



## Mexican Constitution Now Recognizes Right to Food

Alfredo Acedo



*To die of hunger is to be assassinated. Alberto Morlachetti*

On April 29, 2011 the Chamber of Deputies approved the constitutional reform that establishes the right to food in Mexico. On August 17, the Senate received reports that the required majority of the states in the country had approved the reform and ordered its publication in the official federal record.

For more than fifteen years, lawmakers—absurdly--seemed to prefer to abolish the desire to eat rather than comply with international agreements on human rights signed by Mexico regarding the recognition of the right to food. In the traditional style of handling agreements as if they were political coinage, in April representatives sought to present some result in a legislative period that had produced very little. The right to food was the only significant reform the Chamber of Deputies could pass in the first regular session, after being unable to agree on major reforms on labor, elections and national security.

The Chamber unanimously approved the reform, with 404 votes in favor and four abstentions. The right to food then became part of Mexico's Constitution. With it, the State has an obligation to guarantee the right (addition to Art. 4) and to assure sufficient supply of basic foods through integral and sustainable rural development (addition to the Art. 27).

The modifications are:

“Art. 4: Every person has the right to adequate food to maintain his or her wellbeing and physical, emotional and intellectual development. The State must guarantee this right.

“Art. 27, Clause XX: Sustainable and integral rural development (...) will also have among its objectives that the State guarantee sufficient and timely supply of basic foods as established by the law.”

If in some ways you are what you eat, then with the right to food we regain the right to exist. Food can be considered a value that allows us to reproduce as human beings, not just merchandise sold on the market to make money. At present, 30 million people in the country do not have access to minimal food requirements. More than a fourth of the Mexican population suffers food deficiencies.<sup>1</sup>



## A Triumph for Grassroots Organizations

The reform is a battle won after 16 years of demonstrations, demands and proposals, during which, especially in the last stage, grassroots organizations carried out intense efforts at negotiation and lobbying among legislators in both houses of Congress.

Taken together with the Law of Sustainable Rural Development, which could now become part of the implementing legislation for the constitutional reform, the constitutional right to food represents an enormous advance in terms of human rights. It is also a key that opens the door to a change in the model, with rural policies favorable to small-scale agriculture. Today Mexico has improved legal conditions to reactivate rural production and the countryside, to restore traditional agricultural knowledge and to guarantee food sovereignty, nutrition and a dignified life for all.

To date, the right to food has been approved in 18 states—more than the 16 necessary to become federal law. This includes states dominated by different political parties, such as Guerrero and Chihuahua. Other states include: Aguascalientes, Baja California Sur, Campeche, Colima, Durango, Guanajuato, Michoacan, Nayarit, Nuevo Leon, Puebla, Sonora, Tabasco, Tamaulipas, Veracruz, Yucatan and Zacatecas.

The exercise of the right to food will still take time to become a reality though, in a country where laws and practice are often far apart and where poverty and hunger have reached alarming levels.

## A Little History

In 1986, the eminent nutritionist Salvador Zubirán presented a proposal to recognize the right to food. His purpose was to end negligence on the part of the government in this area. The historical consequence of government indifference, particularly for peasant farmers, indigenous Mexicans and women, has been a deficiency in nutritional intake, and an insufficient diet that keeps million of people from developing their physical and intellectual potential.

Eight years later, in 1994, the North American Free Trade Agreement (NAFTA) went into effect. NAFTA finished off the process of dismantling the institutions and support programs for food production in Mexico that began with the Mexican revolution. Shortly after, the Mexican Front for the Right to Food proposed the first legislative initiative for the right to food to be incorporated into the Constitution as a way of protecting the interests of the people, which were betrayed by the government when it agreed to disadvantageous conditions under trade liberalization.

Later there were more than twenty proposals in both houses on Congress. Most were based on the tenets of international agreements that guarantee the right to food signed by the federal government, such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

For the National Union of Regional Autonomous Peasant Organizations (Unión Nacional de Organizaciones Regionales Campesinas Autónomas-UNORCA), the recognition of the right to food formed part of a strategy to push social and economic reforms in the country. Along with other grassroots organizations, UNORCA helped draft and lobby Congress on a final proposal that ended the long period



of legislative inaction.

The Senate approved a decree in December 2004, which was then sent to the Chamber of Deputies, where it remained several years until it passed committee and was then debated and agreed on last year. This measure led to the final reform that became law in August 2011.

This puts the Mexican legislation in line with the International Covenant on Economic, Social and Cultural Rights, which stipulates that hunger should be eliminated and all people have permanent access to a sufficient diet. According to that international norm, governments have the obligation to protect and guarantee the right to food. The Covenant also prohibits the use of toxic substances in the production of foodstuffs.

## **Hunger at the Doorstep**

Although the right to food is now recognized in the Constitution, poverty, hunger and exclusion in the country have worsened to the point that to put the right to food in practice requires a radical transformation in the economic model. According to government counts, an additional 12 million people fell into poverty between 2006 and 2010.

The number of families that do not have enough resources to acquire the basic food basket increased, with 6.1 million people entering that category in the last four years. Official statistics report that there are 21 million Mexicans who go hungry, 28 million with considerable diet deficiencies, and nearly 50 million with some level of food scarcity. At the same time, the population suffering from obesity and associated illnesses has grown. Astoundingly, Mexico is now number-one in the world for percentage of overweight people and second in obesity. Forty percent of Mexican children suffer from malnutrition and another 33 percent suffer from child obesity.

Mexico has lost its food sovereignty. Its ability to feed the population depends on imports that now compose nearly half of national food consumption.

If the efficiency of a national government is measured by the wellbeing of its people, the current Mexican government is not just a failure—it's an unmitigated disaster. In just four years, it has driven 12, 205,356 Mexicans into poverty. This represents an increase of 27 percent in the number of poor people in the country. Poverty as measured in personal assets surged from 45.5 million people in 2006 to 57.7 million in 2010.

Today half the population is poor. And that's according to the official numbers. The calculations of independent experts, using methods of the International Labor Organization and the World Bank, show more than 75 percent of Mexican population in poverty.

The highest levels of poverty are found in the countryside. In the rural sector, 17 million people live in poverty—65 percent of the population. Two years ago the percentage was 62.4%, or 15.9 million, according to official data.

The situation is even worse for indigenous populations. Only two of every ten do not live in poverty. Some 5.3 million indigenous people—79.3 percent—live without fulfilling basic needs, and 40 percent live



in extreme poverty. The percentage of the indigenous population in poverty increased between 2008 and 2010; two years ago it was 75.9 percent.

Meanwhile, [a handful of investors](#) on the Mexican stock market now represent 45 percent of the national economy.<sup>3</sup> While millions of people get poorer, a few are getting incredibly rich; the value of the shares held by 203,023 investors--equivalent to 0.18 percent of the total population--came to more than six trillion pesos. Less than one percent of the population concentrates nearly half the wealth of the nation.

## Rural Organizations Take the Lead

In this context, farmers' organizations recently converged to become a third force to be reckoned with, alongside the official National Peasant Confederation (CNC, by its Spanish initials) and the National Agriculture and Livestock Council that represents the interests of large private producers and transnational corporations. The new coalition is made up of the organizations that created the movement "The Countryside Can't Take it Anymore" in 2003, which surpassed the CNC in influence and placed issues of the right to food on the national agenda.

This block of left-leaning farm organizations is demanding that the constitutional recognition of the right to food be fully implemented through major changes in food and agricultural policy that the groups have been fighting for for years. This implies a necessary transformation of the model of food production and consumption. Legal changes must lead to a review of public policy in the rural sector and a restructuring of government programs that deal with food, to reduce the current emphasis on cash transfer programs for the rural poor, in favor of support for production, especially among the critical and very large sector of smallscale farmers. A thorough institutional reform is needed that should include the creation of a National Commission on Food, through a new food law or incorporation into the Rural Sustainable Development Law

The reform should also oblige the government to evaluate policies on agrofuels, since agrofuel production demands a large amount of water and land and so competes with food production. The bad idea of converting food grains such as corn into fuel is a preface to disaster. In the battle between food and fuel, the poor and the hungry are at the mercy of the market in the definition of food prices. It's estimated that it takes 200 kilos of corn to fill a single car's tank—enough to feed a person during an entire year.

Mexico has already seen the effects of the rises in prices of food products caused in part by the production of agrofuels. In January of 2007, the price of tortillas rose more than 400 percent, gravely affecting the daily diet of poor families. Corn makes up more than half of the caloric intake of poor Mexican families. As a result of the North American Free Trade Agreement (NAFTA) the country lost self-sufficiency and now imports corn, even the traditional white corn.

There is an alarming degree of food dependency in Mexico.<sup>5</sup> The nation has reached 25 billion dollars in food imports—ten times more that it imported in 1982 and double the imports of 2006. The figure is greater than the total of public resources to the rural sector and six times greater than the resources to support rural production. The cost of imports already surpassed the amount of remittances sent to the country by Mexican migrants. The value of food imports has doubled in just four years, from 12.5 billion dollars in 2006 to the 25 billion dollars mentioned in 2010.



According to data from the Chamber of Deputies, Mexico imports 33 percent of the corn it consumes, 95 percent of soybeans, 80 percent of rice, 31 percent of wheat, 40 percent of beef and pork, 20 percent of beans, and it occupies first place in the world as an importer of powdered milk

## **Budget for the Right to Food**

The right to food must be a top priority for the 2012 budget, with the aim of recovering food sovereignty by making qualitative changes in the rural budget, rather than simply increasing amounts

For UNORCA, it is absolutely necessary that the constitutional right to food be incorporated in the 2012 federal budget. The organization recently sent Congress a proposal for the rural budget that proposes the reorientation of policies, programs and amounts to address the serious problem of food in the country.

Based on the new right to food, the proposal seeks to mandate the creation of a National Food Program: “Conforming to Article 42 of the Law of Budget and Fiscal Responsibility stemming from the approval of the constitutional reform that recognizes the Right to Food, the federal government should include this programmatic modification. Now it is proposed that the Chamber of Deputies (through its Budget Commission) present to the Treasury Ministry a measure to create a fifteenth program called the National Food Program, which would be funded with resources from thirteen programs that would be merged and coordinated, giving a total of 82,089 million pesos.”

Another objective states that the National Food Program should reduce food dependency by 30 percent during 2012, by setting up production modules for local consumption, but above all by establishing specific national production goals in the rural budget. In this way, the budget becomes a real instrument of transformation and change in the model of food production and consumption in the country.

The organization also proposes, “To create the Mexican Food Institute as an autonomous public institution charged with guaranteeing a healthy, adequate and quality diet that fills the nutritional needs of the population, and as an agency charged with implementing the constitutional reform that recognizes the Right to Food. It is regrettable that a problem like basic food, which affects more than half of all Mexicans, does not have a specific agency to address it. Just as constitutional reforms before led to the creation of the National Commission on Human Rights, the Federal Electoral Institute, and modifications to the Commission for the Development of Indian Peoples, the same is clearly necessary in the case of food, which impacts all Mexicans.”

The National Food Program is an initiative to promote local food production and begin to resolve the terrible contradiction that it is precisely in the countryside, where food is produced, that we find widespread food poverty, malnutrition and hunger.

*Alfredo Acedo is Director of Social Communication and Advisor to the National Union of Regional Autonomous Peasant Organizations (UNORCA), Mexico.*

1. Mexican Senate, LXI Legislature. Public Session of the Permanent Commission of Congress, held Aug. 17, 2011.

<http://www.senado.gob.mx/index.php?ver=sp&mn=4&sm=2&f=2011/8/17>



2. La Jornada, July 30, 2011, p. 2 The National Council of Evaluation of Social Development Policy (Coneval) informed that between 2008 and 2010 food poverty, when family income is insufficient to purchase the basic food basket, increased 18.4% (20.2 million Mexicans) to 18.8% (21.2 million). At the same time, "capacity poverty", which includes those who cannot attain adequate food, health and education although they use all their income, also increased, passing from 27.8 million to 30 million people. <http://www.jornada.unam.mx/2011/07/30/politica/002n2pol>

3. Ibid.

4. La Jornada, Aug. 3, 2011, p. 24. Due to the sustained increase in its value, stock shares reached 6 trillion pesos, according to the National Banking and Stock Commission. 203,000 investors concentrate 45% of the GCP and have managed to recuperate losses of the 2009 crisis that hit the poor. <http://www.jornada.unam.mx/2011/08/03/economia/024n1eco>

5. Imagen Agropecuaria, November 29, 2010. José Luis Calva, of the Institute for Economic Research of the UNAM estimates that the volume of food imports this year will reach \$25 billion dollars. In a forum of the Center for Research on Sustainable Rural Development and Food Sovereignty of the Chamber of Deputies he noted that the Mexican countryside can produce more than enough food because it has the people, the land and the climatic conditions necessary, but it must change the economic model and generate rural stimulus programs.

[http://www.imagenagropecuaria.com/articulos.php?id\\_art=1230&id\\_sec=12](http://www.imagenagropecuaria.com/articulos.php?id_art=1230&id_sec=12)

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