

Towards the recognition of Food Security in France

EAPN France affirms that the dominant agricultural production model in France is unsustainable, as it contributes to poverty and inequality within the nation and in the world.

One-third of French farmers are poor, living on less than € 350 a month. Only 8% on average of the price of food paid by the consumer goes to the producer. 8 million of our citizens live in the absence of food security.

On the occasion of the General Food Congress, which took place from June to December 2017 at the initiative of the French government, EAPN France continued its work of reflection and proposals for the right to dignified and sustainable access to food for all.

The purpose of this note is to clarify the position of EAPN France. It results from the work done by a group representing actors in the food chain: producers, distributors, consumers, associations ...¹ and more particularly the response to the questionnaire of the Committee on World Food Security coordinated by Magali Ramel and in collaboration with Dominique Paturel.

EAPN France considers that the next European elections and the reform of the common agricultural policy (that will follow in 2020) represent an opportunity to change the paradigm and move from a common agricultural policy to a common food policy, ensuring the sustainable and effective nature of food security.

EAPN France is committed to the recognition of an effective access to food for all.

EAPN France commits itself to the recognition of an effective access to food for all, which guarantees a "regular, permanent and free access, either directly or by means of monetary purchase, to a food quantitatively and qualitatively adequate and sufficient, corresponding to the cultural traditions of the country where the consumer is born, by ensuring a psychic and physical life, individual and collective, free from anxiety, satisfying and dignified".²

¹ Drafting of document coordinated by Magali Ramel in collaboration with Dominique Paturel for the Food security workshop of EAPN France; its members who contributed to this questionnaire: Julien Adda (Cocagne Network), Jean-Claude Balbot (CIVAM), Véronique Blanchot (UNITERRES), Claude Bobey (Secours Catholique), Diane Dalvard (ANSA), Richard Delplanque, Dominique Hays (Cocagne Network), Guy Janvier, Alain Jezequel (ReVivre in the world), Olivier Marguery (Salvation Army), Dominique Paturel, Magali Ramel (ATD Fourth World), Boris Tavernier (VRAC).

² Jean ZIEGLER, « Le droit à l'alimentation - Rapport établi par M. Jean Ziegler, Rapporteur spécial sur le droit à l'alimentation, conformément à la résolution 2000/10 de la Commission des droits de l'homme », 7 février 2001, E/CN.4/2001/53, §14

This entails the obligation for the State to respect, protect and give effect to this right and has the consequence of rethinking the food system³ as a whole.

“Food democracy” can be defined as the process of food governance, at the scale of living territories, in which groups of citizens decide their food choices and set up channels adapted to their choices.

EAPN France prefers the notion of food precariousness to that of food insecurity, which is part of the logic of the definition of poverty that we retain: "Precariousness is the absence of one or more securities, especially that of employment, which enables individuals and families to fulfill their professional, family and social obligations, and to enjoy their fundamental rights. The resulting insecurity may be more or less extensive and have more or less serious and definitive consequences. It leads to extreme poverty when it affects many areas of life, becomes persistent, compromises the chances of re-assuming responsibility and regaining one's own rights for the foreseeable future."⁴

In France, we confuse food aid, which is necessary for emergency, and the right to food security. There is no constitutional protection of the right to food security in our country. It may be found in Paragraphs 10 and 11 of the Preamble to the Constitution of 27 October 1946 (which have constitutional status), but these provisions have never been interpreted for the recognition the right to food security as a fundamental right as it has been done for the right to housing.⁵

Yet ratified international treaties and agreements could have made it possible to incorporate the right to food security into domestic law.

The right to food security is not mentioned explicitly in any text of French law. In the NAP (National Food Program), there is no reference to this right. In the EESC opinion of 10 February 2014 (Economic, Social and Environmental Council), "Promoting access for all to a quality, healthy and balanced diet", it is considered as obvious that access to feeding the poorest is done through the device of food aid.

Admittedly, the law of October 13, 2014, for agriculture, food and forestry has made progress on the recognition of a right to food security; however, it has a declaratory and non-binding scope.⁶

The “de-politicization” of the question of food insecurity.

The system for monitoring food insecurity is failing. The figures published by the CNLE (National Council for Combating Poverty and Social Exclusion) do not mention the subject of food insecurity.

The State and the local authorities (Departments and communes) often discard associations. Politics is unloading on the charitable private sector and giving up its responsibility of respecting the equal dignity of citizens' access to a dignified life.

The food distribution activity as a *raison d'être* of food aid should not replace the very meaning of the fight against poverty.

³ By food system, we mean the way people organize to produce, distribute and consume their food.

⁴ Report for the Economic and Social Council, Joseph Wresinski (1987).

⁵ DALO law of March 5, 2007 establishing the right to opposable housing.

⁶ Law No. 2014-1170 of October 13, 2014 for the future of agriculture, food and forestry has set the objectives of the policy in favor of agriculture, food and sea fishing (added in a preliminary book of the rural code, article L1). The purpose of this policy is to achieve the realization of the right to food security by: "ensuring that people have access to safe, healthy, diverse, good quality and sufficient economically and socially acceptable conditions for all, promoting employment, protection of the environment and landscapes and contributing to the mitigation and adaptation to the effects of climate change "(Article L1-I-1 °), to promote and sustain agro-ecological production systems (Article L1-II), to guarantee the safety of food (Article L1-III).

The paradigm in France is based on supply and not on the study of a demand, and mainly by a private and charitable sector. We are blocked in an area that limits and prevents the free organization of people in precarious situations. The challenge for them is to reclaim their food.

Social workers are not trained for this. An observatory of food insecurity could be set up or backed up by existing mechanisms. The PATs (Territorial Food Plans), provided for by law and currently being drafted, could include a diagnosis of these situations, especially those of children.⁷

An initiative could have been started following the EGA and in particular the workshop 12, whose title was yet explicit: "Allow a dignified diet and quality for all and access to common law". Its conclusions were adopted unanimously by the 60 members present.

- Changing the paradigm of food aid: moving from an essentially distributive model to a model providing for the coexistence of food aid (for emergency) and forms of sustainable access to food. Initiatives exist to experiment with new ways to respond to food insecurity. They operate in a wide range of fields where stakeholders are involved in actions that also promote employment, support for local producers, the vitality of territories and the creation of social ties.
- To have a dignified and quality diet for all and access to common law;
- Involve people who know or have experienced food insecurity;
- To be the voice of the actors who put in place alternatives to emergency distributive aid.⁸
- Have a territorialized approach to implement this principle of food democracy that can only take shape at the level of the territories with all the actors of the local food systems.⁹
- Recognize food insecurity as a reality.

In this sense, introducing an article defining the fight against food insecurity as one of the strands of the fight against exclusion (Title IV "Combating Exclusions" in Book II of the Social Action Code and Families) is a significant step towards the recognition of this right. Yet, it is not enough.

This is because currently, no subjective right to food security is recognized for people in precarious situations. Worse, the current legislation, by strengthening food donation schemes with the aim of combating food waste for certain operators in the agri-food and catering sectors, is the opposite of the desired objective.

We must not forget that 95% of food aid comes from agribusiness.

In France, the use of food aid has increased by 71% in 7 years. It went from 2.8 million beneficiaries in 2008 to 4.8 million in 2015.

France has a main action in the support of emergency food schemes and little or no national support for projects for sustainable access to food. Neither the right to food nor the right to be free from hunger are recognized and protected.

⁷ Article 39 of the Law for the Future of Agriculture, Food and Forestry (LAAF) introduces the notion of territorial food projects: Article L.1 of the III states: "Actions that meet the objectives of the national food program and the objectives of regional plans for sustainable agriculture, defined in Article L. 111-2-1 of this Code, may take the form of territorial food projects. The aim is to bring together producers, processors, distributors, local authorities and consumers and to develop agriculture in the regions and the quality of food. "

⁸ ANDES (Association Nationale de Développement des Epiceries Solidaires), VRAC (Vers un Réseau d'Achat en Commun), UNITERRES, Réseau Cocagne...

⁹ EAPN brings together rural actors, for example the CIVAM Network. <http://www.civam.org/>

The supply of products for food aid is carried out in a framework and according to a model that creates poverty: the disappearance of small farmers, the desertification of the rural world ... factors that, paradoxically, lead to more and more producers to return to food aid.

It is therefore necessary to rethink the food question for the whole of society within the logic of food democracy.

Since the law of 11 February 2006 on the fight against food waste, the development of a discourse linking it to the fight against food insecurity is worrying. France has become a pioneer in this area¹⁰. Any commercial area of more than 400 m² must seek a partnership with a food aid association to sell his unsold products. Since the vote on the law, donations to associations have increased by 22%. The draft law "Food and Agriculture" under discussion provides for the extension of the scheme to certain operators in the agri-food sector and catering.

However, waste and food surpluses on the one hand, and food insecurity on the other, are two very distinct problems.

Giving food surpluses supports a system based on a productivist model, does not tackle environmental problems, and does not encourage reducing surpluses or waste in the long run.

It also has the consequence of developing the food aid system as a response to food insecurity, while several studies have highlighted the feelings of shame and stigmatization felt by the beneficiaries. It consolidates the establishment of a two-level system of access to food between citizens: those who can choose their food in a socially acceptable way and those who benefit from the surplus for whom the choice is made on their behalf.

It is a reformist and non-systemic approach, perceived by the actors themselves as a second best. Some authors go further. It thwarts the establishment of a true food democracy: "More than compensate for the dysfunctions of the production system, it would ensure its sustainability. This leads to measures contrary to the right to food and developed with the best of intentions. This observation is all the more worrying because of the repositioning of a number of associations and companies in the social and solidarity economy around this market share which is developing around the food donation via the fight against food waste.

At the European level, neither the right to food security nor the right to be free from hunger are recognized. They do not appear in any of the texts of the European Union, nor in the European Convention on Human Rights. The challenge of the European elections next year, and the reform of the CAP in 2020, can thus be an opportunity: transforming the paradigm from thinking of food as a result of the agricultural system, to considering the agricultural system as one of the elements of a food system.

This could result in the development of a proposal for a framework law on the dignified and sustainable right to food security and the implementation of a common food policy complementing or substituting the actual common agricultural policy.

The solutions must be systemic, built from the territories and with the people concerned. We need to move beyond a vision based solely on aid and move vigorously towards an access-based vision, as it is the consecration of a right.

¹⁰ Other countries are inspired by this legislation. (Italy, Peru, Finland.)

At the international level, "Food cannot be a commodity left to the sole law of the market. Our vision is a model free from hunger, in which everyone can enjoy their human rights with dignity. "¹¹

The Universal Declaration of Human Rights of 10 December 1948 and the International Covenant on Economic, Social and Cultural Rights of 16 December 1966, ratified by more than 140 States, including France, enshrine the right to food security. They are required to respect, protect and guarantee the right to food of their populations.

The right to food security requires:

- A binding nature for the public authorities;
- A judicial remedy;
- A democratic dimension, such as the social, economic and cultural conditions related to access to food as well as the essential dimensions of dignity and non-discrimination in access.

Claims of EAPN France, drawn from the conclusions of EGA Workshop 12:

- To develop studies and innovative approaches on the right to food in the countries of the North: on the basis of the elements of definition that seem important to us: systemic approach, food democracy, dignity, non-discrimination, sustainability, contribution of approaches territorial ... Show the differences between food aid and the right to food, and the progressive realization of the right to food security.
- Develop work on the need to treat separately the issues of the fight against food waste and those of the fight against food insecurity.
- Develop policy evaluations with respect to the PANTHER approach¹² (based on human rights) in the development, implementation and monitoring of food policies in European countries.
- Support initiatives other than food aid to respond to situations of food insecurity and allow them to be financed, particularly through the FEAD.
- Access to food is a sovereign mission whose funding must be sustainable.
- Involve all the actors of the food system and especially the people concerned by the precariousness in the evaluation, the follow-up and the implementation of the policies, and to allow the real conditions of their participation.

¹¹ FIAN. Foodfirst Information and Action Network. French network of the global network for the right to adequate food and nutrition.

¹² Principles defined by the United Nations Food and Agriculture Organization (FAO). PANTHER: Participation, Accountability, Non-Discrimination, Transparency, Human Dignity, Empowerment, Rule on Law.