the need for an empirical study to determine whether, if or when received, the SRoD is capable of satisfying the requirements of the right to food and advancing food security—even if only in the short term—especially if further campaigning or litigation is to be taken forward.

Outlining the SRoD and its role within the South African social security frameworks

The Social Assistance Act 13 of 2004 and its regulations are the primary pieces of legislation enacted to give effect to the right to social security. Provision is made for various forms of social assistance, almost all of which are means-tested,[8] and many of which are mutually exclusive. These are the CSG, Foster Child Grant (FCG), Care Dependency Grant (CDG), DG, OAP, War Veterans' Grant (WVG), Grant-in-Aid Grant and SRoD.[9] Each of these grants has numerous requirements; only the main criteria are outlined in the following section.

The three grants available to assist parents to take care of children are the CSG, the FCG and the CDG. The CSG is intended to support the basic needs of a child until she or he turns 18. It is provided to a parent or primary caregiver who is in need (defined as any single income of less than R 31 200, or any joint married income of less than R 62 400 per year). The current monthly value of the CSG per eligible child is R 260.

The FCG is provided to a foster parent who is legally appointed to care for a child below 18 years of age, and it is notable for not being means-tested, although it is not automatic, i e it must be requested. The current monthly value of the FCG is R 740 per eligible child.

The CDG is intended to assist a parent, primary caregiver or foster parent who is in need (defined as any single income of less than R 136 800, or any joint married income of less than R 273 600 per year), to support a child below 18 years old who has severe disabilities and requires permanent care or support services. The current monthly value of the CDG is R 1 140.

The three highest monetary value grants are the DG, the OAP and the WVG. The DG is available to adults between the ages of 18 and 59 who are in financial need

(defined as any single income of less than R 44 880, or any joint married income of less than R 89 760 per year) and have such disabilities that leave them unfit to support themselves. The current monthly value of the DG is R 1 140.

The OAP applies to persons over the age of 60 in financial need (defined as any single income of less than R 44 880, or any joint married income of less than R 89 760 per year). The current monthly value of the OAP is R 1 140, but this rises to R 1 160 per month if the beneficiary is older than 75 years.

The WVG is intended for people over the age of 60 who are in need (defined as any single income of less than R 44 880, or any joint married income of less than R 89 760 per year) and who served in World War II, the Korean War or the anti-apartheid struggle. The current monthly value of the WVG is R 1 160.

Finally, to augment these three grants, Grant-in-Aid aims to provide further support to recipients of the OAP, DG or WVG who require full-time care by a third party due to physical or mental disability. The current monthly value of Grant-in-Aid is R 260. As with the FCG, there is no means test for Grant-in-Aid, but it relies on an application being made.

A notable feature of these grants is that they have different and relatively arbitrary means-tested income thresholds. In addition, none is available for able-bodied persons who, by virtue of unemployment, need financial assistance. This brings us to the only potential source of financial assistance to such persons, the SRoD.

The SRoD

The SRoD is a stop-gap measure that aims to provide immediate and temporary assistance to persons who are in social distress and/or unable to meet their own or their family's most basic needs. The assistance is in the form of food or travel vouchers, food parcels, clothing or money. The amount is fairly flexible but may not exceed the amount of a CSG (currently R 260 per month) in the case of children, or an OAP (currently R 1 160) in the case of adults. However, where payment of an approved FCG (R 740) or CDG (R 1 140) is pending, the SRoD can be equal to these grant amounts. Beyond these parameters, the SRoD is awarded on a discretionary basis and therefore the value of the SRoD is highly dependent on the personal circumstances of the applicant. As analysed in the following section, it may also be dependent on the particular administrator visited by the applicant.

The SRoD is also an exclusive grant, meaning that a person is not eligible for the SRoD if she or he receives another social grant 'in respect of him- or herself' (if you are a parent or carer, you can receive the SRoD while receiving a CSG or a FCG). The SRoD benefit is usually awarded for a three-month period, but can be extended for a further three-month period in exceptional circumstances.

According to Regulation 9 (see *Regulations* on page 209), a person in need of immediate temporary assistance qualifies for the SRoD under the following conditions:

1. If the person has *insufficient means*: Unlike all other social grants, there is no formal means test. However, a basic assessment of means is undertaken (usually by a public social worker) to ensure that the applicant is in need.

2. If the person is a *South African citizen,* a *permanent resident* or a *refugee* and complies with ANY of the following conditions:

    2.1 The person is awaiting payment of an approved social grant: According to the Procedure Manual for the SRoD, this includes permanent aid such as the Road Accident Fund (RAF), the Unemployment Insurance Fund (UIF) and the Compensation for Occupational Illness and Diseases Fund (Compensations Fund).

    2.2 The person has been assessed to be *medically unfit* to undertake any remunerative work for period of less than six months.

    2.3 The person is *not receiving maintenance* from a member of her or his family, obliged in terms of law to pay maintenance, and has proof of her or his unsuccessful efforts to trace that person. This refers to the case where a single, divorced, separated or deserted parent with dependent children does not receive any form of financial assistance from the other parent, who is legally responsible for maintaining the family.

    2.4 The *breadwinner of the family has died* and there are no other means of support in the family. The application for the SRoD must be made within three months of the death of the breadwinner.

    2.5 The *breadwinner has been admitted to a state-funded institution* (for example a prison, a state psychiatric hospital, a home for the aged, a care and treatment centre and/or a treatment centre for drug dependents).

    2.6 The person has been affected by a *disaster*, as defined in the Disaster Management Act 57 of 2002 (for example fire, flood, storms, explosions, or any other emergency situation or occurrence of external circumstances over which the affected had no control). A 'disaster' means a progressive or sudden, widespread or localised, natural or human-caused occurrence which (a) causes or threatens to cause (i) death, injury or disease; (ii) damage to property, infrastructure or the environment; or (iii) disruption of the life of a community; and (b) is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources.

    2.7 The refusal of the SRoD may—in the opinion of the Director General (delegated to an attesting official)—*cause undue hardship*, in which case assistance will be rendered in exceptional cases.

And, according to the national Procedure Manual for the SRoD (DSD, 2006), the following are situations in which individuals would qualify for the SRoD—if they meet the status and financial need criteria (it is interesting to note the focus on nutrition):

- an older person who is too young to qualify for the OAP (60 years), does not receive any other grant, is unable to obtain work and is in financial need
- a single parent (South African citizen or permanent resident or refugee) whose spouse has been admitted to a state-funded psychiatric hospital, who has to care for one or more children, is waiting for payment for an approved CSG, and is unable to take up employment due to the long-term caring responsibilities and therefore cannot provide nutritious meals for his or her family
- families where there are symptoms of malnutrition and stunted growth in children
- individuals who are homeless and have no access to nutritious meals.

As with all social grants, the SRoD is administered by the South African Social Security Agency (SASSA).[10] The procedure for applying for the SRoD is set out in Regulation 14 (see *Regulations* on page 209) and, on the face of it, is relatively simple. According to Regulation 14(1), to apply for the SRoD, an individual should complete the 'relevant form' and furnish all relevant documents[11] at any SASSA office (where relevant documents have not been furnished, the official must inform the applicant of the required documents). The designated officer must then, according to Regulation 14(2), 'approve or reject the application for social relief of distress immediately' and Regulation 14(3) *(b)* establishes that 'the applicant for social relief of distress must be furnished with a receipt for the application for social relief of distress and which must be dated and stamped with the official Agency stamp and must contain the name of the applicant, the designated officer and the date of the application' (see *Regulations*).

Regulation 14(5) deals with the situation of an application for extension of SRoD:

> *With regard to the extension of social relief of distress, the Agency may request a social worker or any other person to investigate the circumstances of an applicant and to submit to the Agency a written report containing a recommendation whether social relief of distress should be extended or not.*

Finally, where an application is approved, Regulation 14(6) stipulates that the 'Agency must inform the applicant in writing of such approval and the date on which such approval is granted' (see *Regulations*). Where an application is rejected, according to Regulation 14(7), the 'Agency must inform the applicant in writing of such rejection' and of the 'reasons for such rejection'; the applicant's 'right to appeal the decision'; and the 'mechanism and procedure to lodge such an appeal' (see *Regulations*).

As detailed in the following section there seems to be much confusion—at the level of relevant SASSA officials—and/or deliberate complicating of what should be simple processes for people in difficult circumstances to obtain quick and short-term relief. Indeed, from our research project, it is obvious that there are serious problems with the administration of the SRoD application process *per se*.

An empirical examination of the SRoD application process

If there are any social science research studies on the SRoD system, the research team could not find them. And from initial investigations in poor communities, we could not identify any recipients of the SRoD. With very little to go on—to understand how the system is applied and works in practice—we decided to investigate what happens when apparently qualifying individuals apply for the SRoD, and to monitor such applicants through the SRoD process. To maximise the impact of this action research, we asked Durban-based shack-dwellers' movement *Abahlali* to partner with us to assist in identifying individuals who might benefit from the SRoD, as well as to monitor the progress of the applications. *Abahlali* agreed and we undertook the research from August to October 2012,[12] first identifying and then monitoring the hopeful SRoD applicants as they attempted to access the SRoD.

With the help of *Abahlali*, we identified 12 potential applicants, all of whom are extremely poor, live precarious lives and each of whom apparently qualified for the SRoD. *Abahlali* explained the SRoD to each applicant, provided him or her with a guide to the SRoD that SERI had compiled, and discussed our project. All 12 applicants agreed to be part of our project and to try accessing the SRoD. Although the research team was not qualified to make any professional assessment about household nutrition, it is worth noting that, in the course of documenting basic socio-economic details, most applicants complained of struggling to purchase sufficient food to cover family needs, and most consume mainly dry food with little protein.

Given the highly discretionary and circumstance-driven nature of the SRoD, it is helpful to first provide some background details about the applicants before documenting their experience of applying for the SRoD:

1. Princess (47 years old) lives in a one-roomed shack with one disabled child, who was paralysed in a shack fire, and three grandchildren (her daughter died of an AIDS-related illness). She suffers from high blood pressure and hyperglycaemia and has been unable to work but was turned down for a DG.

2. Sindi (39 years old) lives in a one-roomed shack without electricity, running water or household toilet. She works as a part-time domestic worker, earning a very erratic and low wage (around R 800 per month). Sindi supports three children and one grandchild. On 7 August 2012, just before we commenced our research project, Sindi's shack was badly damaged in a fire.

3. Dumisani (41 years old) lives in a two-roomed shack without electricity or a household toilet. He used to be a security guard but lost that job in 2008 after his eyesight deteriorated (he was shot in the face in 1992 during apartheid-related skirmishes). Dumisani has applied for a DG which has not yet been approved. Dumisani and his six children rely on the meagre wages of his wife, who works as

a part-time domestic worker. They also rely on the CSGs they receive in respect of each child. However, they live hand-to-mouth and often do not have enough food in the house to feed everyone.

4. Philisiwe (53 years old) lives in a one-roomed shack with her granddaughter, who is four years old. There is no electricity, and the family relies on candles for lighting and a primer stove for cooking. Her shack used to be bigger, but two rooms were destroyed in recent floods. Philisiwe relies on money given from time to time by her boyfriend, as well as the CSG she receives in respect of her granddaughter. She has suffered excruciating headaches since 2008, but was refused a DG.

5. Nombuyiselo (50 years old) lives in a one-roomed shack with four children aged between 8 and 17, and two younger grandchildren. When her husband died, she was chased away from her family home by her parents-in-law. Her four children and two grandchildren all receive CSGs. She is diabetic but works as a domestic worker four days a month and is barely able to make ends meet.

6. Qamukile (51 years old) lives in a four-roomed house in an informal settlement with her daughter who suffers from tuberculosis, four grandchildren aged between 2 and 11 years, and her disabled husband. She receives CSGs for her daughter and grandchildren and, beyond this, the family lives off a modest pay-out from the RAF for an accident in which her husband lost the use of his legs.

7. Philile (49 years old) lives with two children and four grandchildren in a one-roomed shack. She works once a week as a domestic worker but does not earn enough from this work to survive, and relatives help her with food and clothing.

8. Mam M (59 years old) lives with four of her sister's children in a small shack. She works as a domestic worker two days a month and her sister assists with food and clothing.

9. Bongiwe (29 years old) lives with her two children in a one-roomed shack. They use communal supply and toilets, and have an illegal electricity connection. Bongiwe is unemployed and relies on her neighbours and relatives for food and clothing.

10. Busisiwe (52 years old) lives in a four-roomed house with her four children (all adults) and nine grandchildren. She receives CSGs in respect of the eligible grandchildren. She works at a hair salon, earning approximately R 2 000 per month (making her the highest earner of the applicants, but still within the income threshold for the SRoD). She takes care of her disabled six-year-old granddaughter, who has tuberculosis and cannot walk or talk since suffering a stroke.

11. Bongani (59 years old) is mentally disabled and suffers from epilepsy. He is bed-ridden and lives in a shack without water, electricity or a toilet. His neighbours have to take care of all his needs.

12. Mr and Mrs Z (middle-aged) live with two daughters and three grandchildren in a two-roomed shack, sharing a water supply and toilet with other residents in the informal settlement. Their grandchildren receive CSGs and Mr Z does occasional garden work to make ends meet, but he is not well and cannot work very much.

Having identified the 12 formally qualifying applicants, *Abahlali* gave each applicant enough transport money to pay for them to go to the appropriate SASSA offices, and asked everyone to come and report to *Abahlali* after the application. *Abahlali*, along with researcher Frank Khanye, kept in touch with each applicant for a period of two months following the initial attempt to access the SRoD. Table 10.1 (Appendix 1) on pages 201 to 207 shows the results of all the applications.

The cases reveal a very dismal picture of disadvantage and hardship. They also reveal a disturbing lack of compliance with the SRoD policy, motivated by either a lack of awareness or a deliberate resistance towards the SRoD on the part of government officials. Each of the applicants formally qualified, and yet only two were granted the SRoD. The results of the applications can be divided into several categories, based on the process and outcomes; these are listed in the following sections (bearing in mind that some experiences straddle several of the categories).

Incorrect disqualification

Three of the applicants—Princess, Nombuyiselo and Qamukile—were erroneously turned away after the officials had determined—by asking for their identification documents and checking these on the system—that they were recipients of CSGs in respect of their children. This is not considered a valid criterion of disqualification.

In Nombuyiselo's case, after she was (incorrectly) informed that she did not qualify for the SRoD due to receiving a CSG, she checked this with *Abahlali*. On finding out that this was not a valid reason for disqualification, Nombuyiselo returned to the SASSA office, where this time she was told to try and apply for a DG. We do not know what happened regarding any such application, but our researcher suspected that Nombuyiselo did not qualify for a DG, and this was merely an avoidance tactic by the official.

Experiencing a similar combination of apparent ignorance and incorrect disqualification, on Qamukile's first visit to a SASSA office, she was turned away by an official who said she did not know anything about the SRoD and commented, 'If SRoD is available for the unemployed, then the whole of South Africa would apply.' Undeterred, Qamukile returned the next day and spoke to a different official, by whom she was told that she did not qualify because she received a CSG.

Incorrect referral to another grant instead of dealing with the SRoD application

In two instances, the applicants were erroneously sent away to apply for other grants instead of having their applications for the SRoD processed. In Mam M's case, on applying for the SRoD, the SASSA official told her to wait for another year, until she was 60 years old, and to apply to claim an OAP. Regardless of whether or not Mam M could apply within a year for an OAP, she should, nonetheless, have been able to apply for the SRoD assistance in the meantime. Similarly, Mrs Z was told to apply for a DG.

Indifference, intransigence or resistance

Several applicants encountered various forms of indifference, intransigence or resistance from the SASSA officials. Without further probing, it is not clear if this was due to a lack of awareness on the part of officials about the SRoD, or whether or not it relates to a more deliberate attempt to deter applicants (whether due to fatigue or lethargy, or instruction, or a combination of both).

Having recently experienced a devastating shack fire (one of the circumstances the policy formally anticipates in respect of the SRoD), Sindi was turned away, being told that she could not apply for the SRoD without a letter from the municipal council or a police officer attesting that her shack had burned down. On returning with a letter from a police officer to this effect, she was again turned away from the SASSA office because her name was not listed on an official list of people whose shacks had been burned down. Yet this latter criterion, which is not formally required, was not explained to Sindi the first time she inquired.

Phililе was told to return on another day and then, after speaking to a social worker, she was told to go home and wait for a visit by a social worker—who never came to visit Phililе, despite her trying to follow up with the office.

Similarly, on applying at the SASSA office, Bongiwe was told to go and speak to the social worker on duty. The social worker complained that she was overworked but promised to come and visit Bongiwe—who did not hear from or see her again.

In Busisiwe's case—after having been sent from official to official, in a clear attempt to dissuade any SRoD application—one of the SASSA officials told Busisiwe that she did not seem 'so desperate' and that the SRoD 'takes a very long time' because the social workers who have to assess the applications are 'very busy'. This prompted Busisiwe to give up on her attempts to apply for the SRoD.

One of the cases that reveals the arbitrariness of the process is that of Bongani (his neighbour, Mam M, attempted to apply on his behalf), who was clearly in a very

bad way but was not assisted, even though he probably should receive a DG. Despite several visits from social workers, all attempts to assist Bongani stalled after he could not find his identity document.

Success but not without difficulties

The two applicants who were successful in receiving SRoD assistance, Dumisani and Philisiwe, also did not encounter a smooth process. In Dumisani's case, the first official denied knowledge of the SRoD and then took Dumisani's printed material on the SRoD and did not return. It took several more visits, and a meeting with a social worker, to have his application approved. Similarly, in order to receive her SRoD assistance, Philisiwe had to argue with the officials and return several times.

Conclusion

From this research, it is clear that the SRoD is not administered according to the Regulations or Procedure Manual. Almost all applicants encountered ignorance, indifference or resistance from SASSA officials in relation to applying for the SRoD. Many applicants met the same officials who—even if initially they knew nothing about the SRoD—clearly became more familiar with it as more of our applicants met with them. Yet this familiarity does not seem to have translated into more proactive processing—numerous applicants who spoke to the same officials experienced the same obstacle of being turned away for the spurious reason of receiving CSGs, or met with the suggestion that they apply instead for an OAP or a DG. Those applicants who returned and insisted that this was not a bar to receiving the SRoD were ushered to the next stage—as though the CSG barrier was known to be bogus, but was a means of attempting to discourage formally qualifying applicants and thereby reducing the uptake of the SRoD. Whether such rejection is part of an explicit policy to reduce dependency on the state, or a more petty tactic to reduce work, is unclear. Interestingly, officials did seem to be on more comfortable ground when it came to Bongani—perhaps because his situation is so dire—but this did not immediately translate to any material assistance.

Even in the two cases where the SRoD was granted, the process does not appear to have been correctly followed. The successful applicants were not furnished with receipts or any written notification of the benefit having been awarded—rather they were given vouchers for R 400, and that was presumed to be the end of the process. None of those who were turned down received either written reasons or information about how to appeal the decision.

Apart from the problems over the application process itself, this research also highlights the questionable role of social workers within the SRoD scheme. Even though the regulations do not seem to require social worker screening, in many cases our applicants were sent to talk to social workers. Yet none seemed able to make a

determination on the scene, as contemplated in the policy. And even where follow-up visits were scheduled, in most cases these arrangements were not kept. It is not clear whether this is due to social workers being overstretched, or if setting up bogus appointments was a ruse to placate applicants. Regardless, the research suggests that the role of social workers in the scheme needs further inquiry.

Finally, the substantive question of whether the SRoD is appropriate or adequate as a means of advancing social and food security turned out to be beyond the scope of our initial research project; however, our research indicates strongly that further research is needed to examine whether or not, and under which circumstances, the SRoD is a valuable form of assistance. In the meantime—and returning to the problems set out in the introduction of this chapter—it is clear that there are significant administrative problems that could be taken up in litigation and/or campaigns. But whether or not it would be worth focusing significant energy on what is ultimately a very short-term and limited form of social assistance—one which is probably not capable of providing real food security and is certainly not capable of providing real social security—is doubtful. As such, any mobilising energy might be better spent focused on the need for employment and greater social security in the form of a Basic Income Grant, along with more substantial and targeted food programmes, as discussed in chapters 7 and 8 of this volume.

Table 10.1 Appendix 1: Matrix of the application processes

Name	Application process	SRoD granted (as of 17 October)?	If refused, is there a clearly legitimate reason?
Princess	On 24 August, Princess went to the Stanger SASSA office. An official asked for her identity document and, on checking SASSA records, told her that because she receives the CSG she is ineligible for the SRoD.	No	No—receiving a CSG is not a disqualifier for receiving the SRoD in a person's own capacity, or for someone in the family who does not receive a CSG.

Name	Application process	SRoD granted (as of 17 October)?	If refused, is there a clearly legitimate reason?
Sindi	On 24 August, Sindi went to the Stanger SASSA office and told an official that she wanted to apply for the SRoD because her shack had burned down. The official turned her away, telling Sindi she could not apply for the SRoD without a letter from the municipal council or a police officer that her shack had burned down. On 27 August, Sindi returned with a letter from the police stating that her shack had been destroyed in a fire. However, she was turned away because the SASSA official could not find Sindi on an official list of people whose shacks had been burned down.	No	Probably not—the SRoD appears to allow statements regarding personal circumstances and having one's home destroyed in a fire seems to fit precisely into the SRoD's rubric.
Dumisani	On 27 August, Dumisani went to the KwaMashu SASSA office. The official to whom he spoke said he had never heard of the SRoD. Dumisani showed the official the SERI SRoD guide. The official went to photocopy the guide and asked Dumisani to wait while he spoke to a superior. Dumisani waited for about three hours but the official did not return, so Dumisani left. On the following day, Dumisani returned to the SASSA office. This time, he was attended to and completed an SRoD form. He was then told to go and talk to a social worker. When he raised the SRoD with the attending social worker, she said she had never heard of the SRoD but that a social worker would phone him to discuss his situation, and that he should get a letter from his local councillor to prove that he lived at his address.	Yes	N/A

Name	Application process	SRoD granted (as of 17 October)?	If refused, is there a clearly legitimate reason?
	On 21 September, Dumisani received a call from a social worker, who told him to return to the SASSA office on 25 September. He did so and after spending the entire day of 26 September at the office, he received a voucher for R 400. He was told this should last him for three months.		
Philisiwe	On 27 August, Philisiwe went to the Stanger SASSA office. When she handed over her identity document, she was told by the official that she was ineligible because she receives a CSG for her granddaughter. Philisiwe left the office and went to discuss this with *Abahlali* members, who explained that this should not bar her from receiving the SRoD. She went back to the Stanger office on 28 August and argued with the officials about the CSG issue until they told her to go and speak to the social workers in the office. A social worker told her to go home and that she would call Philisiwe. Having not heard from the social worker, on 14 September Philisiwe went back to the Stanger office and was told that the social worker was not around. She again returned to the office on 20 September and met with the social worker, who asked her to come back the following day. On 21 September, Philisiwe returned and was given a R 400 voucher. She was told that the voucher must last her for three months and that it is only valid for three months, after which it expires. She was also told that after the three months, she should apply for a DG.	Yes	N/A

Name	Application process	SRoD granted (as of 17 October)?	If refused, is there a clearly legitimate reason?
Nombuyiselo	On 27 August, Nombuyiselo went to the Stanger SASSA office. She was told that she does not qualify for the SRoD because she receives CSGs. On 28 August, after speaking to *Abahlali*, Nombuyiselo returned to the Stanger office and explained that the CSG was not a bar to receiving the SRoD. She was then told to go to KwaMashu to apply for a DG. On 20 September, Nombuyiselo went to KwaMashu to apply for a DG and was told to return with a doctor's certificate regarding her health. We did not continue to monitor beyond this point so we do not know what happened regarding the DG application. On the face of it, we suspect that Nombuyiselo is not eligible for a DG and that sending her away was an avoidance tactic by the Stanger SASSA officials.	No	Initial refusal illegitimate; not clear what happened regarding DG application.
Qamukile	On 29 August, Qamukile went to the KwaMashu Stanger office. When she explained to the official that she had come to apply for the SRoD, the official said she did not know anything about the SRoD, which was certainly not available from KwaMashu and, anyway, 'if SRoD is available for the unemployed, then the whole of South Africa would apply'. Undeterred, Qamukile returned on 30 August and spoke to a different official. This official turned her away because she received CSGs.	No	No—receiving a CSG is not a disqualifier for receiving the SRoD in a person's own capacity, or for someone in the family who does not receive a CSG.
Phililе	On 28 August, Phililе went to the Chatsworth SASSA office, where an official asked her if it was her first time applying for a grant. When she	No	Seemingly not—for a first-time applicant, there should not be such

Name	Application process	SRoD granted (as of 17 October)?	If refused, is there a clearly legitimate reason?
	said yes, the official asked her to return on 28 September. On 28 September, Philile returned and was sent to talk to a social worker. The social worker took down all her contact details and promised to come and assess Philile's living conditions in the first week of October. On 12 October, Philile returned to the office to inquire why the social worker had not come to visit them as promised. She was told that the relevant social worker was out of the office. As of 17 October, there were no further developments.		a lengthy process involving social worker visits etc.
Mam M	On 28 August, Mam M went to the Chatsworth SASSA office with Bongiwe. When she revealed her age (59), the official suggested that she go home and wait until she is 60 and apply for an OAP.	No	No—even though she would be eligible for an OAP within a year, she should still be able to receive the SRoD as a temporary measure in the meantime.
Bongiwe	On 28 August, Bongiwe went to the Chatsworth SASSA office with Mam M. An official told Bongiwe to go and speak to a social worker. The social worker complained that she was overworked but took down Bongiwe's details and promised to come and visit her in the first week of October to assess Bongiwe's living conditions. As of 17 October, Bongiwe had not heard from the social worker and she told us she had given up on the SRoD.	No	It is unclear why, as a first-time applicant for the SRoD, Bongiwe would have to be visited by a social worker—in any event, this visit did not take place.

Name	Application process	SRoD granted (as of 17 October)?	If refused, is there a clearly legitimate reason?
Busisiwe	On 28 August, Busisiwe went to the KwaMashu SASSA office. She was told to return the following day because the computers were offline. She returned on 29 August and was told that the KwaMashu office only provides OAPs and DGs. Busisiwe asked if she could 'get a second opinion' and was referred to a second official, who told her that Busisiwe did not seem 'so desperate' and that the SRoD takes a 'very long time' because social workers have to assess living conditions and 'they are very busy'. Busisiwe gave up on further attempts.	No	On the face of it, even though she was in the least precarious situation of the applicants, Busisiwe should qualify for the SRoD.
Bongani	On 22 August, Mam M went to the KwaMashu SASSA offices to try apply for the SRoD for Bongani. She told the official about Bongani's bad living conditions and need for assistance. The official asked Mam M to get a letter from the local councillor and a social worker regarding Bongani's conditions. On 29 August, Mam M received a phone call from a social worker, but Bongani had by then been admitted to hospital. The social worker asked Mam M to let her know when Bongani was back at home. On 3 October, Mam M went back to the SASSA office to advise officials that Bongani had been discharged from hospital. The relevant social worker was 'out on work' but later called to say she would visit Bongani the next day. This visit did not happen, and on 8 October, Mam M went to the Stanger SASSA office to see if she would have better luck there.	No	This is a complicated case and although social workers did come to visit Bongani, this did not result in an immediate approval of the SRoD. The absence of an identity document might be a legitimate reason to deny the SRoD. However, it seems like a waste of time for social workers to visit twice, and yet not make a determination based on statements etc regarding Bongani's civil, as well as material, status.

Name	Application process	SRoD granted (as of 17 October)?	If refused, is there a clearly legitimate reason?
	At Stanger, social workers said they would come to assess Bongani's conditions during the week. On the same day, two social workers came to conduct an assessment of Bongani's living conditions. However, they left when Bongani could not locate his identity document. They returned on 11 October but the identity document had not been located. Two neighbours stepped in and offered to go and apply for an identity document on Bongani's behalf, given that he is bed-ridden and mentally unwell. We were unable to ascertain the outcome of this, if indeed the neighbours did assist as they had undertaken.		
Mr & Mrs Z	On 20 August, Mr Z asked his local councillor for a referral letter in respect of his health. The councillor refused, saying that Mr Z was in good health and that he does not provide this kind of letter—he suggested that instead of applying for the SRoD, Mr Z could have a part-time job painting numbers on street signs in the community. Mr Z agreed to try such a job but when he tried to follow up with the councillor the following week, the councillor denied making such a suggestion. On 25 August, Mrs Z decided to try her luck and went to the KwaMashu SASSA office. She was told to apply for a DG.	No	No legitimate reason was advanced to deny either Mr or Mrs Z.

Endnotes

[1] I would like to thank Frank Khanye, the independent researcher, for undertaking primary research into how the SRoD application process works; and Jonty Cogger, SERI candidate attorney, for researching the SRoD system and other relevant policies. I would also like to thank *Abahlali baseMjondolo* for supporting the research and engaging its membership to participate in our investigation of the SRoD applications process. Finally, thanks go to the International Association of Constitutional Law, Norman Taku from the University of Pretoria and David Bilchitz from the University of Johannesburg for the research grant that set this project in motion.

[2] Section 27 of the Constitution of the Republic of South Africa, Act 108 of 1996 (Republic of South Africa, 1996).

[3] *Khosa and Others versus Minister of Social Development and Others, Mahlaule and Another versus Minister of Social Development* 2004 (6) SA 505 (CC) (Khosa). In this case, the applicants successfully challenged the exclusion in the Social Assistance Act 59 of 1992 and Welfare Laws Amendment Act 106 of 1997 of non-citizen permanent residents from social security benefits. The Social Assistance Act has subsequently been amended to cure this defect and now exists as the Social Assistance Act 13 of 2004.

[4] As pointed out in the chapter by David Bilchitz, the statistics show that 11.5% of South African households report vulnerability to hunger, and 21.2% of households report limited access to food. (Statistics South Africa, 2011).

[5] See, for example, the chapter by David Bilchitz in this volume, in which he points to a study by the Department of Social Development indicating that receipt of CSGs in South Africa had no impact on the stunting of children arising from malnutrition.

[6] The core research team comprised a contracted researcher, Frank Khanye, SERI researcher Jackie Dugard and David Bilchitz from the University of Johannesburg.

[7] The SRoD Procedure Manual provides examples of qualifying persons, 'families where there are symptoms of malnutrition and stunted growth in children', and individuals who have 'no access to a nutritious meal'. This is why the SRoD is commonly provided in the form of food parcels.

[8] All grants have income threshold requirements. In addition, the OAP, DG and WVG also have asset thresholds. We have focused on income thresholds as these are the most applicable qualifying criteria for most poor people (the vast majority of whom do not have any assets to speak of).

[9] The SRoD is not considered a grant *per se* (and is often in the form of food or vouchers, rather than money), but is included with the other grants under the social security legislation and policies.

[10] Accessed from: http://www.sassa.gov.za/. (accessed 9 January 2013).

[11] The list of relevant documents, as per Regulation 15(1), is commendably simple: an identity document or birth certificate, or other document acceptable to the Agency, AND proof of insufficient means ('by way of a declaration of assets and income') as well as—where relevant—proof of spousal relationship and temporary medical disability.

[12] Initially, based on the SRoD's stipulated policy of awarding the SRoD on the spot, we had envisaged only a two-week period in the field. However, once the applications process started, it became clear that this is an aspect of the SRoD policy that is not followed in practice, and so we extended our monitoring timeframe. Unfortunately, we were unable to extend it beyond October and therefore do not know what happened when or if any applicants who were awarded the SRoD for three months were successful in trying to extend their benefit to a second three-month period.

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Chapter

11

Right to food advocacy in India: Possibilities, limitations and lessons learned

Shareen Hertel

The right to food advocacy in India

People around the world struggle daily to access enough food to keep themselves and their families alive. Yet there is considerable variation in their responses to this dire situation. Some suffer in relative silence and anonymity. They rely on food made available through government or private assistance programmes to make ends meet, or they engage in barter, begging or other forms of exchange at the micro-level. But they do not engage in collective protest or group-based action aimed at demanding access to food in the name of rights. Other people may rely on those same public programmes, or the same networks of dense social relations at the micro-level to access food, but they refuse to take hunger in silence. They mobilise with other poor people or with allies in civil society to demand improved access to food as a matter of rights.

This chapter explores the case of social protest around the right to food in India, and is included in this volume on the right to food in South Africa for comparative purposes. While India has experienced a relatively high level of social mobilisation around food over the past decade (since 2001), South Africa has not. The disparity is puzzling, given that the two countries are similarly positioned within their respective regions as economic leaders, and are at

comparable levels of human development (India's 2012 *Human Development Index* [*HDI*] ranking was 134 and South Africa's was 123).[1] Both have strong provisions for economic rights within their respective constitutions (though in India's case, these are included formally in its less-binding Directive Principles). India's Supreme Court and South Africa's Constitutional Court both have an activist history of rulings on economic rights (see Bilchitz in this volume). Both are democracies with a free press and considerable histories of grassroots mobilisation around political issues.

Even the differences between the two countries would seem to lean toward the anticipated outcome of greater mobilisation in South Africa than India. India is a considerably larger country—both in terms of land mass and population—than South Africa, and is internally more linguistically and ethnically diverse—all characteristics that theoretically render the challenge of collective action more difficult in India than South Africa (Olson, 1971).

Income expressed in terms of purchasing power parity (PPP) is considerably lower in India than South Africa, with Indians having access to only a quarter of the income South Africans do on average (see Fukuda-Parr in this volume). However, South Africa is almost twice as unequal—according to the most recent data available from the World Bank (WB), South Africa's Gini coefficient index rating was 63.1 in 2009 *versus* India's rating of 33.9 in 2010 (0 represents perfect equality and 100 implies perfect inequality) (World Bank, 2012).

As multiple contributors to this volume have already indicated, hunger has deepened significantly in South Africa since 2008 (see John-Langba; Battersby; May & Timaeus; and Taylor in this volume). Despite all of these conditions, there has been a comparable lack of social mobilisation on hunger in South Africa.

This chapter offers South Africans and their counterparts in other regions a template for exploring food-centred social mobilisation (or lack thereof) in their own contexts, by analysing the evolution of the Right to Food (RTF) Campaign in India. The chapter is organised around three key arenas of struggle in the Indian case: the courts, the streets and Parliament.

As it has been argued in other work, the Campaign's activities are by no means uniformly successful across all three arenas.[2] But for the sake of explanation, and for comparison with South Africa or other cases, I systematically trace the RTF Campaign's activity in each arena.

In this chapter I draw both on qualitative and on quantitative data to analyse change over time in the geographical sites, forms and levels of social mobilisation carried out by the Campaign. The main sources of qualitative data are 20 original and in-depth, open-ended interviews conducted with activists from non governmental organisations (NGOs), academics, policy-makers and social observers in India and the USA from December 2011 to the present.

The main sources of quantitative data are two original data sets. One data set codes litigation on the right to food heard in both the Supreme Court of India and in state-level 'High Courts'.[3] The other data set codes over 2 100 articles on food-related issues selected from among over 10 000 articles reviewed from four major Indian newspapers (published from 1990 to the present).[4] By triangulating between the qualitative and quantitative data, I am able to cross-check my interpretation of patterns in the Campaign's evolution over time.

This research design thus enables me to explain social mobilisation around hunger across space (within varying regions of India) and time (from 1990 to the present), by concentrating on three arenas of struggle (namely courts, streets and Parliament) in which activists have waged their struggle to improve access to food for India's poorest people. While social protest in other countries (such as South Africa) may not take place in this same set of arenas, this framework is offered in the hopes that other scholars will adapt it for comparative research on food mobilisation in other settings.

The courts as a locus of struggle for reinterpreting rights

Though India has staved off outright famine since independence a half-century ago, chronic under-nutrition has deepened even as the country has grown economically at unprecedented levels (8 to 9 % per annum for at least a decade (WB, 2015). One-third of the world's malnourished children are Indian, and over half of all Indian children five years old or younger remain underweight or stunted (WHO, 2010; Welthungerlife, IFPRI & Concern Worldwide, 2010; Yardley, 2010).

The daily caloric intake of the poorest Indians has actually *fallen* since 2009 (Deaton & Drèze, 2009; WB, 2011, 16). Even though India has some of the world's most extensive public feeding programmes and allocates over 2 % of its gross domestic product (GDP) toward public spending on food for distribution to poor and marginalised people (Hertel & Randolph, 2015), well over half that amount (WB, 2011, xiii)—and, by some estimates, over 70 %—is lost to corruption and inefficient distribution (Yardley, 2010).

Left-party activists and grassroots advocates in key states across India have focused on improving poor people's access to food for decades. As early as 1981—in response to public interest litigation—the Supreme Court ruled that the right to life with dignity necessitated adequate nutrition.[5] Popular advocacy coalesced in the 1990s around strengthening food delivery through the government-run flagship social welfare programmes that have proven so vulnerable to inefficiency and corruption.

In April 2001, a group of legal advocates and action-oriented academics mobilised legal action on hunger, by filing a Public Interest Litigation (commonly referred to as the PIL) with the Supreme Court, aimed at preventing hunger deaths by ensuring

access to publicly provided food stocks. Among the protagonists were Colin Gonsalves of the Human Rights Law Network (a nationwide network of over 200 lawyers involved in public interest legal advocacy), Kavita Srivastava of the People's Union for Civil Liberties, and Jean Drèze of the Delhi School of Economics and Allahabad University. The case—filed as *People's Union for Civil Liberties (PUCL) versus the Government of India*[6]—has become the cornerstone of contemporary food rights advocacy in India, and is at the heart of the RTF Campaign.

The *PUCL* case charged that the Indian government had failed to distribute its ample stores of grain available for public feeding programmes at a time of extensive drought and food insecurity in several states. In states such as Rajasthan, for example, grain was rotting in government warehouses just kilometres away from villagers who were suffering from extreme food shortages. Capitalising on India's relatively robust constitutional protections for economic rights—along with the ample standing provisions under Indian law that enable advocates to take cases directly to the Supreme Court through public interesting litigation (Gauri & Brinks, 2008)—plaintiffs in this case, and subsequent public interest litigation on the right to food, have argued that government officials, bureaucrats and service workers are responsible for extreme malnutrition owing to their unwillingness or inability to ensure delivery of the food to which poor people are entitled in order to survive.

Prior to the *PUCL* case, the main constitutional referent for food rights was the non-binding Article 47 of the Indian Constitution.[7] Skilled litigators, including Gonsalves, knew that the Supreme Court had ruled in earlier cases (both *Francis Coralie Mullin versus Administration* in 1981 and *Chameli Singh versus State of Uttar Pradesh* in 1996) that 'the right to live guaranteed in any civilized society implies the right to food' as stated in *Chameli*.[8] Their aim in launching the *PUCL* case was to forge a binding legal link between access to food and the right to life, itself a fundamental right centrally protected under the Indian Constitution (Article 21). The *PUCL* case did forge that link, but the case is not considered closed until the Supreme Court's policy injunction is fulfilled.

In a series of 'interim orders' issued by the Supreme Court over the ensuing decade, the Court has charged that public officials are constitutionally duty-bound to ensure that the food provided through government-welfare programmes actually reaches the hungry people entitled to it (Birchfield & Corsi, 2010, 693). The Supreme Court has appointed two 'Commissioners' to track progress in the *PUCL* case by assessing food policy implementation nationwide. The Commissioners' Office receives data from a dozen state- and local-level non-governmental organisations (NGOs), specifically named in the Supreme Court's 'interim orders' to monitor food programmes across multiple states.[9]

The *PUCL* case has thus given activists a tool for prolonging their fight for food justice. It is part of a broader wave of popular 'campaigns' since the 1990s, which have engaged the Supreme Court of India as well as state-level High Courts across the country in cases aimed at enhancing fulfilment of the right to food, housing, employment, information, access to land, and in efforts aimed at fighting corruption (Kothari, 2007; Khera, 2011[a]; Gauri & Gloppen, 2012; Robinson, 2009; Posani & Aiyar, 2009).

Based on analysis of original data collected by the author and research assistants at the University of Connecticut,[10] three trends emerge in legal advocacy on the right to food in India. First, there is a geographic concentration in the range of states cited in the Supreme Court's existing 64 interim orders on the right to food, along with the jurisdictions from which state-level 'High Courts' have issued their ten related orders. Nearly all of this legal activity tends to cluster around India's 'hunger belt', the 26 poorest states in the North/Central region of the country (Oxford Poverty & Human Development Initiative, 2010).

A second overarching trend is the increasing specificity of the Court's orders. The types of reforms that the Supreme Court has demanded of national- and state-level agencies are pointedly outlined, and subsequent cases intentionally recall earlier orders and take states or key agencies to task for falling short of reforms.

A third trend is the steady increase in the volume of legal advocacy on the right to food since 2001, and the notable spike in 2010. The spike can be attributed to multiple factors, including: the drafting of a *National Food Security Bill* (*NFSB*), which commenced in 2009, the Supreme Court's efforts to link hunger with homelessness in multiple rulings in 2010[11] and increased coverage in the popular press of farmer suicides—a phenomenon not necessarily connected to hunger, but often conflated with it in the popular press.[12]

The bulk of the scholarly literature on India's RTF Campaign focuses on the Campaign's activity in the legal arena, specifically its advocacy around the *PUCL* case and subsequent hunger-related PILs (Birchfield & Corsi, 2010; Gauri & Brinks, 2008). This chapter adds new insights into the Campaign's challenges—in both the arena of popular mobilisation (i e the 'street') and in the parliamentary arena. By focusing on these other arenas of right to food mobilisation, it begs the larger question of whether or not food rights on paper (*de jure*) have been translated into practice in other arenas (*de facto*) within India. This is an important distinction, not only for this case, but for analysis of food rights advocacy in other countries, such as South Africa, where the strength of legal guarantees for economic rights can lead to a sense of legal triumphalism on the part of observers who are external to campaigns. Activists themselves can, and often do, struggle to dispel such triumphalism in the interest of promoting meaningful realisation of rights (Dugard & Langford, 2011).

The challenge of sustaining grassroots mobilisation on hunger

India is a country where popular protests are a routine feature of public life (Katzenstein, Kothari & Mehta, 2001, 248; Kudva, 1996). As Khator notes, the country has ranked among the top ten worldwide in the 'reported number of political strikes and anti-regime demonstrations according to the *World Handbook of Political & Economic Indicators*' (Khator 1991, 156, quoted in Katzenstein, Kothari & Mehta, 2001, 249).

Within this dynamic context, the RTF Campaign has developed a multi-pronged approach to popular mobilisation. First, it has crafted a framing strategy that centres on shaming and blaming the government for the persistence of hunger despite the many flagship social welfare programmes (or 'schemes') that include public feeding components. The stubborn malnutrition and hunger deaths that sparked the PIL at the heart of the *PUCL* case occurred at a time when India's government had stockpiled overflowing stores of grain for public distribution. The Campaign capitalised on this paradox by directly attributing blame to the government for chronic underfeeding.

Second, the RFT Campaign has organised a public outreach strategy aimed not only at teaching poor people about their own rights, but also at making the scandal of hunger visible to the public, to policy-makers and to the media. The Campaign has developed 'primers' in several of India's many local languages for use in grassroots education on food rights. These materials convey straightforward messages about the constitutional protection of the right to food, and the nature of entitlements under various public programmes. The extensive website of the RTF Campaign features a comprehensive record of all past and ongoing legal action on the issue, along with key government reports, selected press coverage of hunger issues, grassroots education materials, and information on past, present and future activities planned by NGOs and other groups affiliated with the Campaign across India. In addition, activists involved in the Campaign have also staged public protest events at strategic points in order to coincide with the legal strategy the campaign has pursued on another track.

Third, the Campaign has enlisted elite allies to mainstream its message into ongoing policy reform efforts. Public intellectuals—such as Nobel prize-winning economist Sen—have taken part in popular education events organised by the Campaign,[13] while at the same time using their relative celebrity to draw attention to hunger in the media. Academic economists, such as Jean Drèze, Reetika Khera, Dipa Sinha and Sudha Narayanan, are part of a community of scholars engaged in field research that analyses the performance of various pro-poor government programmes in India (Drèze, 2002), and have shared that research with the Campaign directly. The data marshalled by these scholars have been used by the RTF Campaign to demonstrate the social cost of hunger, along with the potential costs and benefits of related policy reforms. Such data

have also been introduced into court as evidence in PIL cases for more than a decade, and have been submitted to the Supreme Court Commissioners' Office to aid in the process of tracking policy implementation in the wake of the *PUCL* case.

For example, economists centrally involved in the RTF Campaign have analysed India's Mid-Day Meal Scheme (MDMS), and their findings have been integral to related policy reform efforts spearheaded by the Campaign. The MDMS is the largest government-funded free school lunch programme in the world, reaching over 120 million children across India (Khera, 2006). Drawing upon the example of strong state-level child feeding programmes in the states of Tamil Nadu and Gujarat, India's central government initiated the National Programme for Nutritional Support to Primary Education (commonly referred to as the MDMS) in 1995.

By 2001, however, it had become apparent, to academics and activists alike, that there was significant variation in the content and quality of MDMS implementation across India. Instead of a hot meal daily, many children were receiving dry grains once monthly, if that, and the quality of the foods actually prepared varied widely from school to school. At the urging of academics and lawyers integral to the RTF Campaign, the Supreme Court's interim orders in the *PUCL* case (28 November 2001) directed state governments nationwide to ensure cooked meals for all children by 28 February 2002.

When that deadline came and was missed by many states, activists marshalled the 'first major campaign activity' of the RTF Campaign—a co-ordinated set of protests across 100 districts in nine states—dubbed an 'Action Day on Mid-Day Meals' on 9 April 2002. As economist Reetika Khera describes:

> *In Bangalore, children lined streets with empty plates; in other places, copies of the [Supreme Court] order were distributed. The most effective form of protest was the provision of a symbolic 'people's mid-day meal' to school children in public places, aimed at shaming the government into action. (2006, 4743)*

After several subsequent interim orders, the Supreme Court issued an extension of its orders for full implementation of the MDMS (through January 2005), and by 2006, all but eight states were providing cooked mid-day meals, albeit with some continuing quality and delivery shortfalls (Khera, 2006, 4743).

Sinha describes the ongoing 'social audit' process led by grassroots activists, who have aimed to raise community awareness of the entitlements of the MDMS while also rooting out corruption in the delivery of the food and improving implementation of the programme (Sinha, 2008). She, like others writing on the MDMS, deems local mobilisation key to the relative success of this programme, which she argues has a 'scale of corruption' that is 'relatively low, at least compared to other rural development schemes' (2008, 61).

The first half of the RTF Campaign (i e from 2001 through to roughly 2009) thus centred around a high-profile series of PIL cases on food rights, an intensification of the reporting process through the Supreme Court Commissioners' Office, and a correspondingly high-profile series of public outreach and protest events, organised by the Campaign to highlight shortfalls in follow-up to the Supreme Court's interim orders—such as the 'Action Day on Mid-Day Meals' discussed previously.

The Campaign gained public attention and the Supreme Court and High Courts throughout India took on cases focused on hunger, in large measure, because of the compelling evidence and social pressure generated by the RTF Campaign.

By 2009, the Campaign had begun to set its sights on influencing policy reform through the legislative process—specifically, by seeking to influence the drafting of an *NFSB* that emerged in draft form in Parliament that year, early in the second term of the left-leaning United Progressive Alliance (UPA) government headed by Sonia Gandhi. The Campaign's goal was to entrench its legal gains on the right to food in concrete policy reforms. By mobilising in the streets to demonstrate popular demand for fulfilment of the right to food, the campaign sought to create political pressure for public policy reform. In addition to legal mobilisation, legislative action now became a transmission belt for translating popular demands into policy change. But this shift in strategy came at a cost – it required a reallocation of campaign resources toward an intensive lobbying process, and, in the process, generated internal tensions between those committed to sustaining a combined legal and popular mobilisation strategy and those focused on influencing elite politics.[14]

Indeed, a shift in media coverage away from grassroots mobilisation and toward the passage of the *NFSB* reflects the broader central challenge faced by the Campaign itself: how to sustain widespread mobilisation on the right to food, given the Campaign's time-consuming engagement in the lobbying process, discussed in the next section of this chapter. The media analysis I have conducted reveals relatively limited Indian press coverage of right-to-food-related street protests or other forms of public mobilisation over the lifetime of the Campaign. Of the more than 2 100 articles coded in my data set, roughly 1 % covered mass protest events on hunger. Another 1 % covered general outreach and education efforts by the Campaign (such as conferences).

By contrast, 20 % of the articles coded focused on farmer suicides, and 77 % addressed general food-related policy topics, including the proposed *NFSB*. The relative dearth of press coverage of popular protest and outreach events on hunger over the preceding two-decade period does not mean that such popular mobilisation has not occurred. In a country with 22 official languages and hundreds of others spoken, there may have been press coverage of protests carried in local language papers that systematic coding of English sources has not captured. But the issue of resource constraints is very real, and the Campaign's costly engagement with the lobbying process has drawn time, energy and funding away from mobilisation of people who routinely find it

impossible to access the food due to them through various government-sponsored feeding programmes, other than the MDMS.

The challenge of parliamentary action and policy reform

Explaining why, when and how the RTF Campaign has become involved in lobbying Indian political parties requires interpreting *how* the timing of the Campaign's evolution overlaps with national- and regional-level party politics. The ouster in 2004 of the right-leaning National Democratic Alliance by Sonia Gandhi's left-leaning UPA changed the national political landscape and, with it, the political opportunities open to the RTF Campaign. Up until that point, the Campaign had focused largely on legal advocacy and on building its public outreach, education and mobilisation capacity.

The emergence of the UPA brought to power an alliance that, at least rhetorically, championed the rights of poor people. Several leaders in the RTF Campaign were invited by Sonia Gandhi to serve on the UPA's National Advisory Council (NAC) (an extra-constitutional body mandated to advise the government on policy issues) during the Alliance's first term.[15] From this position, key members of the Campaign were in a unique position to potentially influence the drafting of an *NFSB*, which emerged in draft form from the NAC in 2009, and was introduced formally for parliamentary debate in December 2011.

In the early stages of the drafting process, members of the RTF Campaign actively pushed four main policy reforms, namely universal coverage of government food programmes, access to diverse types of food, sufficient provisioning of a quantity of food adequate to meet basic needs, and food allocation in kind rather than in cash.

But within a year, it had become clear that the *NFSB* that would ultimately pass would fall far short of these aims; the Campaign thus sought to distance itself from the emerging draft. Since the passage of the National Food Security Act (NFSA) in September 2013, the Campaign has remained highly critical of the Act's roll-out, which has coincided with the first year in office of the right-leaning government of Prime Minister Narendra Modi, elected in May 2014.

The Campaign's support of universalised coverage has both normative and practical roots. Normatively, the Campaign has argued that food is a universal right and that all people may, at some point, find themselves hungry and should be guaranteed access to food. On practical grounds, the Campaign has opposed the government's distinction between 'below-poverty line' and 'above-poverty line' families as the metric for identifying households that are either allowed into or excluded from key government feeding programmes. Not only is the poverty line difficult to specify accurately and consistently across states, it is also vulnerable to manipulation and corruption.[16] Pointing to states—such as Tamil Nadu—that have already universalised their state-level distribution of food through India's Public Distribution System (PDS), or are moving in

that direction (as are Chhattisgarh, Andhra Pradesh and Himachal Pradesh), members of the RTF Campaign have argued consistently that such universal systems are both more socially desirable on equity grounds and more efficient (Khera, 2012 & 2011[b]; Drèze, 2002).[17] The Campaign has also been particularly critical of the circumscribed nature of benefits related to pregnant women and children under two years old.[18]

In addition, the RTF Campaign has highlighted the lack of government provisioning of pulses, such as millet and other grains, that are preferred in local diets over wheat or rice in some parts of India, but are not made widely available through government feeding programmes because they are less commodified than wheat and rice (Goswami, 2012). Members of the Campaign argued vigorously for the NFSA to include broad-based provisioning of these traditional grains on the grounds of cultural and nutritional appropriateness—even if they are less economically attractive to the government (which has stimulated agro-export of wheat and rice).[19] But the Campaign has deemed the NFSA weak in this regard as well (RTF Campaign, 2014).

It is also weak in terms of the actual amount of food assistance allocated per person and per household. The goal posts appear to have moved continuously over the course of the drafting process—from 25 kg of subsidised grain per household per month, to 35 kg and back down to 25 kg, all of which fall short of the medically recommended minimum daily allowance. The NFSA may ultimately cover two-thirds of all households in India, but it will do so at a level far below the level of many existing state-level feeding programmes administered in places such as Tamil Nadu. Leaders in India and in other states have argued that their own programmes are superior in volume and delivery to whatever the NFSA could ultimately provide. As Balram, a Jharkhand-based activist involved in the Campaign, pointed out: 'When the Medical Council of India study recommends 50 kg [of] foodgrain for a family of five to serve the requirement of standard calorific intake, how can the government propose only 25 kg grains under the new bill?' (Deogharia, 2012).

Finally, the Campaign has consistently opposed cash transfers of food and has pointed to field-level studies that have found consistent grassroots support for in-kind food transfers over cash ones (Khera, 2011[b]). People surveyed in these studies have argued that the cash they would receive could be misallocated at the household level, or pilfered in the transfer process, and that they cannot risk going without food. In this connection, the RTF Campaign has also opposed efforts by the government to link the newly instituted Indian National Identification Programme (AADHAAR) with the NFSA, because the National Identification Programme would likely rest on cash transfers as the vehicle for food distribution instead of in-kind transfers (Arora, 2012).

Over and above these four main priorities, there are a range of technical concerns that the Campaign has raised regarding how food policy reform will be implemented under the NFSA. State governments are principally responsible for approving the

budgets necessary to implement the Act. But there is no clarity on how its objectives would be met if state legislatures either failed to approve the resources, or lacked them entirely. Nor is there clarity on how grievance redress mechanism at the state and local levels proposed under the Act are to be funded, nor how these mechanisms should intersect (if at all) with existing human rights monitoring structures.

The obligations of state-level governments under the Act are related to nutrition but not to food *per se*. Goals are framed using the language of 'progressive realisation', but without clarifying that the right to food is interdependent with the rights of access to adequate drinking water and sanitation, healthcare, education for girls, or pensions for vulnerable groups (such as the elderly, disabled people and single women). The Act's financing does not account for the impact of inflation, nor does it fully reflect the underlying cost of related programmes that are integral to successful implementation of the right to food, but are in fact funded through ministries or programmes outside the Ministry of Food, Consumer Affairs & Public Distribution. Estimates of the actual cost of implementing the NFSA range widely—from a low of US$ 21 billion to three times that amount.[20]

As the drafting of the NFSA unfolded, even people sympathetic to the RTF Campaign became worried that involvement in the process could place the Campaign at risk of being 'used' to legitimate policy reforms that did not go far enough in the short run, and that failed to address the root causes of hunger in the long run.[21] By late 2012, members of the Campaign themselves became increasingly militant in their opposition to the *NFSB*, and sought to mobilise high-profile protests against the Bill. In the last three months of that year, the RTF Campaign mounted a three-day *dharna* (mass rally) in Delhi, along with a bus tour across Jharkhand, and planned a national conference for January 2013 in Odisha—all aimed at critiquing the version of the *NFSB* under debate and moving beyond it.[22] As Kavita Srivastava (head of the *PUCL*) argued at that time:

> *Nearly four years have passed since the UPA government promised to put an end to hunger and food insecurity. Nothing has happened, except for the tabling of a useless National Food Security Bill in Parliament. The Bill is languishing in a standing committee, which has hardly called groups working on this issue. Of late the Government has even stopped talking about it. Meanwhile, hunger and malnutrition is on the increase, food prices keep going up and large sections of people continue being evicted from their land, water, forests and other natural resources, losing their livelihoods and becoming more food insecure. (RTF Campaign, 2012)*

When the parliamentary Standing Committee on Food, Consumer Affairs, and Public Distribution released its recommendations on the Bill on 17 January 2013, the RTF Campaign's Secretariat released its own detailed rebuttal which characterised the recommendations as 'a leap backward' that remove 'even existing entitlements'—a move that 'dilutes the legal guarantees' of the *PUCL* case. It would be better 'not to have

a food security law rather than accept one' which would do more harm than good, the Campaign's public statement urged (RTF Campaign, 2013).

The version of the NFSA that ultimately passed in September 2013—just months before the start of the national election that brought Prime Minister Modi to power—fell far short of the RTF Campaign's hopes, and the roll-out of the new law has, as of this writing, nearly stalled in half the country (Hertel, 2015[b]). Running a defensive strategy appears to be the RTF Campaign's best current option. In the meantime, governments in individual states such as Tamil Nadu, Andhra Pradesh, Himachal Pradesh and Chhattisgarh are aggressively undertaking their own innovations without waiting for 'approval' from the centre (Khera, 2012).

Conclusion: Lessons learned and policy conclusions

What lessons can we take away from the experience of India's RTF Campaign, of relevance to activists and policy-makers in South Africa? First, we see that legal reforms alone cannot transform the reality of hunger in a country, but are often a critical first step to mobilising elite and popular attention to hunger issues. From this case, they appear to be a necessary—but not sufficient—condition for transforming public policy implementation. Even in countries, such as India and South Africa, where the Supreme Court is strong, willing and able to engage in creative legal interpretation of economic rights, safeguarding the right to food in practice is a complex and multi-faceted process that extends beyond the courts.

This is abundantly clear in South Africa, as law and society scholarship has already shown (Pieterse, 2007; Brand & Russell, 2002; Langford et al, 2013).[23] Similarly, India's RTF Campaign was animated around the goal of translating the *de jure* guarantees spelled out in the *PUCL* case (the constitutional guarantee of access to food as integral to the right to life) into meaningful implementation by government agencies *de facto*. The difficulty of doing so lies in the Campaign's struggles to move between and among the legal, popular and legislative arenas simultaneously, while seeking to influence change in each.

Secondly, the India case demonstrates that galvanising elites (such as academics and legal professionals) in defence of the rights of hungry people is necessary to build a case against hunger, but is not sufficient to sustain broader social mobilisation over time. Academics can produce crucial data on who is hungry, where and why. Public interest lawyers, in turn, can use that data to make the case for government accountability. But advocates must also use that same data to engage in public outreach aimed at making hungry people themselves aware of their rights, and angry enough at the injustice of hunger amidst plenty to demand that those rights be fulfilled. The RTF Campaign ably engaged grassroots people in social auditing of the MDMS (Sinha, 2008), for example. But activists faced the increasingly difficult challenge of sustaining such mobilisation

over time as the Campaign became more engaged in elite-level policy manoeuvring in the context of parliamentary debates.

Indeed, the most sobering lesson of all from this case study is perhaps the fate of the NFSA. Putting policy reforms on the political agenda of major political parties opens the way for an ensuing process of negotiation in which the lowest common denominator may emerge as the final outcome. Protagonists in the RTF Campaign—who have laboured for over a decade to put hunger on the political agenda of mainstream political parties—now fear that a bad law on food security is worse than no law at all. The NFSA is less robust than the content of existing federal and state-level public food programmes in many states, and its roll-out has been slow and complicated, at best. The potential benefits to the RTF Campaign of direct lobbying for policy reform appear to have been outweighed by the cost (i e weighed in terms of political, financial and social capital).

These conclusions emerge inductively from a case study designed to leverage qualitative and quantitative data in order to explain *why* and *how* advocacy on the right to food unfolds in particular ways in distinct contexts. By exploring the conditions under which the RTF Campaign opted to take action in each of the three 'arenas' explored in this chapter, it offers a framework for comparative analysis—not only between India and South Africa, but also among other cases. Systematic engagement with the data helps build a narrative, not only of a particular campaign (such as the RTF Campaign in India), but of the broader challenges involved in galvanising public action on hunger—through legal action, popular mobilisation at the grassroots level, and engagement with formal party politics. The work of India's RTF Campaign is far from over, even as we continue to learn from its experience in comparative perspective.

Endnotes

[1] For current HDI data on India, see: http://hdrstats.undp.org/en/countries/profiles/IND.html; and for South Africa, see: http://hdrstats.undp.org/en/countries/profiles/ZAF.html.

[2] The Campaign's progress in the legal realm has outstripped its ability to sustain grassroots mobilisation at the popular level, or to influence public policy reform by lobbying for changes in national legislation on public-feeding policies (Hertel, 2015[a]).

[3] This legal events data set was constructed using information from the official website of the Office of Supreme Court Commissioners, responsible for implementing a landmark case on food rights, the *People's Union for Civil Liberties (PUCL) versus Union of India*, Writ Petition (Civil) No. 196 of 2001. Not all court decisions (including public interest litigation cases and interim orders issued by the courts) are published and available to researchers. I thus rely on the Office of the Supreme Court Commissioners' designation of an interim order as substantive. Many interim orders are merely procedural and are not of primary interest to this project.

[4] This media data set was constructed by coding articles from four major English-language Indian news outlets (i e *The Times of India, The Hindustan Times, Press Trust of India* and *The Deccan Herald*). Coding terms are available upon request from the author. Given that there are 22 official languages in India, as well as hundreds more non-official languages and dialects spoken in the country, the choice of English-language papers and an English-language coding instrument

inevitably misses local-language media coverage. Nevertheless, the project codes these four sources in an effort to track systematically reported incidences of mobilisation over time.

[5] *Francis Coralie Mullin versus the Administrator of the Union Territory of Delhi and Others*, two Supreme Court Reports 516, 518 of 1981, cited in Birchfield and Corsi (2010, 693). I thank an anonymous reviewer for the reference to this case.

[6] *People's Union for Civil Liberties (PUCL) versus Union of India*, Writ Petition (Civil) No 196 of 2001 (20 August 2001), cited in Gonsalves et al (2004, 25). See also: http://www.hrln.org/hrln/right-to-food/pils-a-cases/255-pucl-vs-union-of-india-a-others-.html. (assessed 25 August 2015).

[7] Found among the 'Directive Principles' of the Indian Constitution, Article 47 simply encouraged the state to ensure adequate nutrition. Full text of the Constitution of India is accessible via: http://lawmin.nic.in/coi/coiason29july08.pdf. For related constitutional analysis, see Birchfield & Corsi (2010), Jain (2000), Fredman (2008) and Epp (1998).

[8] Cited in PRS Legislative Research, 'Legislative Brief: The National Food Security Bill 2011,' Centre for Policy Research (New Delhi). Accessed from: http://www.prsindia.org/uploads/media/Food%20Security/Legislative%20Brief%20National%20Food%20Security%20Bill%202011.pdf. (accessed 24 January 2013). Hereinafter, PRS Legislative Brief on NFSB, 2011.

[9] See *PUCL versus Union of India*, Writ Petition (Civil) No. 196 of 2001 (8 May 2002 interim order). See also interlocutory Application No. 8 (referenced in Birchfield & Corsi, 2010, 728). The NGO advisors are mandated 'to send the Commissioners regular updates about the situation in the state [in which they are based]; to convey to the Commissioners any appeal for intervention that may be made in the state; to work towards a more effective monitoring and redressal system within the state' (cited in Gonsalves et al, 2004, 67). The RTF Campaign is one of the court-mandated reporting organisations to the Commissioners' Office.

[10] Data compilation and analysis have been funded under a University of Connecticut Research Foundation Faculty Large Grant and a University of Connecticut Human Rights Institute Summer Grant. The author gratefully acknowledges the research support of Tagliarina C, Guha J, Kiper J, Bengal S, Samnani H, Haider S, Patel J & Buerger C.

[11] Interview by the author (10 June 2012) via Skype.

[12] For discussion of the complex causes of farmer suicides, see Gruère, Mehta-Bhatt and Sengupta (2008, 1).

[13] For an example of Sen's efforts to explain hunger as a human rights issue in popular terms, see his remarks before a grassroots audience assembled for a dialogue on children's rights (i e the 'Bal Adhika Samvad' or 'Dialogue on Children's Rights' organised by the RTF Campaign on 19 December 2006). Accessed from: http://www.righttofoodindia.org/icds/icds_baladhikarsamvad.html.

[14] Interview by the author (5 July 2012) via Skype.

[15] They included Drèze J (Allahabad University), Mander H (Supreme Court Commissioner on right to food) and Roy A (a Rajasthan-based social activist who served previously in the Indian Administrative Services). The formal mandate of the National Advisory Council can be accessed from: http://nac.nic.in/pdf/nac_constitution.pdf.

[16] The Campaign's position is buttressed by the report of an expert group convened by the Ministry of Rural Affairs and chaired by N C Saxena (Supreme Court Commissioner on the right to food), which highlighted these and other challenges of targeting. See *Report of the Methodology for the (Below Poverty Line) BPL Census* (2009). Accessed from: http://rural.nic.in/sites/downloads/circular/ReportofExpertGroupChaired-Dr.N.C.Saxena.pdf.

[17] For contrasting pro and con views of universalised food guarantees and related analysis of variation in state-level food programmes, see respectively: Parulkar (2012) and Subramani (2012).

[18] For a related critique of the Indian government's existing Integrated Child Development Scheme (ICDS), see Aruna (2012).

[19] Interview by the author (7 January 2012) in Bangalore.

[20]These figures and more extensive detail are available in PRS Legislative Brief on NFSB 2011, 6 (Footnote 10). See Jha & Acharya (2013); and Kishore, Joshi & Hoddinott (2013).

[21]Interview by the author (19 July 2012) via Skype; also interview by the author (7 January 2012) in Bangalore.

[22]Evidence of this recent push for mobilisation is found in the media, as well as on the RTF Campaign's own website. See Deogharia (2012), Arora (2012) and RTF Campaign (2013).

[23]I am grateful to Dugard J for referring me to the South African literature cited here.

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Chapter

12

Aligning policy to address food insecurity: Institutional challenges and political will in South Africa

Scott Drimie

Introduction

As demonstrated throughout this book, there is evidence in South Africa of significant levels of hunger, malnourishment and unstable access to food, as well as deteriorating dietary intake. Food insecurity is not an exceptional, short-term event, but a continuous threat for more than a third of the South African population (Drimie & Ziervogel, 2011; Shisana et al, 2014). Although it is a multi-dimensional phenomenon which is often difficult to define and understand, food security in South Africa is largely about direct or indirect access to cash to purchase food (Chopra, Whitten & Drimie, 2009)—with even the rural population relying more on purchasing their food (D'Haese & Van Huylenbroeck, 2005). Indeed, Aliber has argued that, combined with the expansion of supermarket food chains into remote rural areas in South Africa, the proliferation of cash together with the reduced capacity to engage in subsistence agriculture for self-provisioning has meant that poor rural households are increasingly exposed to hunger and malnutrition (2009).

Since 2000, the country has experienced two serious food price crises in 2002 and 2007. The high prices of 2007 settled back to lower levels for a period, followed by an unprecedented upward trend in food prices generally. Due to 'purchasing power being the key determinant to food security, the poor have suffered the most from these increases. In a country where access to food is largely predicated on food prices, the political reaction and response to this situation reveals a great deal about how government understands and responds to food insecurity' (Kirsten, 2012).

With this in mind, the chapter sets out to explore various policies and programmes that the government has introduced to deal with the broader issue of food insecurity. In particular, it seeks to understand the political reaction and policy responses to food insecurity generally. The chapter argues that, although the government has adopted a series of related strategies and programmes in the last decade, the lack of effective alignment and co-ordination across sectors, and through the spheres of government, has meant that the policy response has been effectively limited.

This institutional challenge betrays a more serious issue: a lack of political will or impetus to effectively address food insecurity as a political priority. In many ways the government has relied on social welfare—complemented by a few isolated interventions—to help alleviate the effects of food insecurity. This has provided a safety net to prevent the worst extremes of food insecurity—including food riots, which have occurred in other countries under similar circumstances. The lack of a coherent policy response requires urgent attention, as food insecurity demands a much better co-ordinated and planned approach.

Hunger and social discontent

The South African government's identification of itself as a developmental state—with an explicit interest in intervening in the economy and society to address poverty and inequality—is often undermined by the disjuncture between well-intended policies and their weak implementation. The promise of a better life underpinned by effective basic services has been articulated consistently in political discourse and policy documentation. The limitations of realising these promises 20 years into the democratic dispensation have fuelled increasing discontent. As a result, major service delivery protests against local government reached a record peak in 2012, with 78 % of such protests becoming violent (Municipal IQ, 2012). An underperforming ward delivery system and token participation in development processes partly explains these protests, which give rise to a persistent perception that many marginalised communities are frustrated with a lack of engagement. Analysis by Municipal IQ shows that service delivery protests in 2012 accounted for 30 % of protests against local authorities recorded since 2004, with the second and third quarter of 2012 recording more protests than any other quarter since the advent of democracy in South Africa. These protests allegedly expressed a range of material grievances, including hunger—

directed largely at municipalities through mass protests, demonstrations and violent confrontations. They are a result of the culmination of numerous frustrations, often building up over a long period of time (Atkinson, 2007). The service delivery protests are thus symptomatic of deeper structural issues, including lack of voice in local governance as well as the lack of economic and social citizenship, which compel people to commit violent acts to convey their grievances (Von Holdt et al, 2011).

Although not directly related to service delivery protests, the Marikana miners' strike provides a glimpse into broader discontent in South African society. This was a 'wildcat' strike at a Lonmin-owned platinum mine in the Marikana area, close to Rustenburg, in 2012. The event garnered international attention following a series of violent incidents involving the South African Police Service (SAPS), mine security, the leadership of the National Union of Mineworkers, and strikers—which resulted in the deaths of approximately 47 people, the majority of whom were striking mineworkers.

Marikana was followed by similar strikes at other mines across South Africa, events that collectively made 2012 the most protest-filled year in the country since the end of apartheid. At one level, the resultant deaths placed the spotlight on the working conditions in the mining industry, whereby miners are exposed to 'a variety of safety hazards: falling rocks, exposure to dust, intensive noise, fumes and high temperatures, among others' (ILO, 2012). However, another dynamic one, relating to the cost of living and hunger, deserves analysis.

In the months before the Marikana massacre, there was a spike in non-discretionary inflation—the inflation that the poor experience—from 3% to more than 10% (Ryan, 2013). The goods that are included in the non-discretionary goods basket are foodstuffs including bread, cereal, meat and vegetables; clothing; household costs equivalent to owner's rent, water and electricity; healthcare and medical aid; vehicles; transport; communication; and education. These goods are considered to be the non-discretionary or non-negotiable expenses of most households. It is on these goods and services that low-income households spend most of their incomes. The increase in consumer food indices have coincided with food price increases—resulting in worker demands for dramatic pay increases because their wages have not kept up with increases in the prices of necessities, especially food (Bar-Yam, Lagi & Bar-Yam, 2013). It is chilling that the same is true of the xenophobic attacks in 2008. Just before those attacks, non-discretionary inflation surged to 20% (Bar-Yam, Lagi & Bar-Yam, 2013).

This argument throws an important spin on the economic, as opposed to the political, causes of the social upheaval. The argument emphasises that legitimate political grievances are still central to what drives social unrest, but one important trigger for such conflict appears to be inflation. The poor see their meagre incomes being eaten up by rising costs of basic essentials, and this, coupled with a background of social injustice, can quickly lead to unrest, as seen for example in the mines and Western Cape farm strikes.

In terms of the latter, in late 2012, farmworkers in the De Doorns and surrounding areas in the Western Cape embarked upon a widespread strike in reaction to low wages and poor services. Workers demanded a wage increase from R 69 a day to R 150 a day, which farmers claimed was unattainable. Farmers in the area argued that doubling the wage bill would cost the industry jobs and aggravate problems associated with widespread unemployment. They claimed that paying these wages would make many farms unprofitable.

NGOs such as Women on Farms countered this, based on their work with farming communities (Donnely, 2013). They believed that there was scope to improve conditions, including increasing salaries and providing farmworkers with their own land to improve food security.

A study by the Bureau for Food and Agricultural Policy (BFAP)—a research body based at Pretoria and Stellenbosch universities—examined agricultural wages across the country and highlighted the pressure felt on both sides of the divide (BFAP, 2012). The report identified the dilemma facing farmers and farmworkers as potentially 'highly disruptive' to the industry, arguing that far better policy was needed to manage the resulting conflict. The BFAP claimed that there was evidence that commercial farmers had 'shifted from permanent workers to using more seasonal workers and that many people who used to live and work on farms no longer did so' (2012). According to the BFAP, the real problem was that, even at wages of R 150 a day—which seemed unaffordable to farmers – 'most [farmworker] households cannot provide the nutrition that is needed to make them food secure' (2012, vi). Thus, the existing 'hunger wages' do not cover basic necessities for families, and strikes have stopped where wage increases have been granted (De Waal, 2012). The resultant frustrations emerging from this—and the fact that wage demands blur with a legacy of inequality—help explain the high levels of emotion displayed during the strikes. It is important to recognise that the analysis of food inflation, in particular, comes to the fore again, as demonstrated in the Marikana analysis.

There are important rural and urban dimensions to this issue of hunger and social discontent. As South Africa continues to urbanise at a rapid rate, a number of central challenges emerge to facilitating development for the majority of the population: rapid unplanned urban growth, the migration of people to cities (from both within the country and across borders), inadequate tenure and housing opportunities (resulting in increases in urban informal settlements), the context of urban poverty (with expanding numbers of recently urbanised migrant residents adding to the urban poor), higher urban HIV prevalence than in rural areas, and increasing intra-urban inequalities (Vearey et al, 2010).

Exacerbating this, rising cereal costs pose serious problems for the poor who are net buyers of food, including the urban poor, rural landless labourers and many smallholder farmers (Von Braun, 2008). As poor households allocate high proportions

of expenditure to food staples, higher prices translate to reduced energy consumption and less diverse diets, of lower quality. At their extreme, rapid spikes in food prices have triggered riots in numerous food-importing countries, including Mozambique in 2010 (Patel & McMichael, 2009). As has been argued in this chapter, food inflation partly explains the situation in De Doorns and Marikana, and has much to do with fuelling the social discontent across the country in the wake of failures in service delivery, against the stark backdrop of unemployment, poverty and inequality.

When considering food price increases, the 2007 global crisis is the reference point particularly, as its effects rippled across the globe, including this region. However, the decline in prices in 2009 was soon overtaken by steady increases that reflected prices at the same levels as those of the 2007 crisis. As shown in Figure 12.1, South African food prices increased steadily across a broad spectrum of a food basket. With specific respect to food security in urban areas, in a decade-old study in sub-Saharan Africa, Garrett and Ruel found the percentage of the population that was energy deficient in terms of food consumption was higher in urban areas in most of the ten countries that had been investigated (1999). More recently, a study of 11 cities found 76% of sampled households to be moderately or severely food insecure (Frayne et al, 2010). Together with inadequate services, this situation constitutes a toxic recipe for food-related emergencies, especially in urban areas.

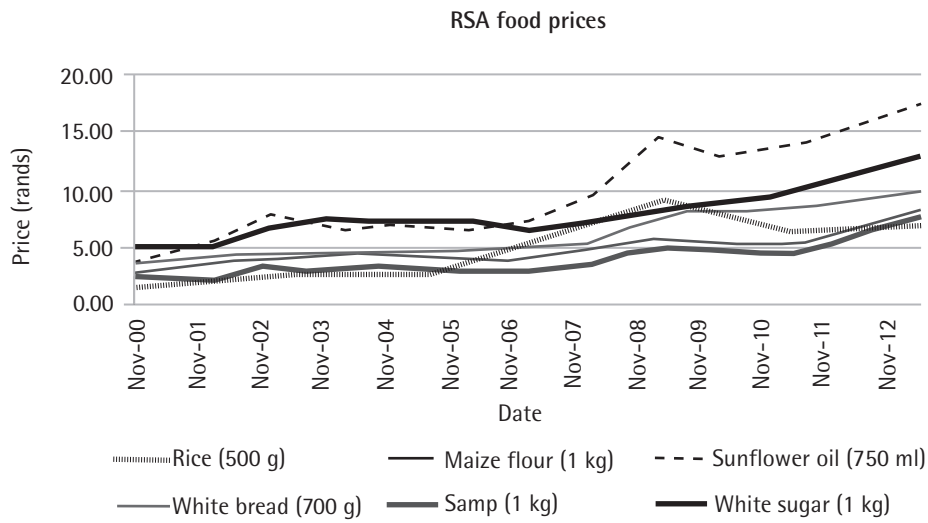


Figure 12.1 Food prices in South Africa, November 2000 to November 2012
Source: SAGIS (2012)

The broader policy environment

A central question that arises from the analysis is: What has been the political and policy response to this growing crisis? The Bill of Rights in the SA Constitution Act 108 of 1996 stipulates that everyone has the right to have access to sufficient food and

water, and that every child has the right to basic nutrition, shelter, basic healthcare services and social services (Republic of South Africa, 1996, Section 28). Despite this, agriculture and food issues are seldom subjects of major debate in Parliament and in society—apart from the issues of land and land reform (Kirsten, 2012). Food security has often been identified as an important objective of government programmes since 1994. The Reconstruction and Development Programme (RDP) of Mandela's government identified food security as one of its priority policy objectives. As a result, the government prioritised public spending to focus on improving the conditions of historically disadvantaged people to enable them to access food—largely through safety nets such as school feeding schemes, community food production initiatives and social-assistance grants, which have dramatically increased in terms of reach since 2000. In terms of food availability through increased production, there have been improvements in resource mobilisation for the emerging agricultural sector, such as production loan schemes for small-scale farmers, the Micro Agricultural Financial Institutional Scheme of South Africa (MAFISA), infrastructure grants for smallholder farmers, the Comprehensive Agricultural Support Programme (CASP) and the mechanisation scheme. It was only in 2002, however, that the issue of food security became more focused, with the establishment of the Food Pricing Monitoring Committee (FPMC) and the *Integrated Food Security Strategy* (*IFSS*).

Response to the 2002 crisis

As indicated earlier, South Africa has experienced two periods of sharp increases in food prices since 2000. The first occurred towards the beginning of 2002, when the prices of staple food commodities skyrocketed and kept on increasing throughout the year. According to Kirsten, who chaired the FPMC, an immediate response from government was to appoint a committee to investigate the sharp increases (2012). During its investigations, the committee established that higher local commodity prices—helped by world prices and the exchange rate—were largely responsible for increases in retail food prices during 2002. The exchange rate—which depreciated from around R 8 to R 12 per US dollar—had a strong impact on local prices, since international commodity prices were fully transmitted to local markets (Kirsten, 2012). This issue was clearly echoed early in 2014, as the rand fell to around R 11 to the US dollar.

The immediate government response in 2002 was focused on providing relief to the most vulnerable communities. These included poverty relief measures to cushion the effect of increasing prices, in the form of cheaper maize meal and welfare increments, known as the Food Emergency Scheme. Emergency food parcels were provided for a period of three months, by which time agricultural starter packs were supposed to be distributed among poor rural farmers, intended to enable them to produce their own food. The packs consisted of a package of seed, fertiliser and other inputs to assist households to start producing for themselves during the period in which they received

food relief. Although apparently logical, the emergency scheme was plagued by a lack of co-ordination among government departments, long delays in issuing starter packs and problems relating to the identification of beneficiary households (Drimie & Ruysenaar, 2010; Kirsten, 2012).

Galvanised by the 2002 crisis, the Cabinet approved a national strategy that had taken years to draft—intended to streamline, harmonise and integrate the diverse food security programmes into one *IFSS*. The essence of this strategy was to address the fragmentation of food security initiatives in various government departments. This challenge had been recognised as early as 1996, two years into the democratic dispensation, which led to a Food Security Working Group being established by the Minister of Agriculture (Mahkura, 1998). This group drafted a framework, which became the *IFSS,* after six years of deliberation. The *IFSS* was finally given the go-ahead by the Cabinet in July 2002 as a priority programme, with the specific instruction that an implementation programme be developed. The various Director-Generals of the participating departments were charged to oversee its implementation under the Economic Cluster, an arrangement intended to enable 'joined-up government'.

The *IFSS* proposed institutional reform for food security that was based on enhanced co-ordination to meet a number of strategic objectives. These included:

- enhancing inter-governmental relations and improving co-ordination among regional, national, provincial and local governments in support of food security goals
- strengthening existing decentralised planning systems by backing them up with resources and technical support
- enabling co-ordination among political and administrative structures
- fostering co-operation among government, parastatals, private sector and NGOs
- enabling co-ordination among government departments at national and provincial levels.

However, the challenges inherent in fostering multi-sectoral alignment and co-ordination soon emerged. Although the strategy was intended to integrate the many previously isolated policies to tackle the challenge of food insecurity, there was a disjuncture between the institutional response mechanism, defined in the strategy, and the complexity of the food-insecurity situation (Drimie & Ruysenaar, 2010). While the strategy and some directives were in place, the *IFSS* largely failed in its mandate as a result of insufficient and inappropriate underpinning institutional arrangements. Secondly, the complexity that defines food security in South Africa was inadequately conceptualised and engaged within the *IFSS*, as an emphasis on agricultural production and food availability were not the core tenets of food security in the country.

Essentially, the response was seated uncomfortably under the leadership of the National Department of Agriculture (DoA). There, issues around food availability clearly took precedence over issues of food accessibility, utilisation and stability. In

other words, institutional arrangements and a disjuncture between the strategy and the reality of food insecurity in South Africa have presented barriers to meaningful implementation.

Drimie and Ruysenaar identified five major institutional constraints that limited the success of the *IFSS* (2010):

1. The government department appointed to co-ordinate and facilitate the integrated strategy inside government failed to do so in a comprehensive fashion, as it focused primarily on developing the agricultural sector to underpin food availability—rather than focusing on this and the necessary linkages with accessibility and utilisation. This led to a 'bias' in the food security response, which focused on agricultural production.

2. The co-ordination of food security was tasked to a directorate within a government department that did not have much administrative capacity. As such, the directorate had no mechanism to drive the process or recourse to ensure that other departments, let alone directorates in its own organisation, worked within the strategy. Although the department elevated food security within its structure and hierarchy in 2012, the emphasis remained on agriculture, and linkages with other sectors remained vague.

3. There were no dedicated funds for government spending on food security at any of the administrative levels. All budgets were allocated by sector, funded by one entity, preventing the emergence of joint projects and programmes.

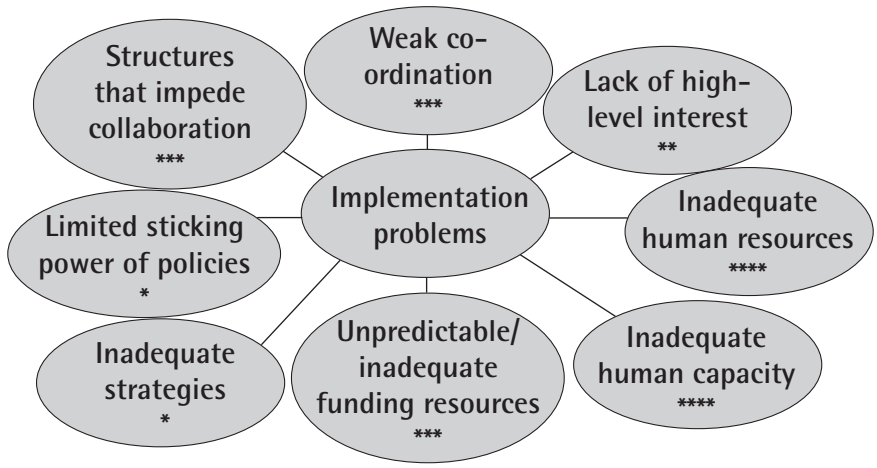
4. Stakeholder dialogue with civil society and within government was minimal. This remained a pertinent challenge.

5. The absence of a food security policy or legislative framework prohibited the government from providing a clear line of authority, as well as a means of averting non-collaboration and implementation of relevant programmes in a disjointed manner. An emerging policy developed later by the department does not appear to adequately address this issue, which will be discussed later.

Nutrition dimensions

The *IFSS* acknowledged the importance of nutrition in its formal documentation and ostensibly linked it to the *Integrated Nutrition Programme* (*INP*), which was located within a Primary Health Care (PHC) framework. The programme was based on internationally accepted 'best practice', had a comprehensive set of interventions, and defined actions that spanned therapeutic intervention such as treatment, rehabilitation, disease prevention and health promotion. An essential aspect of comprehensive PHC is working co-operatively with other sectors and communities

involved. However, analyses of selected interventions suggest that implementation of the integrated programme was sub-optimal; a summary of the key factors limiting optimal implementation is provided in Figure 12.2.



****Significant contributor ***Moderate contributor **Contributor *Possible contributor

Figure 12.2 Key factors affecting implementation of the *INP*
Source: Swart, Sanders & McLachlan (2008)

Poor implementation was not due to inappropriate policies and strategies, nor a lack of knowledge about relevant solutions (Swart, Sanders & McLachlan, 2008). Rather, weak co-ordination, structures that impeded co-operation and inadequate funding allocation were identified as being moderate contributors, while inadequate human resources and capacity were identified as the most significant contributors to the lack of progress.

In terms of improving the nutrition situation in South Africa, the Swart et al (2008) study argued that a concerted and co-ordinated effort to develop a range of capacities at different levels, and within different teams of health workers, was key. These capacities and skills should not only be technical in nature, but also strategic, furnishing workers with the skills to work across a range of actors and audiences. In addition, further research into implementation, including into effective co-ordination and collaborative structures, was encouraged to assist in finding sustainable solutions. A key recommendation was to develop 'strategic capacity' at national and provincial levels of the nutrition directorate within the Department of Health (DoH). This strategic capacity referred to the human and institutional capacity required to broker agreements, respond to challenges and opportunities, build relationships among nutrition actors and undertake strategic communication with varied audiences, to name a few of its tasks (Harris & Drimie, 2012). The purpose of such actions would be to establish political will, ensure institutional arrangements and co-operative agreements among all stakeholders, and to secure operational capacity for acting at scale.

From this it is clear that the development of strategic capacity at national—as well as provincial—level was required to have a positive impact on the implementation of all nutrition-relevant strategies in South Africa. Indeed, in reflecting on nutrition programming in South Africa, McLachlan and Garrett argued that 'more of the same is not enough', and suggested that capacity development must go beyond improved technical capacity (2008). This would require capacity development at all levels and in all sectors, including the strengthening of multi-sectoral collaboration, as much of the critical work relevant to nutrition is performed by health workers who have no or limited nutrition-specific training.

Policy shifts under the Zuma Administration, 2009 to 2013

These critical reviews influenced the *Roadmap for Nutrition in South Africa, 2013–2017*, at least in the formal documentation (DoH, 2013). Referencing the *Medium Term Strategic Framework* (*MTSF*)—the broad programme of government under President Zuma—the Roadmap explicitly states that routine operations of government through existing sector-specific actions will not successfully and effectively address malnutrition. Rather, it identifies high-level political will and sustained commitment—through a multi-sectoral approach that involves several government departments at different levels—and private and civil society partnerships, as key (DoH, 2013). In terms of how to achieve this, the *Roadmap* fell back on statements of intent concerning necessary advocacy and the need to provide strategic inputs into agriculture, rural development and social development (DoH, 2013). These recommendations therefore remain abstract and without clear direction, as reiterated in the discussion on the Outcomes Approach that follows.

Apart from the *Roadmap for Nutrition*, the Zuma Administration laid out its key policy direction in the *MTSF*. A number of outcomes were defined to operationalise the *MTSF*, which was a major effort of the incoming Cabinet in 2009 (DRDLR, 2011). The key policy-making institution in South Africa is the policy conference of the ANC, the governing political party, which takes place every five years. The resolutions taken at this conference shape the 'programme of work' for the government and the legislative programme of Parliament. The *MTSF* for the period 2009 to 2014 outlined the medium-term strategy for improvements in the conditions of lives of South Africans. Based on the *MTSF*, 12 national outcomes were developed. Food security appeared as an explicit objective under Outcome 7: 'Vibrant, equitable and sustainable rural communities with food security for all', co-ordinated by the DRDLR (2011).

This process has revealed that the ambitions of creating partnerships with multiple stakeholders—both within and outside government—face a range of challenges, not dissimilar to what the *IFSS* has confronted (Drimie et al, 2012). The Delivery Agreement of participating departments clearly acknowledges the centrality of budgeting, planning and implementation of various programmes that cut across different departments and

the three spheres of government (DRDLR, 2011). It also recognises that the *IFSS* and other sector policies that support food security need to be reviewed to take current challenges and new programmes into consideration, and to ensure that implementation of the programmes is co-ordinated. This includes programmes for school nutrition, comprehensive social security, and free basic services (DRDLR, 2011). In developing the Delivery Agreement, the DRDLR and the Treasury explicitly acknowledged that for these programmes to have an impact on food insecurity, they will have to be audited, aligned and integrated to ensure maximum impact.

Moving towards effective alignment has been challenging for the DRDLR. It has no legal mandate to compel other departments to comply, apart from the shared outcome (Drimie et al, 2012). Discussions about targets and definitions have revealed how different departments have divergent concepts of issues, such as small-scale farmers and community gardens, what these are and how to measure them (Drimie et al, 2012). Although the Presidency has developed appropriate indicators in close consultation with departments, the interpretation and reporting of them has not been uniform. Many discussions continue to reveal the production emphasis of the approach to addressing food insecurity, despite the language of accessibility.

Initiatives of the Department of Agriculture, Forestry and Fisheries (DAFF): *Zero Hunger* and a new food policy

Apart from the *MTSF*, the DAFF has pursued two important policy changes since 2009. The incoming Minister under the Zuma Administration articulated a clear prioritisation of food security issues. With the *IFSS* still in place as the framework to address food insecurity, the most compelling and promising change was the elevation of food security from a directorate up to a chief directorate level. Under this new structure, a priority exercise was the development of the *Zero Hunger* programme of 2009, that set out to address the first pillar of the *IFSS*, which was to increase food production and trade. The *Zero Hunger* programme was based on the Brazilian example of addressing food insecurity, and was partly aimed at improving collaboration among national, provincial and non-governmental organisations, as well as co-ordination of inputs and resources to increase household food security and rural development. The intention of the programme was to improve access to food, advance the food production capacity of households and resource-poor farmers, improve nutrition security of all citizens, develop market channels through bulk government procurement of food linked to the emerging agricultural sector, and foster partnerships with relevant stakeholders within the food supply chain.

Despite these well-articulated intentions and the establishment of a National Steering Committee comprising representatives from the Departments of Agriculture, Health, Social Development and Education—supported by a Technical Committee—the *Zero Hunger* programme was immobilised in 2013. This perhaps betrayed a lack

of real commitment to the fledgling initiative. Little had been achieved, as was made amply clear by the Parliamentary Portfolio Committee overseeing Agriculture. In an irascible session in May 2012, the Committee expressed dissatisfaction with the DAFF, stating that none of its plans translated into real action and that despite 18 years of operation, the Department had yet to demonstrate real success (PMG, 2012). One powerful critique of DAFF reporting was that the Committee had visited a number of municipalities and had found no active projects, despite claims reported in previous submissions.

The DAFF has recently placed emphasis on a new *Food and Nutrition Security Policy*. Although there was limited consultation and engagement in its development—considering the outcry amongst some civil society representatives during a one-day consultation meeting on its implementation plan—the Cabinet approved the policy in 2013. Its intention was to 'create a common reference for all players tackling the food and nutrition insecurity problem with emphasis on synergy that will minimise undue duplication and inefficient deployment of resources' (Republic of South Africa, 2015). As such, the issues of institutional alignment and co-ordination were central to the policy, and particularly in its translation into an implementation plan.

The policy aims to address areas where the *IFSS* had failed, namely effective food assistance strategies and improved nutritional safety nets involving both government and non-governmental agencies to ensure better access to food; improved nutrition education, including district-level nutrition services to assist households and communities monitoring nutritional indices; the alignment of investment in agriculture towards local economic development, particularly in rural areas; improved market participation of the emerging agricultural sector through public–private partnerships, including a government food purchase programme that supports smallholder farmers; and food security risk management, including increased investment in research and technology to respond to the production challenges facing the country, such as climate change and bio-energy (Republic of South Africa, 2015). Clearly the policy had set itself an ambitious target: effective co-ordination of a range of state and non-state actors in addressing the multiple dimensions of hunger and food insecurity.

Thus, once again, the policy has at its heart the need for multi-sectoral co-ordination and alignment. Yet it offers very little that is different to the *IFSS*, and it is not clear in terms of how to address the challenges that have beset previous attempts at tackling food insecurity. The policy recommends multi-sectoral co-ordination, an integration of existing policies and programmes, and overarching guidance, motivation and leadership by the Presidency through an advisory inter-governmental committee, with each element championed by a specific Ministry, supported by various other Ministries and departments (Republic of South Africa, 2015). There is little, however, that indicates that such an arrangement would lead to practical outcomes that were

different to those of the *IFSS*. Unless the many policies and strategies are coherent, co-ordinated, and part of a well-structured and financed 'food security management' approach, the policy is likely to remain weak.

Based on the preceding analysis, key questions emerge about how the various programmes that fall under such a policy would be implemented in practice, and whether or not the necessary human capacity and structure are available to co-ordinate them effectively. Clear targets, outcomes and indicators are imperative to ensure joined-up planning. A key dimension is that joined-up government must be seen in a financial context, where there is adherence to fiscal control and oversight of the National Treasury (Drimie & Ruysenaar, 2010).

These arrangements do not easily allow for a 'blurring of funds' to be used in joint projects. Richard Calland quotes an insight of Kader Asmal in reflecting on earlier attempts to strengthen joined-up government in terms of clustering departments under broad developmental themes: 'unless budget is allocated to the clusters—which it isn't—then it can't be "joined-up" decision-making' (Calland, 2007, 54; cited in Drimie & Ruysenaar, 2010). Current mechanisms to re-organise funding continue to be problematic, given the need for stringent accountability of government spending.

The policy recognises explicitly that 'the successful implementation of this policy and strategy will therefore depend on the effective co-operation and co-ordination of all the stakeholders', including civil society organisations and the private sector (Republic of South Africa, 2015). In particular, the policy states that civil society will strengthen public sector governance 'by giving voice to the public, hold policy-makers and public administrators accountable, foster participatory development and monitor implementation' (Republic of South Africa, 2015). Unfortunately, the limited consultation informing the development of the policy and its implementation plan gives little substance to the commitment to these intentions.

These issues, although technical in many respects, relate to an argument made by Kirsten that no real substantive changes in government food and agricultural policy occurred after 2002 that have effectively addressed the situation (2012). If food security, largely recognised as being an issue of escalating food prices affecting the poorest South Africans and their nutrition, were a political priority, then surely wouldn't these issues have been addressed? Kirsten argues that a lack of coherence can partly be explained by a lack of urgency to address food prices (food security), despite acknowledging that the poor will be negatively impacted by the increase in these prices (2012). This argument is substantiated by reference to the Treasury's rejection of the possibility of introducing any form of price controls, or any other form of government intervention in the market economy.

Limits to implementation: Local dimensions

In 2010, the Diagnostics Report of the National Planning Commission (NPC) identified a failure to implement policies and an absence of broad partnerships as the main reasons for slow progress in South Africa reaching a number of development goals, including food security (Hendriks, 2013). The *National Development Plan* (*NDP*) *Vision 2030* was developed to partly address this problem by aligning future activities of the country at policy level, with the main aims being to eliminate poverty and reduce inequality in the next three electoral periods.

This hints at another important dimension as to why government has struggled to facilitate a co-ordinated approach to a major development challenge. In a 2010 study, Carl von Holdt undertook a detailed examination of the DoH, which reflects a large-scale and complex public service delivery agency. The results showed poor clinical outcomes and higher levels of morbidity and mortality than ought to have been the case (Von Holdt, 2010). When comparing the experience of the DoH with attempts by the South African state to address food insecurity, some important comparisons can be made. Essentially, the study argued that over-centralisation, fragmentation into silo structures, low management capacity and understaffing were the primary causes of institutional stress and poor outcomes (Von Holdt, 2010). Of particular importance was the culture of public officials looking towards their careers and moving upwards, which encouraged an attitude of 'facing upwards' towards the next job prospect rather than 'facing downwards' towards the patient or client. The high turnover of incumbents, and the fact that a significant number moved out of the Department, made it difficult to create a stable body of expertise in the functioning of a specific domain.

This has important implications for what is envisaged in the *National Food and Nutrition Security Policy*. In terms of putting the co-ordination and alignment of existing and new programmes into effect, the policy demands that 'national, provincial and local municipalities will be required to co-ordinate and partner with existing stakeholders in their spheres of government' (Republic of South Africa, 2015). Without considering existing limitations within specific departments or spheres, let alone a multi-sectoral and multi-stakeholder approach, the implementation plan will be hard pressed to be effective.

Indeed, similar observations were made in discussion with provincial officials from the DAFF in northern KwaZulu-Natal and Vhembe District in Limpopo (SAFL, 2013[a]). Some local-level officials expressed frustration that their efforts had to comply with directives from higher up in the hierarchy; otherwise, there existed a danger that they would become marginalised. One official stated that national government wanted to 'see dust fly' in terms of implementation, with the consequence that careful planning was often neglected in favour of expediency. In one district, a designated budget for activities was sometimes overturned when political directives

from province officials took precedence over the carefully allocated resources for line activities (SAFL, 2013[b]). When questioned about seeking remedial action, these officials indicated that unless they had a sympathetic line manager, it was difficult to challenge the system.

In theory, the South African local government system is designed to ensure participatory planning, responsive service delivery, active economic redistribution and a balance between short- and long-term needs. At the core of the legal/policy structure is the concept of 'developmental local government', suggesting a commitment to addressing material poverty by meeting the basic needs of all citizens within a larger programmatic ambition to effect economic, social and environmental development (Pieterse & Van Donk, 2013). However, by failing to adequately account for the structural disempowerment of poor constituencies, local government has been unsuccessful in capturing the importance of a capable state with the resources, institutions, people and appropriate culture to implement policies effectively—and to account for the constitutive role of the poor in being driving agents in both foregrounding and addressing the various dimensions of their poor living environments (Pieterse & Van Donk, 2013).

Thus, despite the intentions of policies and legislation, effective citizen engagement and empowerment are the exception to the rule, and most government departments and municipalities fail to facilitate participatory governance adequately (Smith, 2007). One of the main reasons for this failure is that ward committees have generally been ineffective and often impede community empowerment—their territorial catchment of wards makes them unwieldy and too large for citizens to know their councillors, whose allegiance, in turn, is to their parties, rather than to their constituents. Exacerbating this, ward committees have very little power, because of limited financial resources at their disposal. This has led to the emergence of 'routine' or 'superficial' participation in service delivery planning, whereby engagement is tokenistic. There are, however, important exceptions to this, as some services interface with community representatives who play an active role in the delivery of such services.

Conclusions: Alignment and co-ordination

Emerging from this analysis, a strong argument can be made that the biggest challenge facing the implementation of food security policies is the absence of an effective co-ordination mechanism that can align different responses across sectors. However, this institutional challenge betrays a more serious issue: a lack of political will or impetus to effectively address food insecurity as a political priority. If the issue were recognised, then it could reasonably be expected that institutional challenges would be addressed as a priority. This has been compounded by a lack of real accountability at local level, which would enable interventions to have an impact. A key question, therefore, is: How can the issue of co-ordination and alignment to address food

insecurity be elevated in the list of complex issues facing government? Similarly, how can the limited engagement and resultant participation of civil society and the private sector be addressed?

A more comprehensive *National Food and Nutrition Security Policy* has been proposed, which suggests a deeper political commitment to the issue. However, this should be tempered with the reality of how long it has taken such a policy to be drafted, and the lack of consultation that has been its defining feature. The DAFF has positioned itself at the centre of such a process, with little reflection on why it has been so limited in facilitating the *IFSS*. Similarly, renewed commitment might be gauged from the collective vision to implement food security interventions, as envisaged within the *NDP Vision 2030*.

The *NDP* explicitly emphasises social dialogue as the mechanism to drive change in the country through renewed engagement and commitment among the private sector, organised labour, civil society and the state. This reflects recognition, at least within the *NDP*, that addressing food insecurity cannot be the sole responsibility of the state. If this vision is translated into both a practical plan and a political statement of intent for the next presidential period and beyond, it will do much to guide development programming, resource allocation and implementation across sectors.

The institutional design to reach this vision should aim at creating enabling frameworks for partnerships, effective co-ordination and alignment of activities. This must involve clarity on how different departments operating within different structures, and at different levels, will co-ordinate their programmes. Further, the programmes designed to implement this policy should come forward with community-level planning processes that have adequate budgets to ensure such partnerships are supported. Cousins has argued that such processes entail bureaucracies adopting the characteristics of learning organisations that embrace inevitable errors as a source of important information, rather than denying them or being overwhelmed by them (Cousins, 2011).

Taking this further, interactions with communities, by their very nature, demand a flexible, learning approach that prioritises the process as much as the outcome. This approach is different from the 'modernist' tendencies of government departments, and raises a fundamental challenge to the *NDP*: how to activate citizenship and a responsive government. Advocacy is thus a critical element of any effort to raise the policy profile and social consensus regarding food insecurity, and to highlight both the human and economic development benefits of addressing it. Policy-makers will not generally increase the resources allocated to activities that enhance food security without external pressure; the motivation must come from elsewhere. As such, a champion that transcends sectors is sorely required to drive this process.

Many challenges remain, some of which seem intractable. A key issue is the way government is structured, the subsequent sector-specific resource flows, and evaluation and incentive arrangements (Benson, 2011). A lack of human resources and capacity for nutrition and food security programming is another key issue, constraining the implementation of even the most strategic and well-resourced programmes (Swart, Sanders & McLachlan, 2008). Staff at local levels often do not possess the knowledge and skills needed to design and implement adequate interventions in various sectors, and often do not receive adequate guidance from the national level. Another issue is the top-down nature of planning processes in many government departments.

Multi-sectoral co-operation can build organisational and institutional capacity for innovative and large-scale sustainable change such as is required to address food insecurity, but it can also damage possibilities for future multi-sectoral co-operation when things go wrong (Harris & Drimie, 2012). Initiating co-operation and managing relationships require significant resources—time, energy, funds and skills. As demonstrated by the experience of the *IFSS*, the underlying rationale, purpose and organisational processes of different sectors make multi-sectoral co-operation a challenging strategy in terms of design and implementation. If carried out carefully, however, the pay-offs are significant, including finding solutions to difficult—yet important—development problems such as food insecurity, triggering catalytic or multiplier effects, fostering sustainable change, and creating multi-sectoral social capital that promotes new local capacity for joint action.

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Chapter

13

Policies, institutions, politics and ideas for food security as a human right[1]

Sakiko Fukuda-Parr

The paradox of strong commitments and weak outcomes

> *The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The core content of the right to adequate food implies ... the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture ... (UN CESCR, 1999, 17)*

The chapters in this volume leave little doubt that the right to adequate food is massively unfulfilled in South Africa (see particularly the chapters by Fukuda-Parr; Taylor; Randolph & Hertel; John-Langba; Battersby; Taylor & Chagunda; and Aliber). This is not new. Notwithstanding inconsistencies amongst them and the gaps between, the multiple nutritional surveys, household surveys and poverty studies conducted over the last two decades consistently show widespread malnutrition and millions of South Africans struggling to meet their daily food needs. And while there are indications of improvement over the last decades, there is also little disagreement amongst policy-makers and researchers that the levels of hunger and malnutrition are still unacceptably high. Neither is there disagreement over food security as a political priority,

affirmed since 1994 in key government policy documents (see chapters by Aliber and by Drimie in this volume).

The question then that motivates this book, running through each of its chapters, is the paradox between these weak outcomes and the strong constitutional and political commitments to the right to food. The aim of this book is to contribute to the growing debates around food security in South Africa by exploring the policies, institutional arrangements and ideas that explain this paradox.

The paradox is particularly stark when examined in the international perspective. The country has one of the most progressive Constitutions on economic and social rights. The Constitution not only recognises access to food as a human right, but includes a directive to the government to take policy action. The Bill of Rights (particularly Chapter 2, Article 27) states: 'Everyone has the right to have access to sufficient food', and goes on to direct government to take action to fulfil the right: 'The state must take reasonable legislative and [other] measures, within its available resources, to achieve the progressive realisation of each of these rights' (Republic of South Africa, 1996, 13), echoing the principles spelt out in the *International Covenant on Economic, Social and Cultural Rights* (*ICESCR*) (see Fukuda-Parr & Taylor, and Randolph & Hertel in this volume). Yet outcomes lag behind countries with similar levels of economic development. According to the *Social and Economic Rights Fulfilment* (*SERF*) *Index*, South Africa ranks 68 out of 100 countries, with a score of 62 % achievement of levels that could be achieved, given its level of resources (see the discussion in Randolph & Hertel in this volume). Using different data and methodology, May and Timaeus (this volume) also show South Africa to be an outlier.

In-between the constitutional commitments and weak outcomes are two types of gaps: gaps in policy response from the state, and gaps in the politics of claims-making from below. Human rights cannot be realised by law alone. The realisation of rights requires states to take measures to institute policies and institutions that create an environment in which individuals and households are able to acquire food and utilise it for healthy life. As explained in earlier chapters (see Fukuda-Parr & Taylor; Randolph & Hertel), the state has positive obligations to fulfil the right to food by proactively setting up institutional arrangements that facilitate access in the form of policies, structures, resources and programmes that need to be put into place to ensure that access to food is addressed through integrated multi-sector (social and economic) interventions.

The four dimensions of a food system necessary to realise the right to food include: *availability* of food, its *physical and economic accessibility* to households, its nutritional and cultural *adequacy* and its effective *utilisation*, which depends on conditions of health (UN CESCR, 1999, and see Randoloph & Hertel in this volume). In South Africa, policies have been more effective in ensuring food availability than accessibility (see Randolph & Hertel in this volume). Over the last decade (2003 to 2014), the

national Food Production Index rose by 11 %, and the average dietary supply adequacy increased from 122 % of requirements to 130 % from 2004 to 2014 (FAOSTATS, 2015; cited in Randolph & Hertel in this volume). In contrast, access has deteriorated as the domestic Food Price Index rose by 30 %, and income poverty has not declined (see May & Timaeus in this volume).

The realisation of human rights does not advance by the benevolence of states. Human rights are claimed by people, through collective pressure to persuade the state to design and implement more effective policies. And, increasingly, litigation has become an important means to enforce states' compliance with their legal obligations.

How has the state responded to its constitutional directive to realise progressively the right to food? What are the key features of the policy environment that have been created to ensure that all people are able to meet their food needs, at all times, in adequate quality and quantity? How adequate has this response been, in effort and effectiveness, in terms of human rights norms of state duties to respect, protect and fulfil rights according to the principles of progressive realisation?

Three features emerge from this volume as key characteristics of South Africa's food security policy environment, namely:

1. reliance on the social wage as the pillar of food security policy, with a strong social grant programme coupled with gaps in the safety net for the unemployed, and weaker, or less effective, policy response in other areas
2. fragmented sectoral interventions in place of an integrated multi-sectoral strategy
3. under-developed mobilisation claiming the right to food.

This final chapter elaborates on these characteristics, reflects on them by contrasting these experiences to Brazil and India, and offers some suggestions for new directions in policy.

The social wage as the pillar of food security policy

Although a series of integrated multi-sectoral national strategies have been elaborated, the social wage is the primary policy that has effectively bolstered food entitlements of the poor and vulnerable households over the last two decades. The policy response in other areas has been weaker and less effective—including strengthening wage:price ratios through support to wages, creation of jobs, and moderating food prices and strengthening production entitlements through support to small-scale farming, especially for household consumption. Though not explicitly stated, it is the reliance on the social wage that drives the policy thinking in the government—and perhaps public opinion—as discussed in a later section of this chapter.

The social wage—from relief to strengthening exchange entitlements

Social wage provisions for the poor and vulnerable have increased substantially—doubling in real terms—from 13 % to 19 % of the gross domestic product (GDP) between 2002 and 2012, and now reaching 16 million recipients, or 30 % of the total national population (see May & Timaeus in this volume). This has been a 'lifeline' (see Taylor in this volume). May and Timaeus (in this volume) argue that the social wage has been an important factor behind the observed reduction in child stunting during this period (from 31 % to 25 % of children under five from 1993 to 2008), and the reduction in households reporting food insecurity (from 30 % to 13 % from 2002 to 2011). These provisions have been credited as a major factor behind the decline in child stunting (see May & Timaeus in this volume), and in sustaining livelihoods for the poor and vulnerable overall (see Taylor, and May & Timaeus in this volume). It could plausibly explain the reduction in the households reporting food insecurity, according to the *General Household Survey* (*GHS*) data (see Taylor in this volume).

The social wage includes provisions of emergency short-term relief in times of acute distress, such as the Social Relief of Distress Grant (SRoD) (see Dugard in this volume), as well as nutrition intervention programmes such as the *National School Nutrition Programme*. However, the most important policy measure has been the sustained support to poor and vulnerable populations through cash grants for children up to 18 years of age, the elderly over the age of 60 and people with disabilities. The reach of these grants goes beyond the individual recipient to benefit the whole household. Data from the *GHS* (Statistics South Africa, 2013) show 44 % of households rely on these grants as the only source of income at critical times, during which they may serve as a lifeline that provides access to basic food for South Africa's poor (see May & Timaeus; Dugard; Taylor & Chagunda in this volume).

The cash grants differ from conventional responses to hunger, such as emergency food-relief provisions, as a means to building household food security. They effectively strengthen wage exchange entitlements, and go beyond short-term relief to providing sustained access to food over time. As Taylor (this volume) explains, they also have important developmental effects by providing the means to rise above poverty—the means to seek work, the means to be healthier, and the means for children to develop their potential. They also empower households to engage in decision-making in local processes. These are all important small steps towards participation and development.

Much as social protection has provided a major safety net against the devastations of hunger, it is far from adequate. Dugard (this volume) points out how the SRoD grant does little to meet many emergency needs.

Both Taylor and Dugard (this volume) emphasise that the cash grant system is not universal, and leaves a huge gap in income support for those who are without waged income, estimated to be close to 30 % in the age category between 18 to 59 years (Statistics South Africa, 2013; quoted in Taylor this volume). Expansion of coverage would have

the potential to strengthen food security, especially if it included measures to ensure that those without waged income are either guaranteed paid work or given an income that can be used for individual and household enterprise development—including activities to generate their own supply of nutritious food. Taylor thus concludes that expanding the system would 'make new inroads in achieving developmental outcomes in democratic South Africa.'

Accessibility: the geography of food supply systems

Cash transfers are also not an adequate response to food security, for another reason: income does not always translate into food security. Access to food depends not only on economic affordability, but on physical access and availability, which relates to distribution systems and supply chains, and sourcing and pricing in the market.

Battersby (in this volume) documents vividly the multiple factors beyond cash income that affect a household's ability to consume food in adequate quantity and quality, including: the physical accessibility of retail outlets, the availability of transport, the limitations of time available to prepare food, household assets and the ability to prepare and keep food. Battersby argues how such factors reinforce one another to create a difficult environment for households in their struggles to obtain, process and consume food that is not only adequate in quality, but nutritionally superior. Reporting on survey results that show 80 % of the respondents in low-income households reporting food insecurity, she argues that these factors influence not only the quantity, but also the quality of food consumed, particularly reflected in the low level of dietary diversity. Nutrition continues to be a major concern, with the persistence of micro-nutrient deficiencies. A major trend is rising obesity, reflecting changes in the diet in favour of processed foods and reduced dietary variety (Shisana et al, 2014; and see Taylor in this volume).

Battersby's study highlights why—without a detailed understanding of the ecology of household food access, and the intra-household dynamics in food acquisition and processing—it is not possible to understand the constraints to household food security. She argues that these issues—and indeed the extremely widespread levels of urban food insecurity—have been entirely neglected by city authorities. Their policies—for example with respect to the informal sector—ignore the important role that vendors play in household food security. Placing cash grant pay-outs in supermarkets may have perverse effects on dietary quality. She argues that the neglect arises from the fact that food security is not part of the mandate of city government, and recommends that the obligation to fulfil the right to food should devolve to that level.

Exchange entitlements

Unemployment and economic growth

The social wage does not address the structural causes of hunger and food insecurity. In a market economy, food security cannot depend on social safety nets, particularly

when half the population is insecure. One major root cause is inadequate income, particularly due to unemployment. High levels of unemployment and underemployment have persisted for about a quarter of the working age population, while some 70 % of black youth (age group of 18 to 35 years) are without waged work (see Taylor in this volume). Economic growth and a reduction in unemployment are essential to ensuring food security in South Africa.

The key question, then, is not only whether economic growth is robust, but whether or not the economic growth model promotes job-creating patterns of growth. While job creation is a major priority of government economic policy, the question that needs to be explored is whether or not the job-creation policies are targeted at the unskilled and other poor and vulnerable households who are food insecure. Proposals to develop infrastructure and communication are linked to job creation, but many of the jobs in these fields are for skilled personnel and do not absorb unskilled labour, which constitutes the majority of the country's unemployed. This raises larger questions about the distributional impact of the prevailing model of economic growth and alternative pro-poor growth strategies.

Wage: food price ratios

Exchange entitlements depend not only on household incomes, but on prices of foods necessary for a varied and healthy diet. South Africa has experienced two crises of price hikes (2002 and 2007), and though consumer prices came down following the 2007 crisis, they have continued to rise steadily since 2008, to levels above the peaks in 2007 (see Drimie in Figure 12.1 on page 231 in this volume). The domestic Food Price Index has increased by 30 % between 2003 and 2013 (see Randolph & Hertel in this volume). Drimie (in this volume) observes that these price increases have not been matched by a corresponding increase in wages, and that these 'hunger wages' do not cover basic necessities. He argues that this constitutes a major grievance behind social discontent, such as the Marikana mineworkers' strike, among other protests.

The impact of food price increases is particularly important for households living at the margin; Battersby's survey findings show 71 % of households reported going without certain types of food, because of increased food prices. On the other hand, Aliber questions the importance of price increases and volatility for household food security, noting that an *Income and Expenditure Survey* (*IES*) shows food expenditures of the poorest decile households had declined only 3 % from 38 % in 2005/6 to 35 % in 2010/11—even though consumer prices of maize meal shot up by 74 % in 2007. The impact of increasing consumer food prices—relative to wages—affects not only declines in the quantity, but more likely the quality of food consumed, with an increase in cheaper, low-quality foods and a decline in dietary diversity. Indeed, the contemporary food security challenge is not in the adequacy of food intake in terms of caloric quantity, but in the increasingly poor dietary diversity and nutritional quality (Shisana et al, 2014).

The issue of price volatility and increase has not solicited much policy response. The measures were short term, relied on existing programmes, and focused on two objectives: encouraging vulnerable households to produce their own food, and income support provided under cash grants (Kirsten, 2012). In response to the 2002 crisis, the government introduced a Food Emergency Scheme that provided cheaper maize meal and welfare increments for three months, during which time households were expected to start producing their own food using the agricultural starter packs that were distributed in rural areas (Drimie & Ruysenaar, 2010). The response to the 2007/08 price hikes was similar, introducing the SRoD grant as a relief measure for emergency situations. Other types of relief measures such as expanding school feeding schemes, soup kitchens, and strengthening social security nets were discussed, but were not adopted (see Drimie in this volume).

More importantly, there was little attention to measures that would moderate consumer prices. A temporary measure was introduced to grant duty-free imports of maize when prices rose above US$ 110 per tonne (OECD, 2009, 141). However, there was no serious consideration given to other price-regulating policy instruments that are used by many countries, such as subsidies, administered prices, or the release of food stocks. In an editorial explaining government action, the Finance Minister explained that price intervention would be difficult to implement and lead to inefficiencies, and that high prices were beneficial in creating incentives for production, which in turn could lead to lowering consumer prices (Kirsten, 2012). While increases in production could arguably reduce prices, in practice increased production has a limited impact on domestic prices of staples such as maize and bread, which tend to follow international price trends (see Aliber in this volume). Indeed, the surplus production of maize in 2008 was exported. Thus food security, and the distributional impact of price increases on the poor, was not a priority consideration.

Government policy response—driven largely by the Ministry of Finance—was clearly to consider that providing the existing social grants was the most appropriate approach to bolstering household food entitlements, even in situations of price-hike emergencies (Kirsten, 2012). In his study of government policy response to the food crises, Kirsten concludes that:

> *… very few policy responses were implemented following the food price crises of 2002/03 and 2007/09. Apart from the appointment of the FPMC (Food Price Monitoring Committee) in 2003, some partial responses in the form of immediate relief for the most needy and poorest households, and aspects related to market information and anti-competitive behaviour by food manufacturers and retail chains, no real substantive changes in government food and agricultural policy or in the social welfare programmes were announced. (2012, 17–18)*

Support to household food production

As a result of its colonial legacy, South Africa does not have a large small-scale family farming sector. The impact of forced labour migration from rural areas to the mines and to white-owned farms meant that household subsistence practices in villages were eroded. This, together with the dispossession of black people as landowners through the 1913 Land Act, meant that black people could no longer own land and thus could not farm. While the average rural population in sub-Saharan Africa in 2013 was 63 % (WB, undated), it was only 36 % in South Africa (WB, 2014). Moreover, in 2009 to 2012, the agriculture sector comprised only 4 % of female employment and 6 % of male employment—in contrast, for example, to Ghana, where the corresponding figures were 38 % and 46 %, and Brazil, where they were 11 % and 18 %.

Nonetheless, small-scale farming and household food production are important in South Africa for household food security, if not for national agricultural production. There are over 2.7 million households that engage in this activity, about 19 % of all households. Small-scale farmers include some 170 000 commercially oriented 'smallholders' and 2.5 million 'subsistence' households producing for their own consumption. This contrasts with the large-scale commercial sector that includes 30 000 to 35 000 farms occupying about 80 % of farmland (see Aliber in this volume). Small-scale household production is clearly not economically important to national production, but is a significant food security strategy for the poor and vulnerable. Though evidence is mixed, it is also arguably important for greater dietary diversity.[2]

However, government policy for small-scale family farming can best be characterised as 'ambivalent'. On the one hand, the role of people growing their own food is held up as a key to household food security in high-profile government statements, such as in the ANC 2009 Election Manifesto, that promises to 'expand access to food production schemes in rural and peri-urban areas to grow their own food with implements, tractors, fertilizers and pesticides', (ANC, 2009) and reflected in policy initiatives such as the handing out of 'starter kits' as a response to food price emergencies. Yet, as Aliber (in this volume) explains, public support to the 2.7 million small-scale producers (2.5 million of whom produce for household consumption) has not matched this policy priority. The *National Food and Nutrition Security Policy* (*NFNSP*), approved by the Cabinet in 2013, prioritises increasing production as a priority objective, and proposed programmes focus on institutional support to information management systems, the centralised food safety control system, the food and nutrition security risk management system, and agricultural research and technology development. Curiously, the policy refers to there being only 40 000 farming units in South Africa (DoA, 2013), evidently referring to the large-scale commercial farms, neglecting to recognise the rest of the 2.8 million small-scale farms (see Aliber in this volume).

Small-scale farmers, including commercial and subsistence farmers, receive little support from government services such as training, extension support, credit

or livestock health services. Several initiatives, such as the Micro Agricultural Financial Institutional Scheme of South Africa (MAFISA), and the Comprehensive Agricultural Support Programme (CASP), have also aimed at strengthening small-scale agriculture. However, these are also limited in scale, and small-scale family farming has not been a priority of agricultural policy (see Drimie in this volume). The *GHS* of 2014 found only 15% of subsistence and 26% of commercial small-scale farmers received any form of support (Statistics South Africa, 2014; quoted in Aliber in this volume). While important initiatives for small-scale farming have been launched—including the *Fetsa Tlala Food Production Initiative* and the *Household Food and Nutrition Security Strategy*—Aliber (this volume) argues that closer examination shows that they aim at objectives other than household food consumption, including production for markets, and creation of farms in the image of the commercial sector. He argues that the current approach has more 'symbolic value' but is ineffective as a means to strengthening household food security. Its approach is high cost, capital-intensive technology based, and is misdirected towards producing maize for the market, which is not a high priority for improving nutritional food security in rural South Africa.

Aliber argues that 'with proper support, subsistence production could in fact make a larger contribution than it presently does' (page 184 in this volume), with the potential to make use of under-utilised arable land in the former homelands. On the other hand, though the evolution of the agricultural sector has contributed to national food sufficiency in maize and bread, it is shedding employment in rural areas, and the liberalisation policy has dismantled a whole range of state interventions in trade, marketing, credit, research and extension, thus weakening support to vulnerable producers (Vink & Van Rooyen, 2009). Moreover, the land reform programme, too, is aimed at transferring ownership but not the mode of production, and has been slow to be implemented.

Fragmented sectoral interventions

Food security requires multi-sectoral interventions because entitlement failures can be related to production, exchange or transfer, and vary for different households. A variety of factors in the food markets and systems—availability, accessibility, adequacy and utilisation—can be major constraints. These obstacles not only co-exist, but are inter-related. The profile of a food-insecure household in South Africa is one that has low income and is found in either a rural or an urban location far from sources of food for a varied and nutritionally adequate diet. Local prices might be driven up by retail marketing behaviour. The household may be situated in a location poorly served by water and sanitation infrastructure, and thus vulnerable to ill health. Moreover, macro-economic conditions of unemployment, food price levels and volatility play a critical role in household access to food. Food security needs to be addressed in multiple sectors by multiple departments of government.

For these reasons, South Africa, like other countries, has prepared integrated, multi-sectoral national food and nutrition security strategies, including the *Integrated Food Security Strategy* (*IFSS*), which was adopted in 2002 (DoA, undated). Linked to this programme was the *Integrated Nutrition Programme* (*INP*) and its follow-up programme, *Roadmap for Nutrition in South Africa*, *2013 to 2017*. Another more recent initiative linked to the *IFSS* was the *Zero Hunger* programme, inspired by the experience of Brazil's comprehensive food security strategy, and launched in 2009 to give new impetus to food security as a policy priority.

While these initiatives reflect food security as a priority objective and a concern with the need for an integrated programme, none has gained traction as an operational programme for implementation, nor as a guiding policy framework that would integrate and create synergies among the different sectoral programmes (Drimie & Ruysenaar, 2010; see Drimie in this volume). Drimie argues that the main obstacle has been the absence of institutional arrangements necessary to underpin an integrated strategy. In an analysis of the *IFSS* experience, Drimie and Ruysenaar (2010) identified five major issues: responsibility for the programme—located in the Department of Agriculture (DoA)—led to a focus on agricultural production objectives; lack of administrative capacity of the co-ordinating unit; lack of dedicated funds for food security; minimal stakeholder dialogue; and lack of a clear line of authority. The implementation of the *INP* also suffered from a lack of capacity and co-ordination. Particularly crippling was the lack of 'strategic capacity' to 'broker agreements, respond to challenges and opportunities, build relationships between nutrition actors and undertake strategic communication with varied audiences … to establish political will, ensure institutional arrangements and cooperative arrangements between all stakeholders, and to secure operational capacity for acting at scale' (see Drimie on page 235 in this volume). As for the *Zero Hunger* programme, the inter-departmental steering committee was immobilised in 2013.

The most recent policy framework for food security is the *National Policy on Food and Nutrition Security (NPFNS)* adopted by the Cabinet in 2013. This, too, aims to serve as an integrative policy framework, starting with a broad conceptual approach to food security recognising multiple drivers of insecurity related to accessibility, availability, utilisation and stability of supplies. Yet the policy response focuses very narrowly on information management, food safety controls and risk management. An initiative of the DoA, it makes no reference to nutrition, nor to social safety nets! Food security initiatives continue to be driven separately by departments of health for nutrition, social development for social safety nets, and agriculture for production. Inter-departmental co-ordination is obviously needed, particularly co-operation of the economic cluster and social cluster.

Claiming the right to food

South Africa not only has one of the most robust constitutional provisions for economic and social rights, but has been a pioneer—with India, Colombia and several other countries—in the new trend to mobilise the realisation of those rights through the courts (see Hertel in this volume). The South African Constitutional Court broke new ground in a 2000 ruling on the government's obligation for the progressive realisation of the right to housing, followed by a ruling ordering government to take measures to prevent mother-to-child transmission of HIV/AIDS. In several countries, constitutionalisation of socio-economic rights has led to 'judicialisation', with many thousands of cases where people press their rights in the courts. In the South African context, it is surprising that the litigation has centred around several socio-economic rights, but not the right to food (see Dugard in this volume). Although there has been generalised mobilisation and protests related to poverty, land and food prices in the 1990s and 2000s, unlike with housing and the campaign for anti-retroviral medicines for HIV/AIDS, such mobilisation and protests about food and price hikes did not lead to litigation.

Litigation is part of a strategy of civil society advocacy. Civil society groups initiate legal action to hold governments accountable for their constitutional and other legal commitments for ensuring access to healthcare, housing, water and other rights. With the notable exception of Black Sash action against supermarket bread-price fixing in 2010, hunger and food insecurity have not been featured prominently as the focus of civil society campaigning. These actions have combined activism in civil society and litigation. Since then, there have been many other cases of courts taking up cases to defend the socio-economic rights of the poor, such as access to water, housing, education and healthcare. Neither has the right to food been a subject of the social protests that occur frequently in South Africa and take place in multiple forms and locations throughout the country.

Why this lack of mobilisation and litigation for the right to food? Bilchitz remarks '[t]his right is perhaps one of the most basic and yet has suffered from a strange neglect in the South African context, something that calls for explanation' (see page 53 in this volume). Because rights are inter-dependent, the right to food is covered by other rights, but this is not adequate. Bilchitz argues that the right to food relates to distinct aspects of substantive well-being, carries distinct obligations and deserves more detailed attention by the judiciary as a right on its own.

Is the right to food different from other rights, such as to water and healthcare, in a way that makes it less amenable to civil society advocacy and litigation? The experience of countries—notably India and South Africa—makes it clear that this is not the case. As Hertel (this volume) points out, the Right to Food (RTF) Campaign in India was a nationwide mobilisation in a country with a population many times the size of

South Africa, with greater ethnic diversity. In that country, there has been a history of activists focusing on access to food, and public interest litigation to further the cause. In Brazil, too, hunger and access to food—though not necessarily always expressed as the right to food—were the focus of social movements demanding equality and a life of dignity. It then became a major part of an opposition party's political platform, and a presidential campaign before becoming a government policy and programme (Menezes, 2010).

Using Hertel's framework for exploring food-centred social mobilisation around struggles in the three loci—the courts, the streets and Parliament—we find there is a surprising lack of momentum in all three areas. As far as Parliament goes, the issue of hunger and malnutrition has rarely been debated (Kirsten, 2012). While freedom from hunger was clearly part of the political movement for dignity and the end of apartheid, it never occupied centre stage as a core demand for a life of dignity or a focus of an anti-poverty policy agenda. Social protests are taking place every week but do not focus on the right to food. In sharp contrast, hunger was a central issue in President Lula's campaign platform in Brazil. Perhaps this could be understood in the context of politics in South Africa, and the focus of other claims such as land restitution, as well as on the association of a food security strategy with production that is dominated by white commercial farmers, not by a rural peasantry of small-scale producers.

But in addition to the streets, courts and Parliaments, food security has been neglected in the bureaucracy. The institutional misalignment with the integrated food security strategies betrays a bureaucracy that does not prioritise food policy objectives in its policy agendas. The food security objective is by-passed in the sectorally driven interventions. Food security programmes driven by the DoA become focused on production; the objective of small-scale agricultural support programmes concerns land restitution and the creation of middle-class farmers, not food security of the poor and vulnerable. Food security is invisible to the city planners and municipal authorities. Employment and growth strategies driven by the Department of Economic Development do not aim at job creation for the unskilled. The management of food prices, driven by the Ministry of Finance, is aimed at market efficiency.

Hertel identifies the essential role played in India and elsewhere by intellectual elites who champion the rights of the hungry: academics who collect data and evidence, and who bring intellectual legitimacy to the claims in their support of public campaigns; public interest lawyers who take cases to court; civil society activists who engage in public outreach; and the people themselves who mobilise at the grassroots level. In South Africa, the champions of the rights of the hungry in these communities have been too few and have not come together in a major movement like *Fome Zero* in Brazil or the RTF Campaign in India. Perhaps more importantly, there are too few champions of the right to food in the bureaucracy who can advocate for securing access to food as a priority objective in the design and implementation of policy initiatives.

The national food security strategy in Brazil

The characteristics of South Africa's food policy regime—reliance on the social wage, fragmented interventions and incipient claim-making for the right to food—can be further highlighted when compared with the experience of Brazil, a country with a level of per capita income comparable to that of South Africa and a historical legacy of extreme inequality, that has experienced sharp improvements in reducing income poverty and inequality, expanding employment as well as reducing hunger over the last decade. Stunting of children under the age of five is down to 7 %, compared with 25 % in South Africa (see May & Timaeus in this volume),[3] and the proportion of households experiencing food insecurity declined by 25 % from 2004 to 2009 (Brazilian Institute of Geography and Statistics [IBEGE]; quoted in Kepple, Maluf & Burlandy, 2012). Launched in 2003, *Fome Zero* ('*Zero Hunger*') evolved as *Brasil sem Miséria* ('Brazil without extreme poverty') and is arguably one of the most significant national food security experiences of the last two decades, recognised for its ambition, comprehensive scope and policy innovation.

As in South Africa, the social wage is a major component of this strategy. The *Bolsa Familia* programme provides conditional cash transfers that now cover 13.9 million households or 50 million people, constituting 26 % of the total population (Camargo et al, 2013). However, the strategy presents a sharp contrast to South Africa's various aspects, namely its strong programme for producer support, its comprehensive policy framework integrating multi-sectoral goals and interventions, institutional arrangements for inter-departmental co-ordination and civil society-led monitoring and policy dialogue, a programme embedded in a social movement, and a concept underpinned by the paradigm of food security as access rather than production, and a strategy seeking to address the structural causes of hunger and built on a process of citizens' participation (Da Silva, Del Grossi & De Franca, 2010).

The core goals of the *Fome Zero* strategy include strengthening food access, strengthening family farming, income generation and social mobilisation. The current national food security plan (2012 to 2015) includes eight directives related to: access to adequate and healthy food; decentralised systems of production, processing and distribution; research and education on the right to food; indigenous people; nutrition as a component of healthcare; access to clean water; promotion of food sovereignty, food security and right to food at the international level; and monitoring the realisation of the right to food. The multi-sectoral programme comprises some 30 interventions, the largest and most significant components of which are agrarian reform to expand access to land; family income grants (a conditional cash transfer programme, *Bolsa Familia*); support to family farmers through provision of credit and extension services (National Programme for Strengthening Family Agriculture [PRONAF]) and the public procurement programme from small-scale family farmers for social projects including schools (Food Acquisition Programme [PAA]); direct supply of nutritious

foods through school means (School Feeding Programme [PNAE]) and initiatives such as public restaurants (FAO Regional Office for Latin America and the Carribbean, 2011).

Fome Zero is a strategy with interventions which have evolved over time adjusting to changing conditions and lessons learned. Moreover, the programme is complemented by other policy instruments that were not administered as part of the programme, but were aimed at the same objectives, including minimum wage legislation that linked wages to GDP growth and was a major source of strengthening exchange entitlements of the lowest income groups and food stocks, which moderated food prices.

An important aspect of the programme was the set of institutional structures that were built for implementation and governance. First, the programme received the highest political support, launched as a signature programme of the Lula Administration in his victory speech as president-elect with the words, 'If at the end of my mandate every Brazilian can eat three times a day, I will have fulfilled my life's mission.'

Secondly, the implementation of the programme initially involved the creation of an Extraordinary Ministry for Food Security (MESA), which was merged with two other ministries to form the Ministry of Social Development and Fight against Hunger (MDS) through a decentralised approach, with many of the interventions being implemented at local levels, with guidance and co-ordination by central government and civil society groups.

Thirdly, the strategy involved the development of a food governance framework including: the re-establishment of the National Food and Nutrition Security Council (CONSEA) chaired by a civil society representative, through which stakeholders—civil society and government bodies—could deliberate over national priorities and strategies, and monitor the food security situation; passage of the National Food and Nutrition Security Law of 2006; the National Food and Nutrition Security System (SISAN); and the Interministerial Chamber for Food and Nutrition Security (CAISAN), chaired by the MDS and involving 20 Ministries. These structures of governance underscore the need for political accountability and non-partisan acceptance by the national and municipal governments, and local civil society groups alike (Takagi, 2011). Central to this principle is the monitoring system—built on systematic data collection that tracks multiple aspects of food and nutrition security—including exclusion and inequalities in access to services, mechanisms for protecting human rights, and information to the public on their rights (FAO, 2014, 35).

Civil society participation does not end with formal membership in the CONSEA and monitoring processes. *Fome Zero* is a response to claims for the right to food. It grew out of social movements that have their origins in such movements, dating back to the 1940s and 1950s, with a key role played by leftist political leaders and public intellectuals, such as José de Castro who wrote *The Geography of Hunger* in 1952, and more recently Frei Betto and Betinho (Menezes, 2010). Social participation

is an important part of the design and implementation of the programme (Menezes, 2010; Maluf, 2010).

The policy approach was conceptualised, from its origins, not only to relieve hunger in the short term, but to address its long-term structural causes (Lula da Silva, 2010). Its architects analysed the problem as interlinked with the problems of income inequality, and they required a new economic model, arguing that the hunger problem was driven by a lack of demand for food related to unemployment, inadequate wage levels relative to food prices, and exclusion of a large proportion of the population from the market (Da Silva, Belik & Takagi, 2011, 18–22). They aimed to break this vicious circle with a wide range of mechanisms that would increase incomes to stimulate demand through employment policies, agrarian reform, universal social security and minimum income measures; increase food production support to small-scale farms, incentives for own production, and proactive agricultural policies; increase supplies of cheaper foods through subsidised restaurants, agreements with grocery stores, consumer co-operatives and competition laws; and provide emergency provisions, including food stamps. In other words, the programme was deliberately conceived to go beyond short-term palliatives in situations of dire need to address the structural causes that lead to entitlement failures, whether exchange, own production or transfer. And as the architects of the 2003 policy explain, 'In our opinion, adopting only emergency or assistential policies without considering the structural causes of hunger and extreme poverty, such as unemployment, low income and an extremely high income concentration, will only perpetuate the problem and the need for these assistential policies' (Da Silva, Belik & Takagi, 2011, 43).

Policies are not easily transferable from one country context to another, and what has been effective in Brazil will not necessarily be appropriate for South Africa. The lessons that can be drawn from Brazil's food security strategy go beyond specific policies. First, they offer ideas about policy approaches where more proactive measures are needed, such as producer support and management of price inflation. While marketing support was considered in the now defunct *Zero Hunger* programme, the concept of the PAA to secure markets for small-scale farmers has considerable potential to stimulate production. But in South Africa, PRONAF—the support to producers by expanding access to credit and information—would address a major constraint. Brazil's experience with managing prices through the use of food stocks is another important area that could be of particular interest for South Africa. Such approaches appear to have been rejected out-of-hand without serious consideration. Yet price hikes are likely to pose a major threat to food security in South Africa, because the country's prices appear to follow world market trends (see Aliber in this volume), which are marked by volatility, high prices and an upward trend driven by such factors as climate change and financialisation of food markets (Von Braun, 2014). It is also worth noting that in response to the 2008 food crisis, Brazil raised the value of the social grant to help absorb the increase in prices.

Moreover, the experience in Brazil offers important ideas about the nature of institutional arrangements that are needed to underpin a right-to-food regime. The major issue of weak institutions also reflects lack of explicit effort to make institutionalised arrangements for co-ordination among sectors and levels of government, and for a governance system that involves civil society in policy consultation and monitoring. In this perspective, perhaps the Brazilian experience can be adapted to address a major constraint in South Africa, namely weak capacity at the local level. The issue is: how does South Africa create institutional and capacity arrangements to ensure that food security strategies become localised? Is there potential for civil society organisations to work in partnership with national government to bolster food security programmes?

Finally, the *Fome Zero* offers a model that aims at addressing both structural and immediate causes of hunger and food security, analysed in the framework of human rights and entitlements that focuses on access determined by a household's ownership relationships (Lula da Silva, 2010). It clearly contrasts with the production-/supply-oriented thinking that underpins South Africa's policy initiatives such as the *NPFNS*.

Concluding remarks: Towards new directions in policies, institutions and ideas

Despite much emphasis on ending hunger as a national priority, there is more that can be done to put in place policies and social institutions that would recreate a more secure food system necessary to progressively realise the right to food. As explained in Chapter 1, the obligations of the state under international human rights law and the South African Constitution are not limited to the distribution of food, but to facilitating household access. This requires addressing not only the immediate, but also the structural causes of hunger in South Africa, particularly unemployment and poverty, volatile and high prices driven by world commodity markets, and the geography and structure of food retail markets. The analysis in this volume finds that government policy has been more effective in improving food availability than in improving access and adequacy in as much as per capita caloric supply increased, but food prices have risen while unemployment and poverty rates stagnated. It identifies a number of pressing issues requiring urgent policy attention, namely:

- the gap in the social wage of the millions who are unemployed
- food insecurity as a mandate for city government and the development of urban food policies and strategies addressing not only production and availability, but also accessibility, nutritional adequacy and utilisation
- the need for more robust support for household food production
- more proactive responses to price volatility, especially to emergencies created by price hikes

- the need for the consideration of policy options to address price volatility and increases
- the need for the consideration of institutional arrangements for strengthening local food security systems and local government capacity and accountability by involving civil society; rethinking the role of farming co-operatives
- the need to redesign governance structures that build in more systematic mechanisms for consultation with civil society (such as the CONSEA in Brazil) and monitoring, and for co-ordination across sectors and levels of government.

These gaps reflect a policy regime that relies on the social wage rather than addressing the root causes of food insecurity, namely that people are outside of production, exchange and transfer systems. It is also due to ideas that frame food security in the productionist perspective. Battersby argues that the neglect of food security as a mandate for city government 'can be understood as the outworking of the ideological and methodological framing of food security in the *IFSS* and the new *Food and Nutrition Security Policy,* and the resultant institutional location of the policy' (see page 115 in this volume). This can help explain why—despite the rhetoric of food security as a priority—'food security' interventions lose focus on strengthening household food entitlements and divert attention to other objectives, such as aggregate production and supply, creating a black middle class or maintaining a free commodity market. This explains why some urgent priorities become invisible—such as the obstacles to achieving a diverse diet due to availability and accessibility of nutritious foods, the role of household production in maintaining quality and quantity of household consumption, and the gendered constraints to food access. It explains the 'lukewarm' response of government to price hikes that create real emergencies.

While in the abstract the concept of food security as a right and as a problem of access is accepted, the policy thinking continues to be framed in the paradigm of food security as a problem of supply and production. Bureaucrats, intellectuals and policy-makers continue to live in their epistemic communities, which frame the problem along sectoral lines. The persistence of old ideas then may explain why South Africa's food security policy regime has not changed its fundamental orientation over the last two decades, in spite of facing food price crises in 2002 and 2008. Because the country has abundant supply, the problem is defined as a problem of poverty and unemployment that needs to be addressed by a social safety net. Sen's idea of hunger as arising from the nature of ownership relationship—exchange, production and transfer entitlements—does not take hold. A paradigm change about the food security is therefore essential for a more proactive policy for the progressive realisation of the right to food.

Endnotes

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[2] This proposition is, however, contested, as discussed in Aliber (this volume).

3 And 27 % of children under three, according to the 2013 *SANHANES* survey (Shisana et al, 2014; cited in Fukuda-Parr and Taylor in this volume).

[4] Luiz Inácio Lula da Silva, President elect (20 October 2002), quoted in Takagi (2011).

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