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Make federal food assistance rights-based

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Abstract

Federal food assistance in the USA is an agglomeration of programs, the legacy of charitable and needs-based approaches that have been in place since the 1930s. Moving toward a rights-based approach would overcome many of the problems of these programs, such as the stigma attached to receiving assistance, the fragmentation of different programs with different eligibilities and the disconnect between monitoring and strategies to reduce food insecurity. Although the USA has not accepted its obligations to respect, protect, promote and fulfill the right to adequate food and nutrition, steps can be taken regardless toward a rights-based approach at the federal, state and municipal levels. With federal recognition of the right to adequate food and nutrition and incorporation within the Nutrition Title, however, a complete reshaping of federal food policy would be possible.

Introduction

Since 1970, neoliberalism has undermined the middle class and enriched the wealthiest, leading to unprecedented levels of inequality in the USA that profoundly affect access to healthy food (Alston, 2017). Over that same time-period, corporate-friendly policies enacted by both Democratic and Republican administrations have resulted in stagnant farmworker and foodworker labor standards and wages, a holding pattern of household food insecurity between 14 and 15%, and the concentration and growth of a food system that is literally killing us (IPES-Food, 2017). Five of the top causes of mortality are diet-related; we have not figured out how to reverse climbing obesity rates; and other health problems largely caused by food system practices, such as antibiotic resistance, are increasing rapidly. On top of this long-standing trend of insufficient action, the Trump Administration has radically rolled back legislation that protects foodworker labor and the environment, such as removing obligations for meat-processing firms to report injuries and crippling the Environmental Protection Agency with incompetent administrators and a punitive budget.

While some people claim that the food system is 'broken', it is obviously serving the interests of some people very well. It is the link between the food system and public health, the link between the food system and environmental quality, and the link between the food system and the Social Contract that are broken. Underlying all this is broken trust in our government to protect the interests of the people—the fundamental core of the Social Contract.

Meaning of healthy food as a human right

Partly in reaction to the problems mentioned above, many people are becoming more interested in how and where the food they buy was produced, and how healthy it is. To find healthier food of known provenance, they are participating in farmers' markets, community-supported agriculture (CSAs) and other alternatives. Yet most people take food for granted, buying what is cheap, tasty and readily available. If asked whether food is a right, many people will answer 'yes, everybody should have enough to eat.' But the understanding of what food as a human right actually means is extremely limited in the USA; common misconceptions are that this means the government is obligated to feed people, whereas this is only required in the most extreme circumstances under the international understanding of the right to food. The USA is the only industrialized country in the world that does not formally accept food as a human right (along with a handful of small poor countries): during the 2007–2008 Food Price Crisis, the USA was the only country that failed to endorse the right to food when a vote was called in the United Nations General Assembly, and it has submitted repeated 'explanations of position' about why it cannot agree with other countries regarding measures necessary to ensure the right to food.

The right to food was first introduced internationally in the 1948 Universal Declaration of Human Rights, which Eleanor Roosevelt was instrumental in drafting and which the USA signed and ratified. But during the Cold War, the USA made an explicit decision to support political and civil rights but not economic, social and cultural rights including the right to food. The reasoning was that the USA needed to distinguish itself from communist countries and affirm the power of the market to best meet economic, social and cultural needs. However,

we can hardly argue now that our strategy of meeting food needs is superior, no more than we can defend our national strategy of meeting health care needs in light of comparisons with both food insecurity prevalence and health outcomes in other countries. Many countries with less wealth have better food security (and health care) because of their public policies (Cafiero *et al.*, 2016). We simply have not been willing to face this clear market failure and institutionalize policies to remedy it.

Even though the US government insists that we do not recognize the right to food, we are legally obligated to respect, protect, promote and fulfill this right through our signature and ratification of the Universal Declaration of Human Rights in 1948 and our acceptance of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security in 2005. The only reasons why the USA is not working actively for the right to food are first that citizens do not demand this, and second that other nations are not imposing sanctions on the USA for its failure to meet obligations to its own population.

Acceptance of the right to food would change federal food assistance profoundly

The Supplemental Nutrition Assistance Program (SNAP) is the best and largest anti-poverty and anti-hunger program in the suite of 13 food assistance programs administered by the Food & Nutrition Service of USDA. It deserves full funding and maintenance as a centralized program, and must not be block-granted to states because this would allow state legislators to whittle down its core components. Yet it does not meet the right to adequate food and nutrition.

If SNAP were rooted in the right to adequate food and nutrition, at least six big changes would ensue:

1. The federal government and the Food and Nutrition Service would accept that adequate food and nutrition is the government's obligation. The ability to access healthy food could not be foisted onto individuals or 'the market', as often happens now when poor people are blamed for unhealthy eating patterns or the government expects that product reformulation alone will take care of the surfeit of obesogenic foods in stores.
2. Healthy food would be available for all, not just those who can afford to pay for it.
3. Healthy food would become a true entitlement, not a quasi-entitlement in which Congress can change the rules of eligibility or fail to allocate enough money to cover the full costs of a healthy diet for all who need it. Just as the public would not accept that only children up to sixth grade deserve public education (another human right) we would no longer accept that people in poverty should not get support to enable them to access sufficient healthy food.
4. We would have a system of accountability for the State's failure to respect, protect and fulfill the right to adequate healthy food, in which people could bring forward violations for judgment and recourse.
5. We would see cases brought against US corporations for producing and promoting products that undermine the right to food and nutrition here and in other countries, which is explicitly prohibited through extra-territorial obligations.
6. There would no longer be any stigma associated with food assistance, no moreso than well-off people feel ashamed now to take tax deductions for mortgage interest. This particular tax deduction costs the US treasury about US$70 billion per year, the same amount that went to Food Stamps in 2016. Mortgage interest is an example of what Chris Ladd (2017) calls 'white socialism' or federal support that accrues disproportionately to whites and increases with rising incomes. In 2012, 77% of the mortgage interest deduction went to families with incomes over US$100,000 per year, including those buying second homes and with incomes considerably over that threshold, who could probably afford to pay the tax.

Movement toward a rights-based approach could happen through modifications to some programs now mandated through the Farm Bill, or added to a Farm Bill

Examples of programs consistent with progress toward the right to adequate food that could have been added to the 2018 Farm Bill include the development of a national food plan to reverse the static (or rising) prevalence of food insecurity. At present, the Economic Research Service monitors and reports food insecurity but the report is not linked to a strategy to remedy the problem. The Farm Bill might support the creation of more food policy councils, integrated at different scales, to allow greater participation in food policy, particularly by those who are not able to access healthy food now. Brazil has an intriguing model from which we might learn, the CONSEA system (Food and Nutrition Security Councils) to advise on and develop food and nutrition policy, with nested councils that have 2/3 representation by civil society and 1/3 by government staff. Particularly, given the dominance of US policy by food and agricultural industry actors, strong representation by civil society is essential. Civil society includes the people whose rights are being violated by the government or industry interests; they should have priority in policy over the private sector, which is often responsible for promoting unhealthy food. One of the key principles of rights-based approaches is participation by those whose rights have been violated.

Food policy councils might monitor violations of the right to food at the local level, determine how to ensure accountability, and act to protect and fulfill the right to food. The Farm Bill might support programs at municipal and state levels that provide healthy food to low-income people without stigma, such as Universal Free Breakfast and Lunch Programs. These are being implemented in some states now, in school districts where at least 40% of children qualify for free- or reduced-cost meals. They save on administrative costs, as well as creating a much better shame-free environment for children. The federal government might also support more farm-to-school programs, to bring healthier food into schools and educate children about nutrition and the source of their food.

Additional measures at other levels of governance are necessary to achieve the right to adequate food and nutrition for all

Of course, the Farm Bill and federal support are not the only ways to move toward rights-based approaches to food assistance. Each of the measures listed above that could be implemented at the federal level would be equally appropriate and beneficial at the state or municipal level; ideally, these different levels would work together to create a watertight safety net. But additional steps are needed: US civil society and government staff should seek to learn from the large and active international community that has been working on the right to adequate food and nutrition

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through their national governments and international fora such as the Committee on World Food Security. While we have ignored this right, other countries have made significant progress and clarified what is necessary to ensure that no person is prohibited from adequate food and nutrition by 'accidents of birth': being born in brown or black skin, to a single mother, or in the 'wrong' zip-code. We need to build links between food agencies, human rights organizations, food justice and anti-racist groups to share best practices and coordinate our work.

Beyond the Farm Bill, the USA could move toward real compliance with international human rights standards and conventions. We need to stop pretending that the USA is somehow above the need to meet human rights agreements that most of our peers see as binding. We are on the wrong path, in terms of achieving healthy food for all; and we have a responsibility to change course. Otherwise we will continue to hurt our communities and most vulnerable people, and in the process diminish our nation's potential.

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