

FEATURE

The Right to Access Nutritious Food in South Africa

Yuri Ramkissoon

In a study of the right to food in the 2013/2014 financial year, the South African Human Rights Commission (Commission) found that the right and the food system in its entirety were vast, complicated matters. The Commission believed that a systematic analysis of the different components of the food system was required to identify policy gaps and implementation challenges that were limiting the realisation of the right.

In a 2016/2017 study by the Commission specifically on access to food, a literature review indicated alarming rates of hunger in South Africa. The Commission began interviews to examine factors affecting access to nutritious food in South Africa. The research sought to assess if the National Policy on Food and Nutrition Security (NPFNS) is adequate to ensure food security at a household level. The findings of the study are presented in this article.

The 2016/2017 report found, when examining the NPFNS, that it did not address essential components of the food system and was limited and vague as to ways in which the policy would be implemented and the vision of the NPFNS achieved. Furthermore, there was a lack of engagement on the development of the NPFNS, which means that it is unlikely to respond adequately to the problems and practical realities associated with the right or associated issues. In relation to access, the research found that although South African is food secure at a national level, one-quarter of South Africans live in hunger and a further 28.3 per cent are at risk of experiencing hunger.

Many of those that do have access to food consume unhealthy food, or empty calories, which leads to malnourishment, obesity and other non-communicable diseases. Lack of access to food in South Africa was attributed mainly to poverty, while the lack of consumption of nutritious food was due to such food being cheap, readily available, particularly in large supermarket chains, and widely promoted in mainstream media. Furthermore, low rates of household agriculture, particularly in dense urban areas, has led to a decrease in access to fresh fruit and vegetables.

This paper concludes with recommendations to improve the management of the food system in South Africa and ultimately improve access for all to nutritious food.

Background

Although the right to food is protected under international and national law, about 870 million people are undernourished globally (FAO 2012), while in South Africa a staggering 23 per cent of people are either food-insecure or severely food-insecure (Statistics South Africa 2015). Of those who are undernourished, the vast majority live in developing countries, particularly in sub-Saharan Africa; nearly six million children die every year from malnutrition or related diseases (FAO 2012). The majority of those suffering from hunger and malnutrition are smallholders or landless people, and are mostly women and girls living in rural areas without access to productive resources (Sanchez et al. 2005).

The right to food is a human right protecting people's entitlement to access food and feed themselves. Food can be accessed via production or by purchase (Ziegler et al. 2011). The right to food is intrinsically linked to one's right to life and dignity, and requires that food be available, accessible, appropriate and adequate for everyone without discrimination. In South Africa, section 27(1)(b) of the Constitution declares that 'everyone has the right to have access to sufficient food and water'. This obligation on the state is amplified in section 27(2), which provides that 'the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of these rights'. Section 28(1)(c) expands the right to food as a right to basic nutrition for children and, in section 35(2)(e), as a right for detainees and sentenced prisoners.

Despite a strong international and national legislative framework protecting and promoting the right to food, and a myriad national policies designed for the same purpose, access to food in South Africa remains of great concern, particularly for poor rural and peri-urban households. A lack of access to food strongly affects associated human rights such as the rights to health and to education. As such, there is an urgent need

to identify gaps in policy and other barriers to accessing of nutritious food to ensure that food insecurity is eliminated.

Methodology

In 2015, the Commission formulated a research plan on the right to access nutritious food, with two key objectives in mind: first, to assess if the NPFNS is adequate to ensure food security at a household level, and, secondly, to identify problems in current policies and their implementation that could be impeding access to nutritious food for families, particularly children, in South Africa.

Following a review of the NPFNS and other literature in late 2016, an interview guide was developed for use in discussions with state departments and civil society organisations (CSOs). It was slightly different for the two groups, with the one version asking about the state department's mandate in relation to the realisation to the right to food and the other inquiring into the CSO's activities in relation to food. Both questionnaires probed the respondents' views about barriers to accessing food. Interviews were conducted between January and March 2017.

Findings

The findings of these interviews, as well as of the literature review, are presented below.

1. The National Policy on Food and Nutrition Security

In 2008, the development began on a new NPFNS for South Africa. According to the policy, there is a need for a common conceptual interpretation and measure of food and nutrition security shared between 'government, the international community, research institutions and society' (NPFNS 2014). The NPFNS was also necessary for synergising the different strategies and

programmes that were being implemented by the state and civil society.

The Commission and CSOs found, however, that the NPFNS misses essential components of the food system and is vague on how the policy will be implemented. Subsequently, an implementation plan, frequently referred to by the Department of Health (DoH), was developed which had yet to be finalised. In November 2017, representatives from state departments tasked with the implementation of the NPFNS made a presentation to the Parliamentary Committee on Agriculture, Forestry and Fisheries on the implementation plan, which had been consolidated into six focus areas. However, the costs of implementation were still being established, and to date there has been little progress on the finalisation of the implementation plan.

The NPFNS clearly articulates the problems associated with the accessibility, availability and stability of the food supply and other factors, further to which it outlines a broad approach for dealing with these issues; yet while the NPFNS provides a high-level vision for the food system in the country, it falls short on concrete strategies to address problems with the food system.

In addition, there was little or no public engagement around the NPFNS, a complaint made by all CSOs that were interviewed. It is important to note that ideally policies should respond to problems being faced by rights-holders, especially the needs of those directly affected by such policies: a lack of consultation means that such policies are unlikely to respond to the problems and practical realities associated with the right or issues related to it. In this respect, lack of participation is fatal to the relevance of the policy and its ability to achieve the desired objectives.

2. A review of national access to food

South Africa is a food-secure country at a national level, meaning that it produces or imports

sufficient food to feed its population. Yet while hunger has decreased steadily in the country since 2002, the South African National Health and Nutrition Examination Survey (SANHANES-1) conducted by the Human Sciences Research Council estimates that approximately one-quarter (26%) of all South Africans are food-vulnerable and a further 28.3% are at risk of experiencing hunger (Shisana, et al. 2014). Most food-insecure participants in this survey were either from rural formal households (37%) or urban informal households (32.4%), while 36.1 per cent of informal urban dwellers were at risk of hunger (Shisana et al. 2014).

Hunger was highest in the Eastern Cape and Limpopo, the only two provinces with a rate of hunger over 30 per cent. Black Africans experience the highest rate of hunger (30.3%), followed by coloured people (13.1%); these are also the two race groups that at highest risk of experiencing hunger. A large proportion of Indians were also in danger of experiencing hunger, with 28.5 per cent of them in the high-risk category.

The General Household Survey (GHS) conducted by Statistics South Africa showed similar trends in relation to food security, but in contrast to the provincial results in the SANHANES-1 study, the GHS found that the provinces with the lowest access to food were the Northern Cape, North West and Mpumalanga (Statistics South Africa 2015).

3. Poverty, inequality and unemployment

When asked why there are 14 million food-vulnerable people in South Africa, most respondents described it as a consequence of low employment and high poverty. This means people and families do not have disposable income for the purchase of food and are not producing, or are unable to produce, their own food. Furthermore, people with little or no income for food often make unhealthy food choices out

of necessity or due to a lack of education on healthy eating habits.

The HSRC's SANHANES-1 survey found that the majority of respondents surveyed in urban formal (27.7%), urban informal (38.0%) and rural informal (41.9%) households reported that they had no formal income. Within the nine provinces, Mpumalanga (46.8%), followed by the North West (43.8%), Eastern Cape (42.6%) and Northern Cape (41.4%), had the most people reporting no income (Shisana et al. 2014).

According to Statistics South Africa (2017), as at the fourth quarter of 2016, 26.6 per cent of South Africans were unemployed. The proportion of people actively seeking work had decreased by 92,000 people, an explanation for which could be that they had been unable to find work over a long period and had become disillusioned.

Given the high rates of unemployment and poverty in South Africa, it is important to note that access to food remains difficult unless food is grown or there is a supplement for the lack of income, such as a social grant. It is also important to note that unemployed people aged 18-59 have no relief in the form of access to social security. This remains a huge gap in terms of poverty alleviation and service delivery.

4. Culture and nutrition

It was argued by all respondents, as well as noted in the corresponding literature, that there is a strong focus on food production in South Africa but not enough on nutrition and cultural practices. Among those who do not have access to food, many are consuming nutrient-empty food, which contributes significantly to the prevalence of non-communicable diseases such as obesity, hypertension and diabetes. Furthermore, rates of malnutrition and stunting in South Africa are of great concern.

This view was shared by the former Special

Rapporteur on the Right to Food, Olivier De Schutter, who stated in his country report (2012) that

South Africa, like many other middle-income countries today, is experiencing what is referred to as a nutrition transition, characterised by a shift to more processed foods, generally higher in saturated fats, sugars and salt, and to diets low in fruits and vegetables.

Most respondents were candid in their views on the influx into South Africa of corporations such as fast-food outlets, a lack of education campaigns on nutrition, and market ownership by a few supermarket chains (discussed below). The Studies in Poverty and Inequality Institute (SPII) lamented the entry of franchises like KFC and McDonald's (SPII 2017), while the Department of Social Development (DSD) believed that the grant amounts provided to indigent households for buying food are not enough to enable them to make healthy food choices.

All of the respondents highlighted the National School Nutrition Programme (NSNP) as positive programme, one that feeds about 13 million children daily. Some schools have also expanded their NSNPs over the school holidays to ensure that children do not go without food during that period. However, the meals provided are not always nutritious or healthy. The DoH said that the DSD is advised on the type of meals children should get but the type of meal provided in practice depends on the budget available to the DSD; moreover, the DSD is not obliged to take the DoH's advice.

5. The role of the private sector

The role of the private sector is linked at many levels to health and nutrition. While the NPFNS recognises the need for proper nutrition, government decisions and programmes to date do not seem to resonate with this objective. Not only does South Africa allow about four or five large supermarket chains to dominate the food retail

sector, it also fails to limit the establishment of fast-food outlets in urban or rural areas and the advertising of these chains. Essentially, the proliferation of fast-food chains in residential areas should be mapped in local integrated development plans and other planning documents to ensure that access to such food is limited – if, that is, the state were serious about reducing unhealthy consumption.

The Cooperative and Policy Alternative Centre (COPAC) argued that the current South African food system reduces the right to food to just an ‘access’ issue. However, the right to food should encompass more than this. It should include access to affordable, nutritious food, and should ensure that people and their needs are at the centre of the food system (COPAC 2017). The DoH was also critical of the role of the private sector in the food system, especially of the vast distribution of fast-food outlets and the proliferation of food-chain advertising (DoH 2017).

6. Household agriculture

Despite the high number of households that are food-insecure or severely food-insecure, nationally only 16.9 per cent of households are involved in agricultural activities. This is remarkable, given the agricultural potential of even the smallest pieces of land. If one looks at the breakdown of agricultural activities by province, it is surprising that the Northern Cape and North West provinces have such low proportions. Furthermore, there were complaints by respondents that many agricultural colleges have been closed, which means there are no training facilities for aspirant farmers and extension officers, who are employed to provide technical support to farmers, particularly small-scale agrarians.

7. Media and advocacy

Given the vast resources owned and held by

the private sector, companies such as fast-food outlets are able to advertise widely on all media platforms. This, coupled with the lack of advertising on proper food and nutrition, is of great concern, particularly considering the rates of non-communicable diseases and concomitant burden on the public health care system.

Respondents argued that it is vitally important that the state increase its commitment to media and advocacy in relation to a nutritious and healthy diet. Media and advocacy are among the key tools in reaching and educating the public about healthier eating habits. The DoH suggested that media houses should provide free airtime to the state for public advertising on issues such as healthy food choices and non-communicable diseases (DoH 2017).

Conclusion

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

The findings of this research indicate that poverty is a major determinant of hunger in South Africa. Furthermore, the unchecked role of the private sector in advertising and making un-nutritious food widely accessible contributes to cases of malnutrition, obesity and other non-communicable diseases. A move away from household food gardening has also led to a decrease in access to fresh fruit and vegetables.

It was abundantly clear from this study that a rethink of the food system in its entirety is required, followed by overhauling the business and production-centred model currently in use

into a more consumer-centric model that places greater emphasis on access, nutrition, agriculture and assistance to the poorest and most vulnerable people in the country.

The recommendations can be summarised as follows:

- Develop comprehensive legislation that speaks to the entire food system.
- Limit media on and advertising of unhealthy food and give free advertising space to state departments for apolitical social messaging.
- The menu of the school nutrition programme must be designed by the DoH and implemented by the Department of Basic Education.
- Encourage household agriculture and support it through social development programmes.

Yuri Ramkissoo is a senior researcher in economic and social rights at the South African Human Rights Commission.

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