



HOUSING AND LAND RIGHTS NETWORK

HABITAT INTERNATIONAL COALITION

HIC's role in the International Planning Committee for Food Sovereignty: Representing the Urban Constituency

For people living in urban centers, land and natural resources are the subjects of especially concentrated and multiple forms of exploitation, as well as competition over their access, use and control. As always, the first obligation of the modern state is to ensure human security with equity in the enjoyment of the territory: land, territorial waters and natural resources. Governments are charged with duties in managing the country's wealth and natural resources without bias or favor in relation to citizens, while mediating rival interests and ensuring priority to those who are the least advantaged and in the most vulnerable situations. Human rights treaties and other state obligations require that governments and other state actors respect, protect and fulfill human rights, while applying the covenanted over-riding principles of implementation (i.e., self-determination, nondiscrimination, gender equality, rule of law, maximum of available resources, progressive realization and international cooperation).

The objective of corresponding policies, programs and legislation is to ensure that the administration of equitable access to, and use of land, territorial waters and natural resources ensures the realization of the human right to live in a home, community and environment in security, peace and dignity.¹ Whether the land and/or other natural resources are used for housing, urban agriculture or other livelihood activities, states are obliged to “take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.”²

Accompanying the available, accessible and acceptable land and natural resources sufficient to ensure a dignified life in the city, town or village, also services, materials, facilities and infrastructure are needed for urban constituents to realize their human rights to an adequate standard of living, including food, clothing and shelter.³ Public institutions, including local governments and local authorities, must ensure that all urban dwellers have sustainable access to these services, materials, facilities and infrastructure, managed effectively and economically, in order to meet other requisites of a life with dignity.

Whereas, food and nutrition count among the most-essential of these requisites, all urban dwellers—like human rights holders everywhere—should have equitable, affordable and sustainable access to related natural and common resources: safe drinking water; energy for cooking, heating and lighting; sanitation and washing facilities; means of food production, distribution and storage; refuse disposal and waste management; site drainage, maintenance of public infrastructure and benefit from emergency services.⁴ Ensuring these public goods and services is most efficient in the urban setting.

In many states, increasing access by landless or impoverished segments of the society to serviced urban land should constitute a central policy goal. Corresponding municipal-level efforts should develop with the aim to substantiate the human right of all to a secure place to live in peace and dignity, including by way of access to land as an entitlement.⁵ Such land and other needed natural resources must be in a location that allows access to employment options, health-care services, schools, administrative facilities, child-care centers and other social facilities. This requirement is as vital in large cities as in rural areas, where the temporal and financial costs of transporting agricultural inputs and produce can place excessive demands on poor producers and consumers alike, thus, at the expense of the realization of other human rights and human needs. At the same time, land for housing, urban agriculture and other livelihood purposes should not be polluted, or in immediate proximity to sources of contamination, or other hazards that diminish inhabitants' highest attainable standard of health, or other human rights.⁶

The Urban Land and Natural Resource Challenge

In previous decades, governments had promised that land-tenure reforms would generate a surplus in agricultural production to feed and finance greater urbanization and industrial production. Meanwhile, over half of the world's population of seven billion people now lives in urban areas: cities and towns, large and small. The urban population is set to rise to two-thirds of an even larger number of global inhabitants in another generation.

Today, urbanization and its drivers are increasing dramatically in every region, despite the obvious detriments to the environment and depletion of natural resources. These global/local forces often drive rural people—peasants, indigenous people and others—off their land, and subject people in cities and towns to a sedentary and unhealthy life because of poor diets, also causing “hidden hunger.”⁷ The urban poor are often food insecure without the ability to raise their own nutritious food, and often living in urban “food deserts,”⁸ areas with low-income residents, having limited access to supermarkets, which decreases their access to fruits, vegetables and other whole foods.⁹

The world has witnessed cyclical food riots and related unrest, particularly in urban areas, as the access to, and availability of affordable, nutritious food, as well as the means to produce it. For them, the human right to food and nutrition has been foreclosed or derogated by rising and overlapping waves of food maldistribution and spiking inflation, whether due to the high price of fuels or and the global financial crisis.

Urban and rural people are affected by the same combination of global and local forces. For those suffering from disadvantage or marginalization, they can contribute to massive violations of a bundle of human rights, including food, housing, health and others. The food and nutrition needs of affected urban and rural people also are linked in many ways, but both are subject to the tendency of policy makers and other observers to treat these communities as separate, and even as competing with each other.

Often, city dwellers in low-income neighborhoods and informal settlements lack sufficient information and capacity to determine and develop their own land and natural resource tenure options. In many countries, land records are not public, or are difficult to access, and obtaining title can be extremely costly and time consuming. Official and/or private-sector development plans typically exclude the poorer households from any sustainable benefits of development, seeking instead to remove them from the city in favor of private profit making from use of the local land and natural resources by other parties, especially wealthier clients from outside the community.

Enabling Urban Dwellers' to Meet Their Food Needs

While food sovereignty is often associated with rural social movements, it is no less relevant or critical to urban movements grappling with their own set of pressing challenges related to food and agriculture, such as disparities in food access and food quality. In many poor urban communities, a lack of access to healthy food amid a barrage of highly processed foods from national and multinational food corporations has spawned epidemics of obesity, diabetes and other diet-related disease. Effectively informing city dwellers about these issues would enable them to become active participants in posing solutions, while shaping food systems in cooperation with food producers in surrounding areas, while also contributing to their food security and sovereignty.

In this sense, urban communities need to realize their human right to adequate food along with the realization of accessory, or “process” human rights. That means that benefitting from adequate food may depend upon the enjoyment of human rights to education, information, expression and association, enabling them to have the capability to feed themselves properly. Realizing the human right to food for urban dwellers also may entail claims to yet-uncodified rights to transport, land and urban planning as public goods and services.

The people who stream into cities and those who are already there often continue to produce food on available land. Contradicting any categorical division between the urban and the rural is the continuation of typically rural activities in the city, while the city sprawl often also overtakes peri-urban and rural areas along with their inhabitants. The presence of the vast urban market helps such backyard producers or small farmers make a living from the crops and livestock they produce, even though they mostly engage in agriculture or animal raising to feed themselves and their families. Key sectors are the provision of fresh vegetables and dairy produce.

This urbanized food production provides household food security for those small producers, while contributing to the food security of the cities they live in.¹⁰ Urban dwellers with access to local foods show better nutritional outcomes than those without such access. For example, the children of urban livestock keepers in sub-Saharan Africa have proved to be healthier as a result of their families farming activities.¹¹

Because such small farmers and producers have relatively easy physical access to nearby markets and easily available organic inputs in the form of solid waste and waste water, their outputs per unit area tend to be much higher than rural farmers. However, they tend not to be

supported by official extension programs or agriculture policies. Often a mismatch between rural and urban administrations leads to discrimination against small farmers operating inside urban jurisdictions, instead of helping them. The urban poor are less able than the rich to farm, mainly because the rich have better land access, for example, to backyards that the poor in dense settlements do not.

Human Rights and Productive Inputs in the Urban Context

Urban social movements worldwide have been struggling for the realization of their human rights in the urban context. Some of them have organized under various slogans, including the claim of a “right to the city,” to obtain secure tenure and access to relevant land and natural resources to support livelihoods and gain access to housing and services, as well as to public spaces and facilities in the city.

While all human rights are universal by nature, the bundle of claimed human rights also imposes corresponding obligations upon all organs of the state, including local governments and authorities. The struggles for these human rights, amid other claims and principles of social justice and good urban governance, have been expressed also as “urban rights,” “human rights *in the city*,” and contextualized in municipalities proclaiming to be “human rights cities,” or in more-integrated urban/rural regions as a “human rights habitat.” While confined only to “the city,” the claim for a “right to the city” also struggles to be seen as universal, while *prim facie* confined to city limits. Nonetheless, the human right to food and nutrition applies to everyone, everywhere, thus applying to all urban dwellers, despite—and partly due to—their challenging circumstances. (See **Connections between the Right to the City and the Human Right to Food** below.)

The administration of land and natural resource tenure relates to the urban context, where the diversity of tenure arrangements is greatest. Because all human rights are indivisible and interdependent, the “right to the city,” “human rights city,” or “human rights habitat” embodies the human right to land as a natural resource and the first in a chain of elements required for self-determination (a people’s right to its means of subsistence), and is often needed to realize decent work, health, education, culture, housing, social protection, and water and sanitation.

Also prominent among human rights realized or denied in the urban context is the human right to water. That element is essential to life and maintenance of the human body, which is composed of 70% water. Moreover, water is an essential element, too, in agricultural production wherever it takes place. Urban dwellers should be protected from threats to their enjoyment of water for drinking and household use, as well as for their home-based livelihood activities, not least of which include food production.

Social Production of Habitat

Most housing and community development in the world, especially in the developing world, is achieved by individual, joint and collective initiatives in processes often delinked from the formal market. Although many governments attempt to build urban housing and related facilities, the result typically falls short of the quality and quantity of housing needed. Despite

fluctuations in public-housing investment and production, formal housing starts and increasing costs of construction materials, low-income households and communities invest and build consistently according to their need.¹²

This social production of habitat encompasses all nonmarket processes carried out under inhabitants' initiative, management and control that generate and/or improve adequate living spaces, housing and other elements of physical and social development, preferably without—and often despite—impediments posed by the state or other formal structure or authority.¹³ Responsible governance in land and natural resource tenure in urban settings should complement such popular initiatives with technical, administrative, financial and other assistance to ensure the optimum outcome of urban people's social production of habitat. Such was the promise concluded in the "New Urban Agenda," the global policy on human settlements development through 2036.¹⁴

Markets do not always provide the quality and quantity of habitats needed. Likewise, as we have seen, food markets within a given food system may not satisfy food and nutrition needs. The resort to social production of food also constitutes an attainable solution for underserved and low-income communities.

Solidarity Economy

Another alternative to formal markets and systems that neglect urban poor is the practice of "solidarity economy." The solidarity system of exchange is based on efforts that seek to increase the quality of life of a region or community through local business and not-for-profit enterprise. It also may include nonmonetized trade in kind or barter.

Forming part of the solidarity economy are fair-trade organizations that express practical solidarity with farmers in the developing world by paying them fair prices for their produce. Local self-help organizations also form part of the solidarity economy as members support each other in dealing with their problems as a practical form of solidarity. Cooperatives and especially worker cooperatives also form part of the solidarity economy if their aims include a commitment to economic solidarity in some form. Specialized expression of solidarity economy may include the free software movement, open source development and other forms of commons-based peer production.

Food production within the context of solidarity economy is an alternative way to offer employment, income and nutrition for a part of the population. Although urban food production often occurs with space and setting restrictions, it guarantees distinctive foods with aggregate value, where handlers follow the whole process, from raw materials selection to sales. While basic hygiene practices may be followed, specific laws and regulations in many contexts have not developed to address the characteristics and needs of small-scale food production in order to regulate solidarity economy. Thus, solidarity food-production economies remain mostly informal.¹⁵

Proposals for policies and actions for the urban context:

Land and natural resource tenure administration and agrarian-reform policies should:

- Support a continuum of food production from city centers into the countryside, including urban and peri-urban farms and gardens. This also applies to women, especially women-headed households, whose access to land is typically inferior to men's.
- Encourage urban livestock farming and support greater food security and health. Urban and peri-urban agriculture needs to be recognized and supported as a subsector of national agriculture policy.
- Adopt urban and regional planning that prioritizes land for food production, space for public markets and other locally owned food retail outlets, as well as additional infrastructure to support local and regional food systems, including transportation, storage, and processing facilities.
- Support community markets and introduce and facilitate direct-marketing opportunities to connect farmers, fishers, pastoralists and urban consumers, such as community-supported agriculture and fisheries, box schemes, mobile markets, and food-purchasing cooperatives, without the involvement of corporate retail chains.
- Ensure equitable distribution of food through, *inter alia*, well-functioning public distribution systems and school-meal programs. Officials need to pay specific attention to meeting the needs of vulnerable populations, including women, children, senior citizens, and the chronically ill or disabled. For example, all schools should provide students with free meals of locally produced, safe and nutritious food.
- Invest public funds in infrastructure to develop regional food systems that connect cities to the countryside, including transportation, storage, and processing facilities for local and regional foods.

ANNEX:

Convergence between the Right to the City and the Human Right to Food

In order to deal with the complex relationship between the rural and urban contexts, it is necessary to find themes/concepts, also of a complex nature, that overcome the contrived sectorial and dichotomous vision that separates them.

While seeking policy coherence, a positive strategy has linked the countryside and the urban space with production and consumption in the pursuit of food and nutritional sovereignty and security. In the case of Brazil, managing food and nutrition of a particular territory in an integrated way has meant coordinating a set of policies, themes and diverse actors. The creation of production and consumption “short circuits.” The law in force which requires the purchase of 30% of the food for students in education centers from local family agriculture. This

also requires rethinking the city—and human settlements, in general—in its wider habitat, symbiotically linked in form and function.

This more-integrated perspective contributes to deepening and making more relevant the debate on “the Right to City” and urbanization in the “New Urban Agenda” within the view of cities as a metabolism; that is, the processes that occur within a living organism in order to maintain life. By using this metaphor, food and food systems are seen also as organic to the processes that occur in order to maintain life. As food meets a need of the human person, so, too, does the food system meet a need of the human settlement to maintain life of the composite whole. Whereas this need is universal to humans, the corresponding human right to food and nutrition assumed its collective dimension in the city.

The demand of the human right to food in the city drives the obligations of all spheres of government (from local to central) to meet the food needs of growing populations that are also increasingly urban. Already half of the world's population live in cities, it is estimated that the proportion could rise to 70% in 2050. Therefore, it is no coincidence that the theme “food and cities” gained momentum in 2016, in the Committee on World Food Security (CFS) in Rome and, at the same time, food and nutrition security appears in the New Agenda Urbana (NAU) adopted at Quito on the occasion of the Habitat III. These two global policy forums came to the same conclusions in the same month and year.

The NUA considers food and nutrition security among the standard functions of any human settlement such as sanitation, provision of water, health, education, transportation, etc.¹⁶ It commits states to support the implementation of policies and territorial plans with an integrated approach, including food and nutrition security systems, promoting the cooperation and exchange of experiences among cities, with a view to strengthen their social function, favoring the creation of commercial links between urban and rural areas and guaranteeing a market for small producers. It also pledges support for agricultural production in urban areas, as well as the creation of responsible-consumption networks, reducing waste and losses.¹⁷ Moreover, the Agenda commits states to promote food and nutritional security of urban population through urban and territorial planning.¹⁸

Another instrument that more deeply expresses the notion of sustainable food systems is the [Milan Urban Food Policy Pact](#) (2015), signed by 167 cities with a combined population of over 450 million. The document contains seven guidelines and 37 recommended actions, developed out of the experiences of participating cities. Therefore, the Milan Pact describes concrete actions. The Brazilian experience features the implementation of Municipal Plans on food and nutrition security and sovereignty. Where these actions were carried out, several pointed out potentialities, but also obstacles, bottlenecks and challenges. The involvement of local spheres of government is also a requirement in the Constitution of Kenya. That country's transition saw urban agriculture rise from a punishable offense to a policy requirement, whereas each Kenyan country now is obliged to adopt a food-security plan that integrates urban agriculture. Hence, the community of practice is growing to demonstrate how to realize the human right to feed oneself in the city.

These practical steps forward exemplify the convergence of the right to the city (or human rights habitat) with the human right to adequate food. Habitat International Coalition and its partners welcome this trend and advocate for cities and local spheres of government to implement their treaty-bound obligation to respect, protect and fulfil this human right through these instruments and practices, while mapping the progress, identifying challenges and exchanging experiences and knowledge. HIC also advocates the realization of the human right to food as organic to a human rights habitat, and the urban dweller as not only a consumer, but also an agent of this convergence.

Endnotes

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- ¹ Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4 (GC4): the right to adequate housing (art. 11 (1) of the Covenant) (1991), contained in document E/1992/23, para. 7, at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4759&Lang=en.
- ² GC4, para. 8(a).
- ³ International Covenant on Economic, Social and Cultural Rights (1966), Article 11, para. 1, at: <http://www.hlrn.org/img/documents/ICESCRs1966.pdf>.
- ⁴ GC4, para. 8(b).
- ⁵ GC4, para. 8(e).
- ⁶ GC4, para. 8(f).
- ⁷ A form of undernutrition that occurs when intake and absorption of vitamins and micronutrients (minerals such as zinc, iodine and iron) are too low to sustain good health and development. See *Global Hunger Index: Addressing the Challenge of Hidden hunger* (Washington: welt hunger hilfe, International Food Policy Research Institute, and Concern Worldwide, 2014), at: <https://www.ifpri.org/sites/default/files/ghi/2014/index.html>.
- ⁸ Hillary John Shaw, *The Ecology of Food Deserts* (PhD. thesis), The University of Leeds, School of Geography (December 2003), p. 11, at: <https://core.ac.uk/download/pdf/1146142.pdf>.
- ⁹ Courtney Hall Lee, "Grocery Store Inequity," *Sojourners* (April 2017), at: <https://sojo.net/magazine/april-2017/grocery-store-inequality>; Richard Florida, "It's Not the Food Deserts: It's the Inequality," *Citylab* (18 January 2018), at: <https://www.citylab.com/equity/2018/01/its-not-the-food-deserts-its-the-inequality/550793/>.
- ¹⁰ By about a third of urban dwellers and a higher proportion of peri-urban dwellers in one typical African city recently measured. See Kampala nutritional data in Gertrude Atukunda, "Urban Agriculture in Kampala, Uganda: Reviewing Research Impacts," CFP Report 29B; and Diana Lee-Smith and Davinder Lamba, "Urban Food, Fuel, and Shelter," CFP Report 29A; papers presented to the Cities Feeding People Workshop: Lessons Learned from Projects in African Cities, Nairobi, 21–25 June 1998, at: http://www.idrc.ca/en/ev-8249-201-1-DO_TOPIC.html#2.Makerere.
- ¹¹ Diana Lee-Smith, "the Dynamics of Urban and Peri-Urban Agriculture," in Akinyinka Akinyoade, Wijnand Klaver, Sebastian Soeters and Dick Foeken, eds., *Digging Deeper: Inside Africa's Agricultural, Food and Nutrition Dynamics* (Leiden: Brill, 2014), p. 197–216.
- ¹² Rino Torres, *La Producción Social de Vivienda en México: Su importancia nacional y su impacto en la economía de los hogares pobres* (México DF: Habitat International Coalition, June 2006).
- ¹³ For more information and cases, go to [HIC general website](#) and [HIC-HLRN website](#).
- ¹⁴ New Urban Agenda, A/RES/71/256, 25 January 2017, paras. 31 and 46, at: <http://habitat3.org/the-new-urban-agenda/>.
- ¹⁵ Simone Weschenfelder, Bruna De Oliveira, Luiza Barth Bagatini, Micheli Saueressig, Cecília Colling Wilhelm and André Luciano Viana, "Food production in solidarity economy: an issue that goes beyond laws," *Food Science and Technology*, Vol. 36, Supl. 1 (July 2016), at: <http://dx.doi.org/10.1590/1678-457X.0040>.
- ¹⁶ New Urban Agenda, A/RES/71/256, 25 January 2017, paras. 2, 13(a), 14(a), 34, 51, 67, 68, 70, 71, 88, 95, 123, at: http://www.hlrn.org/img/documents/A_RES_71_256_EN.pdf.
- ¹⁷ *Ibid.*, para. 95.
- ¹⁸ *Ibid.*, para. 123.