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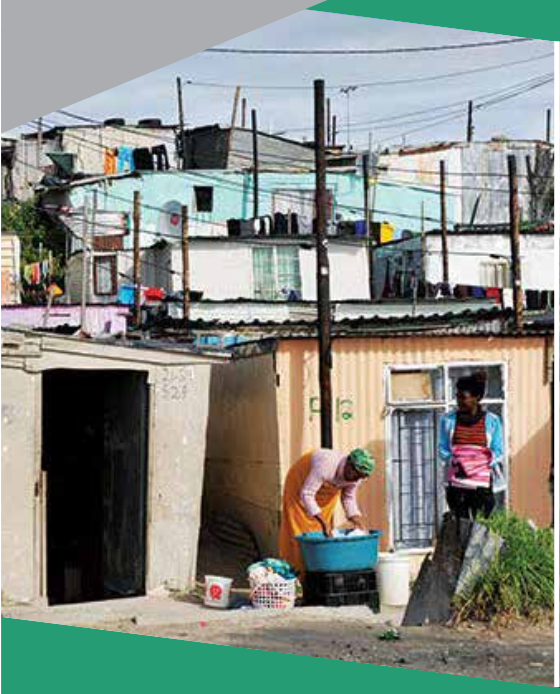

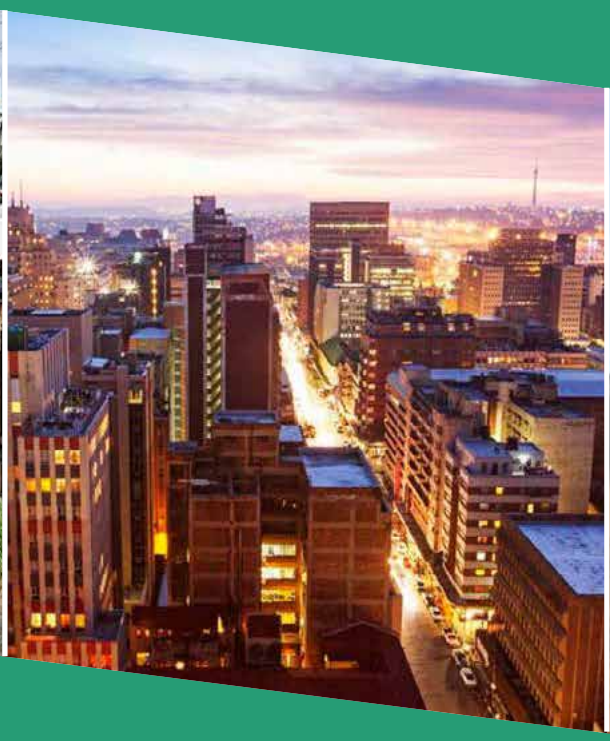

ESR REVIEW

Economic & Social Rights Review in Africa

ENSURING **RIGHTS** MAKE REAL **CHANGE**

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Editorial

Welcome to the second issue of our two-part special edition of *ESR Review* on food security. Our theme is: 'The right to food and nutrition through a public health lens: What does food justice look like?'

About 63 per cent of South African households are food insecure, and about 17 per cent, are critically undernourished. At an individual level, that means about 20 million people struggle daily to access adequate food and nutrition. At the same time, almost 50 per cent of South African adults, and roughly 13 per cent of children under 5 years, are now overweight or obese – and this number is steadily increasing. Addressing this double burden of malnutrition requires a public health approach, one encompassing a range of integrated legislative measures, comprehensive policies, and targeted investments to effect change.

This second part of our special edition of ESR Review thus explores what a human rights-based approach to food and nutrition should entail, and highlights progress as well as ongoing challenges in South Africa's food system. The focus is on developments for improving food and nutrition access and outcomes, and the aim is to explore where progress has been made, as well as where opportunities lie to strengthen legal, policy, and regulatory measures for creating a healthier food environment.

Our first article explores contemporary policy developments that aim to address food insecurity and malnutrition through the operationalisation of the right to food. The article provides a global perspective, drawing on insights from Mexico, Brazil, and India. Our second article, in turn, takes a food-justice perspective and looks at how social and economic inequalities in South Africa are exacerbated by food and nutrition insecurity. It confronts the systemic barriers that perpetuate poverty, highlighting the need for multisectoral action that goes beyond addressing immediate hunger and malnutrition. Adopting a sustainability lens, the third article provides a policy analysis of regulations on food waste and food loss and considers why reducing food loss and food waste is a global issue that needs to be addressed. The fourth article weighs in on the paradox of voting on empty stomachs, looking at the realisation of the right to food in a country mostly concerned with political rights.

This edition also features an update on the National School Food Environments Assembly, co-convened by HEALA and partners in October 2024. The Assembly drew together more than 300 stakeholders to discuss experiences, challenges, and opportunities in the South African National School Nutrition Programme to create healthier school food environments.

We hope you find this issue stimulating and useful in continuing the fight for the right to food, nutrition, and health across the globe. We also thank our authors for their insightful contributions.

Paula Knipe
Guest Editor

FEATURE

Contemporary Policy Developments for Addressing Food Insecurity and Malnutrition through the Operationalisation of the Right to Food

Ashlyn Anderson, Busiso Moyo, and Helen Walls

Introduction

Addressing food and nutrition security is a strategic imperative of governments globally, particularly so in many low- and middle-income countries (LMICs). The prevalence of food insecurity and malnutrition – both undernutrition and micronutrient deficiencies, as well as overweight, obesity, and nutrition-related non-communicable diseases (NCDs) – places a major burden on public health globally (Abay et al. 2022).

Many LMICs have undergone rapid increases and changes in their malnutrition profile over recent decades, and now face a double burden of malnutrition characterised by the coexistence of nutrition-related NCDs and persistent undernutrition in the same population (Winichagoon & Margetts 2017). However, commonly implemented food and nutrition policy interventions such as food labelling regulations, taxes on ultra-processed foods and beverages, and school feeding programmes are not achieving the progress needed to adequately address food insecurity and malnutrition (Lang & Mason 2018; Harper et al. 2022).

The intractability of this public health challenge suggests the need for new and different intervention strategies – with rights-based approaches holding the potential for a way forward. Here we describe contemporary policy developments on the operationalisation of rights-based approaches to address food insecurity and malnutrition, focusing on the relevance of this to LMICs, particularly countries with constitutional recognition of the right to food such as South Africa.

The case studies we draw on are from Mexico, Brazil, India, and South Africa – with the first three of these countries having implemented innovative public health policies to operationalise the right to food in order to address food insecurity and malnutrition.

Rights-based approaches to food and nutrition as a tool for policy action

The right to food was first recognised in the 1948 Universal Declaration of Human Rights, and later enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR). In the ICESCR, the right to food contains four main elements: availability, access, adequacy, and sustainability.

Nutritional aspects are incorporated into the adequacy element, with adequacy entailing that food must meet a person's nutritional requirements. Other scholarship suggests alternative approaches to how the right to nutrition should be addressed (Fanzo et al. 2018). Additional guidance elaborates on the steps that states can take to fulfil the right to food, such as the

2004 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Content of National Food Security ('Right to Food Guidelines'), developed by the United Nations Food and Agriculture Organization (FAO).

While rights pertaining to food and nutrition have generally not received sufficient attention from country policy-makers, they are increasingly informing food and nutrition policy-making in several countries (Harris et al. 2022). To date, at least 39 countries, the majority being LMICs, have constitutionally enshrined the right to food with varying degrees of recognition (Constitute 2024).

Accordingly, a growing body of literature addresses the operationalisation of the right to food in food and nutrition policy-making (Riol 2016; Harris et al. 2022; Wilder et al. 2020). However, few studies have undertaken an empirical analysis of the policy processes involved in, for example, agenda-setting, policy design, and policy implementation. Such a focus is critical for identifying insights and lessons from policy developments in countries where there is already constitutional recognition of the right to food, with South Africa as an example.

South Africa has had constitutional recognition of the right to food since 1996. This includes a right to have access to sufficient food for everyone and a right to 'basic nutrition' for children. Nkrumah (2019) asserts that this right to food is 'undeniably justiciable' and that support for it includes rich international law jurisprudence and Constitutional Court decisions that have given substance to economic and social rights.

However, there has been no framework law to ensure the attainment of this right. The right to food is the only socio-economic right for which framework legislation has not been enacted by the South African government, having faced several legal obstacles (McLaren et al. 2015; Nkrumah 2019). Thus, there is a notable absence of viable legal instruments or tools in South Africa that intervene in the food system to operationalise the right to food (Nkrumah 2019).

The 2015 Socio-Economic Rights Monitoring Tool project of the Studies in Poverty and Inequality Institute (SPII) foregrounds this situation (McLaren et al. 2015). While the South African Constitution provides an overarching framework and the 'supreme law' governing the rights and duties of various actors including citizens, private enterprises, and the state, it does not set out the content of these rights and what measures the state should take to respect, protect, and guarantee them.

To ensure fulfillment of the right to food, there is hence a need in South Africa to adopt a national strategy – one supported by framework legislation and appropriate institutional mechanisms for implementation, as well as judicial and other remedies for individuals or groups whose right to food has been violated (McLaren et al. 2015).

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In the absence of such an approach, the regulatory framework to address the right to food in South Africa is characterised by fragmentation and gaps – a situation in which several government departments are involved but where none has the clear responsibility for developing the legislation required to address the right to food.

Four national departments, each with distinct organisational structures, are responsible for executing food and nutrition security interventions across South Africa's nine provinces: the Department of Agriculture, Land Reform and Rural Development (DALRRD), the Department of Health (DoH), the Department of Social Development (DSD), and the Department of Basic Education (DBE).

In collaboration with 11 other departments and various government agencies, they oversee more than 50 programmes aimed at combatting food insecurity

and malnutrition (DPME & UNICEF 2020; Pereira et al. 2020). Within this institutional structure, South Africa, through the DoH, has implemented a range of policy and programme interventions recommended at the global level to improve NCD-related health outcomes, including restrictions on sodium (salt) in foods, banning trans-fats, and taxing sugar-sweetened beverages (Karim 2022; Magnusson, 2014).

Programmes more focused on food adequacy and micronutrient deficiencies – such as the DoH's supplementation and fortification efforts (e.g., the National Flour Fortification Programme and the 2008 Vitamin A Campaign) and the DBE's school feeding scheme, as part of the National School Nutrition Programme (NSNP) – have also been implemented (Devereux et al. 2018; Moyo 2022). These programmes have contributed to some success in creating the much-needed legal-institutional governance framework to address the right to food (Hendriks & Olivier 2015; McLaren et al. 2015). However, more is needed: as Tebele (2016) notes, South Africa is known for crafting strong social policies, but there remains a persistent gap in translating these policies into effective on-the-ground action.

An example of a policy that has the potential to support the operationalisation of the right to food in South Africa, but which has not yet implemented is simplified nutrition labelling. Evidence suggests that this intervention is an effective obesity-prevention tool that can complement front-of-pack labelling schemes (Karim et al. 2022).

In 2014, the DoH published a draft of Regulations Relating to the Labelling and Advertising of Foods: Amendment R429 which seeks to introduce a voluntary front-of-pack labelling scheme. Karim et al. (2022) describe an approach that is likely to address several key limitations of this policy, and if adopted, help the South African government meet its constitutional obligations in ensuring the right to food.

Furthermore, while the Constitution addresses food and nutrition (in sections 27 and 28 of the Bill of Rights), it does not clearly distinguish between 'food security', which often is interpreted as relating to hunger and food adequacy, and 'nutrition security', which relates to the nutritional content and healthiness of diets. This type of ambiguity needs to be clarified in an overarching legislative framework and national strategy.

The Committee on Economic, Social and Cultural Rights (CESCR) (1999), for example, rejects the notion that the right to food is solely about meeting minimum caloric requirements. Food security and healthy nutrition are related but distinct goals, with some tension regarding their realisation (Walls & Matita 2023), and their attainment needs careful consideration.

Importantly, fulfilling the right to food in South Africa would require addressing the country's vast structural inequities (manifested through political, socio-economic, and environmental factors) that affect healthy food affordability, access, utilisation, and people's agency in negotiating the food system and wider systems impacting on it.

As Amartya Sen concludes in his landmark essay *Poverty and Famines* (1981), addressing hunger is not about increasing yields or quantities of food, but requires addressing situations of poverty. Thus, and critically, achieving the right to food in South Africa requires transforming systems of inequality and entrenched poverty that keep people hungry and malnourished in the first place (Moyo 2022).

In this regard, the advancement of social protection is a critical strategy for addressing the entrenched poverty that hampers the realisation of the right to food. In South Africa, the DSD has one of the strongest mandates for addressing the right to food through social safety nets. However, in principle most of the work of the DSD regarding food and nutrition addresses limited food parcel distribution through the Social Relief of Distress

Thus, and critically, achieving the right to food in South Africa requires transforming systems of inequality and entrenched poverty that keep people hungry and malnourished in the first place (Moyo 2022).

(SRD) grant. While such necessary relief measure may make some inroads in addressing food insecurity among households in crisis, it does not address the chronic nature of food insecurity experienced by a significant proportion of the population.

Addressing this requires collective action to achieve the impetus for the coordinated, comprehensive, and more 'upstream' governance and policy changes required, changes that would likely include more comprehensive social protection approaches.

A good starting-point to achieving this is the establishment of a National Food Security Council (provided for in the now-expired National Food and Nutrition Security Plan (2018–2023)), which would inform a more holistic approach to this challenge. Importantly, such shifts could also be facilitated by learning from countries elsewhere that have been successful in achieving rights-based approaches to addressing food security and malnutrition.

Case studies: Mexico, Brazil, and India

Mexico, Brazil, and India have been recognised globally as countries with exemplary policy developments in translating rights-based approaches to addressing food insecurity and malnutrition into policy and practice (Guha-Khasnobis & Vivek, 2007; Pineda et al. 2024; Fagundes et al. 2022).

The Latin America and the Caribbean (LAC) region, to which Mexico and Brazil belong, has been particularly active in rights-based approaches to addressing malnutrition. As of 2024, 15 countries in the LAC region have explicit constitutional provisions recognising the right to food. The Hunger-Free Latin America and Caribbean Initiative (IALCSH) has been fundamental in the formulation of rights-based food and nutrition laws across the region to inform constitutional protection and policy-making on the right to food (Parliamentary Front Against Hunger Project 2010).

In 2011, the Government of Mexico approved the constitutional reform that established the right to adequate food in article 4 and has since taken substantial steps to address the role of the right to adequate food to better impact nutrition. On 18 April 2024, the General Law on Adequate and Sustainable Food (*Ley General de Alimentación Adecuada y Sostenible*) was approved in Mexico as the country's first law to operationalise the right to adequate food as a legal instrument to modify or add to current national food policy to prevent NCDs and promote sustainable food systems.

The law has been described as 'one of the most progressive and comprehensive policy approaches to establishing a robust framework for advancing, safeguarding, and ensuring the right to adequate nutrition' (Pineda et al. 2024). It does so by addressing environmental stewardship, water access, children's health, the promotion of nutritious food, reduced food loss and waste, and social participation in food strategies (Pineda et al. 2024).

In Brazil, the national policy for food and nutrition security launched in 2003 as Fome Zero ('Zero Hunger') is one of the most significant examples of operationalising the right to adequate food through policy to strengthen food access, family farming, income generation, nutrition, and social mobilisation (Da Silva et al. 2018).

The policy illustrates the importance of civil society participation for the progressive realisation of the right to adequate food, as the country underwent a re-democratisation in the 1980s to demand spaces for citizens in food and nutrition policy-making. This led to the creation of institutional structures that convene government and civil society and serve as a model to develop and monitor the implementation of food and nutrition policies at the federal, regional, and local level (Fagundes et al. 2022).

The success of the right-to-food campaign in India in galvanising legal action to address mass hunger illustrates how demands for the right to food to be recognised as essential for the right to life can be combined with legal implementation through the reform of existing government programmes (Guha-Khasnobis & Vivek 2007; Society Work and Politics Institute, 2020). India's success was achieved in the absence of a right to food in the country's constitution. India has had one of the most significant litigation

histories on the right to food, one which led to the 'interim order' of 28 November 2001 in which the Supreme Court directed the government to fully implement several schemes, including grain distribution for impoverished populations, an integrated child-development scheme, a midday meal scheme, and the national family benefit scheme (Guha-Khasnobis & Vivek 2007). To operationalise these legal commitments, civil society played a critical role in grassroots-level mobilisation to influence public policy implementation (Hertel 2015).

Future implications for rights-based food and nutrition policy-making

While national policy approaches vary considerably regarding the level of commitment and means used to adopt legislative measures to ensure the right to food, the language of human rights is notably present in the international food and nutrition discourse in several LMICs. This provides considerable potential for identifying best practices and for collaboration on how best to implement such practices for addressing food insecurity and malnutrition. Policy developments in countries such as Mexico, Brazil, and India can offer invaluable insights into the process of operationalising the right to food and the role of different groups of actors in it, including civil society.

Importantly, while some countries guarantee the right to food in their constitutions, this does not always translate into on-the-ground action. Countries like India do not have the right to food as a justiciable right in their constitutions but were nevertheless successful through the courts in holding the government to account for failing to realise the right to food in the country (Durojaye & Chilemba 2018).

Such insights and learnings, including regarding using litigation to hold governments accountable for their obligations under national and international laws, are relevant to countries elsewhere, particularly LMICs, which face a significant burden of food insecurity and malnutrition. Countries like South Africa with constitutional recognition of the right to food are well positioned to learn from the lessons of right-to-food incorporation in domestic policy.

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FEATURE

Exacerbating Social and Economic Inequalities through Food and Nutrition Insecurity in South Africa: A Justice Perspective

Ashiella Musindo and Lydia Chibwe

Introduction

Food and nutrition insecurity in South Africa is rooted in the country's historical and structural inequalities. Despite its middle-income status and a constitution that guarantees the right to sufficient food, millions of South Africans, particularly those in rural and informal urban areas, continue to face chronic food insecurity (Hendriks 2020). This problem is exacerbated by the legacy of apartheid, which has left behind stark socio-economic disparities that affect access to resources, including food. As a result, women, children, and the elderly bear the brunt of this inequality, further entrenching their vulnerability and exclusion from the country's social and economic growth (Nwosu & Ndinda, 2018).

Food insecurity in South Africa is not merely an issue of insufficient food production. The country produces enough food to meet its population's needs, but the distribution and access to this food are highly uneven, reflecting the broader socio-economic inequality that plagues the nation (Oxfam 2019). According to Statistics South Africa (2021), about 20 per cent of household's experience food inadequacy, with rural communities being disproportionately affected. Additionally, women – who often act as primary caregivers – are especially impacted, as they are more likely to engage in informal labour and earn lower wages, further limiting their ability to access nutritious food for their families (Grobler 2020).

Addressing food insecurity is thus not only an economic imperative but also a matter of social justice. The inability to access adequate food infringes upon the human dignity of millions, hindering their ability to participate fully in society (De Schutter 2020).

A rights-based approach to food security emphasises the need to tackle the root causes of inequality, advocating for policies that promote equitable access to land, resources, and opportunities for marginalised communities. This approach requires a multisectoral effort that goes beyond addressing immediate hunger and malnutrition by also confronting the systemic barriers that perpetuate poverty and exclusion (Altman et al. 2022).

Framing food insecurity within the broader discourse of social justice is crucial for holding policy-makers accountable for structural reforms that dismantle apartheid-era inequalities. Addressing food insecurity not only meets immediate needs but also advances the UN Sustainable Development Goal to end hunger. Understanding the underlying drivers and consequences is vital for informing policies and strategies that target these deep-rooted issues and foster meaningful progress toward healing South Africa's persistent social and economic disparities.

Food and nutrition insecurity

Food insecurity is defined as the inability of individuals or households to access adequate food, whether in quantity or quality, in order to lead a healthy and active life (FAO 2022). This global issue affects billions of people, with vulnerable populations in low- and middle-income countries disproportionately impacted by this burden.

The Food and Agriculture Organisation (FAO) estimated that, in 2022, more than 828 million people worldwide faced hunger, a number that has been steadily rising due to conflicts, climate change, and economic downturns. In sub-Saharan Africa, the region most affected by food insecurity, approximately one in five people is undernourished (FAO 2022). South Africa, despite being one of the continent's largest economies, continues to grapple with food insecurity, largely due to the social and economic inequalities bequeathed by its history.

Additionally, food insecurity has become a significant public health issue, particularly in rural areas and informal settlements, where poverty is most entrenched (Hendriks 2020). The social implications are profound, with vulnerable groups – especially women, children, and the elderly – bearing the brunt of inadequate food provisioning. Statistics South Africa (2021) indicates that 11.6 per cent of households experienced food shortages in 2020, reflecting deep-seated inequalities. This situation not only exacerbates gender- and age-related disparities but also poses serious health risks for the broader population, underscoring the urgency of addressing these social challenges.

Nutrition plays a critical role in adult productivity. A well-nourished workforce is more productive, has fewer sick days, and can contribute more effectively to economic growth; conversely, malnutrition leads to reduced work capacity, which has a direct impact on household income and national economic performance (Smith et al. 2020).

In South Africa, where unemployment rates are high and poverty is widespread, food insecurity exacerbates these challenges by undermining the health and productivity of the labour force. Informal sector workers, who lack access to social protection and are often paid low wages, are particularly vulnerable to the negative impacts of food insecurity on productivity (Altman et al. 2022).

The relationship between food insecurity, malnutrition, and poverty is cyclical and self-reinforcing. Poverty limits access to food, which leads to malnutrition, and malnutrition in turn perpetuates poverty by reducing individuals' ability to work and learn effectively. This cycle is particularly visible in rural and marginalised communities in South Africa, where high unemployment, lack of access to education, and inadequate infrastructure exacerbate food insecurity (Chakona & Shackleton 2019).

Many households in rural South Africa rely on subsistence farming, yet limited access to land, water, and agricultural inputs hampers their ability to produce enough food to meet their needs. Limited land access forces rural households to depend on local markets, where food prices are often inflated, and food quality is frequently compromised. This dependence on external markets deepens the cycle of food insecurity since it limits access to affordable and nutritious food options. These constraints are exacerbated by weak support from the Department of Finance and the Department of Agriculture Land Reform and Rural Development.

Addressing these challenges requires comprehensive land reform, as well as increased support for smallholder farmers to enable them to sustainably

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meet their food needs and enhance rural livelihoods. Additionally, urbanisation and the growth of informal settlements have contributed to rising food insecurity in urban areas, where food is available but unaffordable for many households. Poor families often resort to cheaper, nutrient-deficient foods, leading to a rise in obesity alongside undernutrition (Hendriks 2020). This dual burden of malnutrition – where undernutrition and obesity coexist – complicates efforts to address food insecurity and highlights the multifaceted nature of the problem.

Addressing food insecurity requires a comprehensive approach that tackles the root causes of poverty and inequality. Social protection programmes, such as child grants and food subsidies, play a crucial role in mitigating the effects of food insecurity. However, long-term solutions should focus on creating sustainable livelihoods, improving education, and addressing gender inequalities, which disproportionately affect women and children (Altman et al. 2022).
By breaking the cycle of poverty and malnutrition, South Africa can make strides towards reducing food insecurity and improving the well-being of its population.

Inequality as a driver of food insecurity in South Africa

The apartheid era entrenched structural disadvantages for most of the population, particularly black South Africans, who were systematically denied access to economic resources, quality education, and land ownership (Hendriks 2020). Under apartheid, discriminatory laws such as the Land Act of 1913 and the Group Areas Act of 1950 restricted black South Africans to underdeveloped rural areas with limited access to agricultural land and other resources essential for food production (Seekings & Nattrass 2020). The historical dispossession of land had lasting effects on the ability of marginalised communities to produce food or generate income, thus perpetuating cycles of poverty and food insecurity.

Post-apartheid policies have sought to redress these inequalities through land reform and social protection programmes. However, the pace of land redistribution has been slow, and the underlying economic inequalities remain stark (Hall & Cousins 2018). As a result, food insecurity disproportionately affects historically disadvantaged groups, particularly in rural areas, where agriculture remains a primary source of livelihood.

Unemployment, land access, and housing insecurity are key structural barriers that exacerbate food insecurity in South Africa. The country's unemployment rate, one of the highest in the world, stands at 32.9 per cent, with youth unemployment even higher (Statistics South Africa 2023). This high rate of joblessness limits household incomes, making it difficult for families to afford nutritious food. A study by Altman et al. (2022) found that food insecurity is closely linked to economic vulnerability, as households without reliable sources of income are more likely to experience food shortages or resort to cheaper, less nutritious food.

> **Furthermore, urbanisation has diminished small-scale agriculture, a critical safety net for rural food security.**

In a similar vein, housing insecurity in rapidly expanding urban informal settlements, driven by urbanisation, significantly hampers access to food. These settlements are typically located far from formal food markets, compelling residents to rely on informal vendors who primarily sell processed, unhealthy foods. This spatial and economic marginalisation creates a paradox in which urban dwellers, despite being surrounded by food, remain food insecure due to the high cost and poor quality of available food (Crush & Frayne 2020). Consequently, both land and housing insecurity reinforce structural food insecurity in rural as well as urban contexts, highlighting the urgent need for comprehensive policy interventions.

In most urban areas, while access to food markets is generally better, food insecurity remains a pressing issue, particularly in informal settlements. High

food prices in cities, driven by transportation and distribution costs, disproportionately affect low-income households, making nutritious food unattainable for many (Crush & Frayne 2020). This economic reality has led to the coexistence of undernutrition and obesity, as urban poor populations increasingly rely on cheap, calorie-dense foods that lack nutritional value (Chakona & Shackleton 2019).

Furthermore, urbanisation has diminished small-scale agriculture, a critical safety net for rural food security. As rural residents migrate to cities in search of employment, they lose access to land for food production, further intensifying their dependence on food markets (Altman et al. 2022). These patterns underscore the structural nature of food insecurity in South Africa, which is driven by unequal access to land, income, and affordable, nutritious food across urban and rural settings.

The urban-rural divide in food access is a significant factor driving food insecurity in South Africa. Rural areas, home to many of the country's most vulnerable populations, face limited access to food markets and agricultural inputs. This, coupled with lower income levels and fewer employment opportunities than in urban areas, deepens food insecurity for rural households, many of whom depend on social grants as their main source of income (Hendriks 2020).

While these grants provide essential support, they inadvertently limit efforts to foster economic independence and self-sufficiency by creating reliance on state assistance rather than enabling sustainable livelihoods. This dependence further entrenches rural poverty, making it difficult for households to break the cycle of food insecurity and vulnerability.

Vulnerable and marginalised populations affected by food insecurity

Food insecurity in South Africa disproportionately affects vulnerable and marginalised groups, such as women, children, the elderly, and individuals with disabilities. These populations have distinctive problems worsened by systemic social, economic, and geographical disparities that limit their access to healthy food and other fundamental requirements. For example, food insecurity is prevalent in informal urban communities and driven by geographical isolation, inadequate infrastructure, and economic disadvantage. Informal settlements are often located far from formal food markets, making access to affordable and nutritious food difficult.

Poor infrastructure, such as inadequate transportation systems and lack of sanitation, exacerbates the problem, as residents struggle to secure consistent food supplies. Economic hardship compounds these challenges, with many households relying on informal and unstable jobs that provide insufficient income to meet basic needs. As a result, families often depend on cheap, low-quality, energy-dense foods that contribute to malnutrition, affecting both children and adults. This not only deepens cycles of poverty but also undermines the overall well-being and resilience of these communities, as poor nutrition leads to health problems and limits individuals' ability to work or attend school.

For example, Battersby (2020) highlights how urban food systems fail to address the specific needs of low-income residents, leaving them trapped in conditions of persistent food insecurity. Addressing these structural barriers is essential for breaking the cycle of poverty and improving the long-term prospects for those living in informal settlements.

Women, particularly in rural and informal settlements, confront severe challenges to food production and access because of profoundly ingrained gender disparities. For instance, women have uneven access to agricultural inputs extension services, and loans which contributes to the limited food supplies (FAO 2011; FAO 2022).

Also, many women are denied the opportunity to own property or access productive resources due to patriarchal beliefs and discriminatory land ownership legislation (Walker 2007 & 2022). Women own barely 13 per cent of agricultural land in South Africa, despite their major contribution to food production (Aliber & Walker 2006).

Female-headed households, which constitute a sizable share of low-income families, are especially susceptible. These households frequently have lower incomes and greater poverty rates because women typically earn less than males and have fewer job options (Altman et al. 2009).

The feminisation of poverty exacerbates food insecurity, as women are frequently the primary carers responsible for feeding their families on limited resources (Meintjes et al. 2010). This disproportionate burden on women worsens the cycle of poverty and food insecurity, reducing women's capacity to participate in economic activities that may improve their way of living.

Children are also particularly exposed to the impacts of food insecurity. Chronic malnutrition, often known as stunting, affects one in every four children in South Africa (Statistics South Africa 2021). Stunting has serious long-term consequences for cognitive and physical development, reducing children's educational performance and future economic potential (WHO 2020). Malnourished children are more likely to have poor academic performance, reducing their prospects of breaking the cycle of poverty. Poor nutrition also impacts their immune systems, increasing susceptibility to illnesses and putting further strain on already overburdened health-care systems (Maseko & Masuku 2020).

Food insecurity is more prevalent among the elderly and persons with disabilities as a result of social exclusion and economic marginalisation. Elderly people, particularly in rural regions, sometimes rely on inadequate pensions to satisfy their basic requirements, including food (HelpAge International 2019). Many elderly people are unable to work or access suitable income-generating possibilities, leaving them reliant on family assistance or social payments, which are not always sufficient (Bhorat et al. 2014).

Similarly, persons with disabilities face major challenges as regards food availability due to both economic and physical restrictions. Disability frequently restricts an individual's capacity to engage in the labour force, resulting in greater rates of unemployment and poverty (Graham et al. 2019).

Malnourished children are more likely to have poor academic performance, reducing their prospects of breaking the cycle of poverty.

The social and economic impacts of food insecurity

Food insecurity has a major social and economic impact in South Africa, harming health, education, and economic productivity. Malnutrition caused by food insecurity has a variety of negative health consequences, including an increased vulnerability to communicable and noncommunicable illnesses (Shisana et al. 2013). This places significant strain on the health-care system, which is already overburdened by the high prevalence of HIV/AIDS and other health issues. For instance, food insecurity raises the risk of chronic illnesses such as diabetes, hypertension, and heart disease, which are common in South Africa, especially in low-income areas (Shisana et al. 2013).

Malnutrition impairs immune systems, rendering people more vulnerable to infections and illnesses, further taxing the health-care system. This raises health-care expenses for both people and the state, lowering the funds available for other sectors. For example, money that was allocated for education may be diverted to the health sector. This has severe implications for quality of education and educational outcomes, particularly among youngsters.

Studies have shown that malnourished children struggle to concentrate in school, resulting in poorer academic performance and higher dropout rates (Sibanda-Mulder et al. 2016). These poor educational outcomes prolong cycles of poverty, as individuals with less education are less likely to secure well-paying jobs, perpetuating intergenerational poverty (Devereux 2001).

Additionally, food insecurity reduces labor productivity; malnourished individuals are less able to perform physically demanding work and are more susceptible to illness, leading to increased absenteeism and decreased economic output (Hoddinott et al. 2013). This impact extends beyond individual families, affecting overall economic growth, as a weakened workforce cannot contribute fully to the economy. The long-term effects of food insecurity, particularly on children, impede economic development by limiting future generations' ability to engage productively in the economy (FAO 2021).

Addressing food insecurity: A justice-driven approach

A justice-driven approach to food poverty in South Africa should go beyond charity-based initiatives and frame food availability and accessibility as a fundamental human right (De Schutter 2014). Food security should be viewed as a justice problem, founded on the premise that everyone has the right to enough, safe, and nutritious food.

Land reform is an important component in combatting food insecurity. South Africa's unbalanced land distribution, a legacy of apartheid, has exacerbated food insecurity, particularly in rural regions. Redistributing land to small-scale farmers, particularly women, and offering them agricultural assistance can boost food production and alleviate hunger (Hall 2015). Crucially, this strategy should involve the community at every stage, ensuring that solutions are locally driven and culturally relevant.

Importantly, agricultural support should include loans, extension services, and training to help farmers boost production and resistance to climate change (FAO 2021). Additionally, a community-based empowerment approach can serve as a sustainable solution to address food insecurity. This involves establishing cooperatives where members contribute based on their abilities, skills, or financial resources. The collective effort ensures equitable distribution of produce and profits, fostering inclusivity and shared ownership. By prioritising self-reliance and collaboration, this model promotes long-term security and minimises dependence on external assistance.

Addressing food insecurity necessitates coordination between the Department of Finance, the Department of Small Business Development, and the Department of Agriculture, Land Reform and Rural Development, and civil society. The government should take the initiative to develop policies that prioritise food security and guarantee that disadvantaged communities have access to healthy food (De Schutter 2014). The business sector may contribute by encouraging local food production, investing in small-scale agriculture, and guaranteeing fair labour standards in the food industry. Civil society organisations can promote policy changes, increase awareness, and give direct support to individuals in need.

Conclusion

Although there is growing support for developing multi-variable approaches to food-security research in sub-Saharan Africa, many South Africans still experience food insecurity and hunger. Vulnerable groups are the most affected by food shortages. These include women, children, older persons and persons with disabilities, rural communities, and informal settlements. Food insecurity has major health, educational, workforce, and economic impacts, especially on vulnerable groups. Therefore, there is a need to reduce food insecurity by redistributing unbalanced land, especially among women in rural areas.

There is also a need to introduce social safety nets for vulnerable groups without access to sufficient resources, which would provide essential support and enhance their resilience against food insecurity. Finally, the government and civil society organisations need to promote different food security measures.

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POLICY ANALYSIS

Sustainability from Farm to Fork: Food Waste and Food Loss

James Brand

Introduction

South African agribusinesses which export to the European Union (EU) will have been keeping an eye on the increasing suite of laws coming out of the EU that seek to clean up the sustainability practices of entities within the global supply chains of goods entering the EU. The EU's Corporate Sustainability Due Diligence Directive (CSDDD) is one such example. Published on 5 July 2024, it introduces mandatory human rights and environmental due diligence requirements for large non-EU companies exporting into the EU.

Another example is the EU Deforestation Regulation (EUDR), which imposes due diligence obligations from 30 December 2024 aimed at tackling deforestation in the production and export of a wide range of commodities, including cattle, cocoa, coffee, palm oil, rubber, soya, and wood. The European Commission has proposed to defer the commencement of the EUDR to 30 December 2025; however, the proposal has not yet been adopted by the European Parliament and Council.

A third example is the EU's Carbon Border Adjustment Mechanism (CBAM), which commenced in October 2023 with a transitional phase running until January 2027 that seeks to impose a tariff on carbon-intensive goods imported into the EU.

However, there is a fourth potentially relevant law, relating to food waste and food loss, that requires consideration. Throughout the food supply chain, a significant portion of food is lost or wasted. The terms 'food loss' and 'food waste' are distinct terms, with 'food loss' applying to the initial stages of the supply chain and 'food waste', to the later stages. The EU Waste Framework Directive (EFD) is in the process of being amended, and if approved, will require member states to take measures at a national level to, inter alia, reduce the generation of food waste by 10 per cent in the processing and manufacture of food and by 30 per cent at retail and consumer level using the food waste baseline generated in 2020.

The amendments provide for a review of the above targets in 2027 to potentially extend them to other stages of the food supply chain, as targets have not been set for all sections of the supply chain. These targets are proposed to be achieved by 31 December 2030.

Targets like these are not unexpected, as increased focus is being given to achieving the Sustainable Development Goals (SDGs) by their target date of 2030. The United Nations (UN) General Assembly launched the 17 SDGs in 2015 as a 'blueprint to achieve a better and more sustainable future for all' that are intended

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to be achieved by the year 2030. SDG 2 aims to achieve 'zero hunger', while SDG 12.3 aims to halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses.

In a seminal study by the UN's Food and Agriculture Organization (FAO), it was reported that about 33 per cent of globally produced food is lost or wasted at some point in the food supply chain (FAO 2013). Approximately half of the 33 per cent loss takes place at the point of primary production and arises from a range of factors, including strict quality demands with respect to weight, size, shape, and appearance, for example. Thereafter, processing, packaging, distribution, and retail account for a further 45 per cent of this wasted food. The remaining 5 per cent of food waste is the responsibility of consumers.

These statistics differ for different parts of the supply chain in developed and developing economies. However, if food waste is to be tackled holistically, each part of the supply chain requires focus. The EU is not averse to seeking to impose requirements down the supply chains of goods entering the EU. It remains to be seen whether requirements will be introduced from 2027 to ensure that food loss is reduced throughout the supply chain and how this might affect non-EU entities. Even if this does not materialise, South Africa has already begun to put in place the policy measures required to address food loss and food waste in certain parts of the food supply chain. At the retail level, in 2020, the Consumer Goods Council of South Africa launched a voluntary agreement for food manufacturers and retailers to reduce food waste, which now has over 67 core signatories and 33 associate signatories.

Furthermore, in 2023 the Department of Forestry, Fisheries and the Environment published a Draft Strategy for Reducing Food Losses and Waste as part of a key intervention under the existing National Waste Management Strategy 2020, which was published in terms of the National Environmental Management: Waste Act 59 of 2008.

There are numerous social, economic, environmental, and ethical reasons why reducing food loss and food waste is a global issue that needs to be addressed.

From a social and economic point of view, in line with global trends, about 30 per cent of South African agricultural production is wasted each year, which is equivalent to an estimated R60 billion a year, or about 2 per cent of gross domestic product (GDP). South Africa generates an estimated 12.6 million tonnes of food loss and waste per annum (a third of the food available). It's estimated that every tonne of edible surplus food could make an estimated 4,000 meals. In a country where 30 per cent of households are at risk of hunger, 31 per cent experience hunger (approximately 7.4 million people), and 13 million children live in poverty, this is unsustainable and needs to change.

The EU is not averse to seeking to impose requirements down the supply chains of goods entering the EU.

From an environmental point of view, producing more with less is imperative, with there being multiple environmental-related benefits for doing so. As regards climate, it has been suggested that if addressing food loss and food waste is not prioritised, the target set in the Paris Agreement to keep rising temperatures below 2°C will be nearly impossible to reach. It is estimated that if global food waste were a country, the levels of greenhouse gas emitted from discarded food waste to landfills would place this country third behind the largest contributors of greenhouse gases, the United States and China.

As regards biodiversity, half of the world's habitable land that is ice- and desert-free is now used for agriculture. Large parts of the world that were once covered by forests and wildlands are now used for agriculture. This loss of natural habitat has been the main driver for reducing the world's biodiversity. Humanity and our livestock now comprise approximately 96 per cent of mammalian biomass on earth, with all other wild mammal species making up just 4 per cent. It is estimated that it takes an area the size of China to grow the food that is thrown away every year, which

is a significant waste of natural resources with an unjustified impact on biodiversity for food that is never eaten.

In 2022, the COP15 UN summit gave rise to the equivalent of the Paris Agreement for biodiversity, the Kunming-Montreal Global Biodiversity Framework. The framework aims to protect 30 per cent of terrestrial, inland water, and coastal and marine areas by 2030. It also highlights the connection between food waste and biodiversity loss, specifically calling for a 50 per cent reduction in global food waste by 2030 in Target 16. In so doing the target we saw in SDG 12.3 is elevated to a target enshrined in the Global Biodiversity Framework, a multi-national international instrument.

As regards water, nearly 3 billion people and more than half of the world's food production are now in areas where total water storage is projected to decline because of climate change. Approximately 70 per cent of global freshwater withdrawals are used for agriculture, which means that any food that is wasted or lost has unnecessarily used up scarce available water.

The global share of undernourished people dropped from approximately 65 per cent in 1950 to 8.9 per cent by 2019, which is an impressive feat considering that the world population rose from about 2.5 billion people to 7.7 billion people between 1950 and 2020. This means that in 1950 the world was able to supply adequate food to about 890 million people, but by 2019, that number had risen to just over 7 billion people – a significant achievement. However, the latest estimates for 2023 indicate a global prevalence of undernourishment of 9.1 per cent, suggesting that we may have peaked in our achievement to reduce undernourishment.

It is estimated that by 2050, 2 billion extra people will live on the planet, which will require a 70 per cent increase in food production. If these estimates are indeed accurate, we cannot afford to waste food, and reducing inefficiencies in our food system around waste would help us meet this growing demand. As a result, we can expect greater scrutiny and future legislative action around reducing food loss and waste, thereby increasing the efficiency of our food production systems.

This year [2024] the UN marked its fifth observance of the International Day of Awareness of Food Loss and Waste on 29 September. What measures are you and your business taking to become part of the solution from farm to fork?

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“As regards water, nearly 3 billion people and more than half of the world's food production are now in areas where total water storage is projected to decline because of climate change.

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FEATURE

Voting on Empty Stomachs: Realising the Right to Food in a Culture Mostly Concerned with Political Rights

Sfiso Arthur Madi

Introduction

'2024 is our 1994!' was the slogan of South Africa's recent elections, without a doubt one of the most historic the country has held since 1994. There were projections at the get-go that the elections would be historic, and the prediction that the African National Congress (ANC) could lose its majority came to pass. However, no one could predict how bad things would turn out to be. Although this article is not about politics, the interrelationship between the right to vote and the right to food seems too interesting to overlook.

The voter turnout for this year's election was very poor. It "declined from 89.3% in 1999 to an all-time low of 58.6% in the 2024 general elections. Of a registered voter population of 27.7 million people, only 16.2 million cast their ballots..." (O'Regan, 2024). Many people registered but few showed up to vote. The reason for this poor voter turnout is probably because people have lost faith in the electoral system. Others look at their hopeless conditions and see no benefit in voting. A survey carried out by the Human Sciences Research Council (HSRC) in 2023 to find out voter perceptions shows that many have been disillusioned. (O'Regan, 2024)

This article highlights how the justiciability and implementation of socio-economic rights, especially the right to food, affect the enjoyment of political rights. Typically, governments implement political rights and make them justiciable but generally shy away from doing the same with socio-economic rights. This article argues that the enjoyment of political rights without socio-economic rights is not really enjoyment. Hungry voters may enjoy voting because of the hope it brings, but if that hope is never fulfilled, O what a deplorable and miserable state they will be in! Hope deferred truly crushes the spirit.

The enjoyment of political rights is without a doubt important, but that should not come at the expense of socio-economic rights. Nelson Mandela (1991: 12) captured it perfectly when he said

> [a] simple vote, without food, shelter and health care is to use first-generation rights as a smokescreen to obscure the deep underlying forces which dehumanize people. It is to create an appearance of equality and justice, which by implication [means] socioeconomic inequality is entrenched. We do not want freedom without bread, nor do we want bread without freedom. We must provide for all the fundamental rights and freedoms associated with a democratic society.

Hope deferred truly crushes the spirit.

Generations of rights

There are three generations of rights: political rights, which are called first-generation rights; socio-economic rights, which are called second-generation rights; and environmental rights, which are called third-generation rights. Generally, first-generation rights are the ones that are given prominence: they are protected by the state and the state ensures that its duties are exercised. The other generations of rights do not always enjoy the similar treatment.

Socio-economic rights are basic rights. They are the rights which ensure that the basic needs that sustain a person are provided – things like access to clean water and food with basic nutrition are fundamental rights. Access to electricity is also becoming a fundamental right. These rights ensure that we enjoy political rights. As Mandela said in the quote above, 'We do not want freedom without bread, nor do we want bread without freedom.' The rights are interdependent. For an individual to enjoy a dignified life, he or she must have access to the means to enjoy socio-economic rights. The person's basic needs must be met. Without these being met, the bread of freedom will just be an idea that cannot provide any nutrients to sustain anyone.

The right to food as a fundamental right

International law has a number of treaties that aim to protect both political and socio-economic rights. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights all make up the international bill of rights. These treaties contribute greatly to our understanding of rights. They aim to promote how human beings are treated across the board and protect the freedoms and liberties that come from being human.

The Constitution of the Republic of South Africa, 1996, provides for both first- and second- generation rights. In fact, it is one of the few constitutions that enshrines socio-economic rights. Moreover, these socio-economic rights are justiciable and place obligations on the state for their fulfilment. This has been termed unprecedented as not all constitutions make socio-economic rights justiciable.

Sections 27(1)–(2) and 28(1) provide that everyone has the right to have access to food and children, in particular, have the right to have their basic nutrients met. For adults, the state must provide access to food within the state's available resources. However, that does not apply when it comes to children. The state is to meet the child's best interests by providing for the child. It is not optional or based on availability of resources.

The right to food is also tied to other fundamental rights and freedoms in the Constitution. These include the right to equality, which protects against unfair discrimination based on various grounds (section 9); the right to dignity (section 10); the right to life (section 11); the right to health care; and the right to water and social assistance (section 27(1)(a)–(c)). This makes the right to food very important and its realisation, critical.

Justiciability and implementation of the right to food

The obligation that the right to food places on the government has in two stages or phases (Nkrumah 2019). Primarily, the right places an obligation on the state to make food accessible to everyone, meaning that it must foster an environment that makes it possible for everyone to have access to food. This may be through farming activities or working for economic gain. The state, therefore, does not directly give food to the country's inhabitants.

If the environment makes it impossible for the state to fulfil this primary obligation, then there is a secondary, and more direct, obligation on the state to provide food for people in need. Here the state directly gives food or the means to access food, for example via food stamps or an allowance.

In principle, the right to food is justiciable in court. However, whether someone may have a successful court challenge remains to be discovered. The legal and policy framework on the right to food is extensive, but there is still a huge gap. Without dedicated legislation that deals with the provision of food to the neediest amongst us, millions of people in South Africa will continue to be without food (Gurjar & Mishra 2021). Studies show that a vast number of people in the country do not have access to food due to a number of factors including government policies and poor service delivery.

The legal framework for the provision to the right to food is thus limited, to say the least. Provisions in the Constitution, some court judgments on socio-economic rights, and some policies by the government provide details on the justiciability and implementation of the right to food in South Africa. There are indeed instances where the justiciability of this right may require creative mental gymnastics.

In *Certification of the Constitution of the Republic of South Africa* 1996 (10) BCLR 1253 (CC), the court highlighted that there is an obligation on the part of the state to ensure that access to socio-economic rights, including the right to food, is not hindered. Access is seen as the least a state can do depend on the circumstances. If the situation requires more than that, then the court may order the state to provide food for the needy person(s) through a programme.

Section 27(2) of the Constitution places the state under an obligation to take legislative or other measures to realise the right to food. Though there is no specific legislation in South Africa that deals with the right to food, the government has adopted certain policies to realise the right. What is reasonable is not always clear to everyone – and there is no universally accepted definition of it. The court in *Grootboom v Government of the Republic of South Africa* 2001 (1) SA ('*Grootboom*') provided three thresholds to test the reasonableness of a policy:

- it must not leave out a great number of the population;
- it must consider the circumstances of those who are in great need; and
- it must meet the needs of the desperate.

We will use this test to determine if some of the policies adopted by the government are reasonable.

What is reasonable is not always clear to everyone – and there is no universally accepted definition of it.

NSFAS

Based on reports over the years, a great number of South Africans are left without food. Millions of people are in crisis, and current government policies are not meeting their needs. People from a variety of walks of life do not get to enjoy this fundamental right. Students in tertiary institutions, called 'the missing middle', are an example of such a group. They are too poor to afford tertiary education, yet too rich for the National Student Financial Aid Scheme (NSFAS), a programme introduced by the government to help students from poor backgrounds to have both access to education and enjoyment of the right to food.

These students (the 'missing middle') can go for weeks on end without food. Some can barely focus on their studies and have to find a way to make ends meet. Studies show that this affects female students more than male ones, as they sometimes engage in transactional sex to get groceries or money (Adeniyi & Durojaye 2020). Many end up contracting STIs, STDs and/or HIV. Furthermore, many are victims of gender-based violence.

Leaving out the missing middle does not satisfy the reasonableness test in that a large part of the population is left out and that, to access food, it sometimes has to resort to degrading activities. The government and civil society need to work together to help such poor students.

The National School Nutrition Programme

Generally, the government fulfills its obligations under sections 27(1)–(2) and 28(1) of the Constitution by providing food for children in primary schools. This is

to ensure that children have the basic nutrition they need and can focus and concentrate at school, which affects their education.

The National School Nutrition Programme (NSNP) is the government's programme to cater for school children. However, while this programme is widely available in primary schools, it is much less so in high schools. As such, many high school students from poor backgrounds do not have access to food. This cannot possibly satisfy the reasonableness test.

State grants

The government has programmes for people with special needs, for example, children, the elderly, and people with disabilities. These are members of society who cannot provide for themselves and need direct help from the government in order to have access to food. Though the system is not entirely efficient, it helps a lot of people with special needs to access food.

However, it has been noted that this policy also leaves out a considerable proportion of the population. Adults who have no special needs, or who are not old but are food-poor, cannot rely on the programme to have their needs met. The idea to exclude them was probably because they could fend for themselves, but in an economy like ours, with a high unemployment rate, many adults without special needs do not have access to food.

How to gain access to food

There are a number of ways to gain access to food. The first two do not directly involve the government, whereas the others do.

Subsistence farming

A person or family can farm to meet their needs. This is a timeless method that people have used to provide food for themselves. However, the problem in South Africa, one which reflects the impacts of apartheid, is that most of the good land that people could use to provide for themselves through subsistence farming is in private hands.

Before democracy, one of the major promises the ANC made was to introduce a robust land reform programme. This was going to address the ills of the past and thus protect and provide for at least two fundamental rights, namely the right to food and the right to housing. However, almost three decades later the situation is not that different.

If one has a backyard, one can indeed plant some vegetables. Sadly, the poorest among us live in informal settlements, and a backyard for their children to play in, let alone for growing a vegetable garden, is a luxury they cannot afford.

The government has several policies that aim to help those who are in need. However, some groups in the population are excluded, and poor service delivery affects the enjoyment of this access.

Getting a job

Getting a decent paying job will grant someone access to food. This is easier said than done. High unemployment rates, low wages, inflation, and high petrol and electricity prices make access to food difficult.

Government programmes

Applying to a government programme might be a way for the food poor to gain access to food. The government has several policies that aim to help those who are in need. However, some groups in the population are excluded, and poor service delivery affects the enjoyment of this access. This does not pass the reasonable test as highlighted in the Grootboom case.

Court orders

A court may be approached and the constitutionality of the government's practices challenged. In the past, success through this route seemed unlikely, but recently it seems more and more possible. Current government policies seem not to be working and thus may provide success via this route. There are some cases in the past where the Constitutional Court showed that socio-economic rights are justiciable.

Education and the right to food

A story is told of a son who asked his father for money for rent. His father told him to read the Bible. The boy ignored his father and went about his business. Time passed and rent was due, and when he called his father again, he got the same response. Again, he ignored his father and tried to figure out a way to get the money, but without success. When he reached the end of his tether and realised his father would not help him, he decided to read the Bible to comfort himself. To his surprise, he found a cheque from his father in the Bible that could cover his rent and more.

The moral of the story is invaluable. It highlights the importance of knowledge in meeting our needs. Many people in need do not have information about the right to food or how to access it – they are living in abject poverty and do not know a way out. Young men may turn to crime and women, to transactional sex. All of this is due to a lack of knowledge.

Civil society needs to work together with the government to ensure that those who are in crisis have access to food. The government, working with NGOs, should go on awareness-raising campaigns about the right to food. It should teach people what the right to food is, what it entails, and the dual obligations of the state to realise it – that is, the indirect obligation to grant access to food and the direct obligation to provide food.

NGOs should provide information on which programmes to apply to and how to do so. If there is a gap, they can provide information on a possible court challenge and the legal basis behind it. People in humble circumstances are usually timid and might not want to challenge the government to seek the realisation of this right. NGOs must thus highlight the importance of this right and how fundamental it is to enjoy a life of dignity.

Impact of poor service delivery on political rights

Though people may abstain in their numbers from voting, rarely will they abstain from food and water except for religious or dietary purposes. This should highlight the importance of socio-economic rights over political rights. It is not that the latter are unimportant; it is that access to the former is essential in order to enjoy them. Many South Africans are hungry and in deplorable situations. The right to vote is no longer seen as liberating. While the patriotic emphasise the right to vote, others believe this right entails the right to choose not to vote.

The poor voter turnout and the new Government of National Unity (GNU) should be a wake-up call to politicians that the citizens of the nation are not happy. Many have unmet needs and are not satisfied with the T-shirts and food parcels they receive during election seasons. They want their needs met. Empty promises will no longer do. The provisions of the Constitution are also sometimes seen as cheap promises. The Constitution is one of the most beautiful legal documents in the world, yet while South Africa has pretty laws, it has very ugly implementation. That has led to a wide disparity between what the Constitution says and what the day-to-day lives of South Africans are like especially the ones in crises.

“While the patriotic emphasise the right to vote, others believe this right entails the right to choose not to vote.

Conclusion

As in 1994, so in 2024 many South Africans had a lot of frustration and were hoping for a better day. They were ready to say: Goodbye to the old and in with the GNU. Frustrations due to lack of resources mounted in the voting queues. However, unlike in 1994, voter turnout was significantly less. The right to food is a fundamental right and many people do not get to enjoy this right. The policies of the government might be labelled as unconstitutional and/or unreasonable if nothing changes.

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EVENT

National Schools Food Environment Assembly

Aisosa Jennifer Omoruyi

Introduction

On 9–10 October 2024, HEALA and partners brought together researchers, experts, and activists to discuss experiences, challenges, and opportunities in the implementation of the South African National School Nutrition Programme (NSNP).

More than 300 stakeholders participated, participated representing various organisations including Treatment Action Campaign, PRICELESS SA, Section 27, Dullah Omar Institute, the DST-NRF Centre of Excellence in Food Security, Equal Education, BlackSash, Southern Africa Food Lab, Ezintsha and Amandla.Mobi, UNICEF SA, the National School Nutrition Programme (NSNP) Nutrition Directorate, NSNP Service Providers Association, GrowGreat, Budget Justice Coalition, Labour Research Service, Umgibe Farming Organics, Rural Workers Association, and the Instituto de Defesa de Consumidores (Brazil).

The first panel discussion was centred on childhood nutrition and health, unhealthy food marketing to children, and ways of improving the school food environment. Children are exposed to food marketing within and around the school, at home, and in other social spaces, which negatively impacts their preference for unhealthy foods and predisposes them to various non-communicable diseases in childhood and later in life.

It was also noted that the Guidelines for Tuck Shop Operators are generally not implemented and that adherence to nutritional compliance often falls by the wayside. Moreover, escalating food prices have put nutritious food further out of the reach of children from poor families, especially as social grants remain inadequate to meet basic nutritional needs. The importance of paying attention to the first 1,000 days from the start of pregnancy was also emphasised – this involves taking a life-course approach and prioritising women's access to food.

The second panel discussion was aimed at understanding the stakeholders that impact on school food environments. The focus of the discussion was on the NSNP, which provides daily meals to over 9 million learners in South African public schools at a cost about R10 billion a year. Many South African families rely strongly on the NSNP, a fact which was all too apparent during Covid-19 when the NSNP was halted due to national lockdown restrictions. It was thus emphasised that the NSNP plays a critical role in realising children's rights to food, nutrition, health, and education.

Moreover, escalating food prices have put nutritious food further out of the reach of children from poor families, especially as social grants remain inadequate to meet basic nutritional needs.

In a similar vein, Ms. Giorgia Russo shared experiences from the Programa Nacional de Alimentação Escolar (PNAE), a Brazilian school-feeding programme that provides healthy, nutritious meals to millions of school learners. She shared insights on the rollout of the PNAE, the legal framework, the important role of nutritionists, and procurement processes, including the programme's restrictions on processed and ultra-processed foods. Ms. Russo noted that the programme prioritises local food procurement and sets a minimum requirement that 30 per cent of foodstuffs supplying the PNAE must come from local or family farmers.

The discussion highlighted various challenges in the implementation of the NSNP, including poor food quality and supply; insufficient training; inadequate infrastructure, service delivery and facilities for food preparation; discrimination between boys and girls in terms of portion sizes; the theft of foodstuffs meant for the NSNP; corruption; and poor treatment and remuneration of voluntary food handlers.

The importance of procurement in meeting the goals of the NSNP was also emphasised. Strengthening local food value chains has several benefits, including incentivising the procurement of healthy foods, empowering local suppliers and small-holder farmers, and promoting agroecological, sustainable procurement practices.

On Day 2 of the Assembly, participants were split into break-out groups to discuss pertinent issues about the NSNP, such as implementation challenges, budgets, and budget-cut implications, the nutritional quality of meals, the scope of beneficiaries of the NSNP, the food supply chain, and procurement. Groups were required to highlight three urgent challenges and relevant solutions in the short and long term for stakeholders to take forward.

Among the priorities that groups highlighted are improving market access and training for local suppliers; involving nutritionists in the implementation of the NSNP; improving infrastructure and facilities for food preparation in schools; addressing corruption in administrative processes; improving the perception and remuneration of voluntary food handlers; creating food gardens in schools; raising nutrition awareness among learners; and improving monitoring, evaluation and accountability mechanisms.

Schools play a key role in shaping lifelong eating habits and ensuring access to healthy food options. This encourages learners to make better choices that can continue into adulthood, reducing the risk of chronic diseases. It was also mentioned that it is important to restrict unhealthy food marketing to children in and outside of schools and ensure adequate food labelling, such as front-of-pack labels that highlight excessive amounts of nutrients of concern in packaged food.

The NSNP is crucial for fostering a healthier, more equitable society by prioritising the nutrition and education of children in South Africa. It is one of the most successful programmes launched by the South African government, and it must be sustained and improved to serve the nutritional needs of all schoolchildren.

More details about the event can be accessed at https://bit.ly/3Cb0XkL.

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