

Sustainable Livelihoods and the Right of Access to Food: Achieving the National Development Plan 2030 Goals on Poverty Eradication

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Abstract

Poor and marginalised households often lack the basic resources and assets that would enable them to cope with shocks such as unemployment, droughts and illness, and stressors such as distorted economic policies, illiteracy and landlessness. As a result, these households suffer severe poverty and food insecurity and without government intervention, they are vulnerable to a perpetual state of deprivation. Against this background, this article examines the relevance and importance of the concept of sustainable livelihoods in promoting access to food, with specific reference to the goal of the National Development Plan 2030 (NDP 2030) to eradicate poverty. The strategies aimed at poverty eradication as proposed in the NDP 2030 are discussed in relation to the sustainable livelihood approach or capabilities approach as developed in international law. First, this article discusses the origin and development of the notion of sustainable livelihoods as advanced by international instruments central to socioeconomic development and various scholars. The potentials and shortcomings of the sustainable livelihood approach are also examined. Second, livelihood assets in the form of land and policy are examined to determine their significance in promoting access to food. Finally, a conclusion is drawn on the integral role of the sustainable livelihood approach in enhancing livelihood security and assisting households to adopt both coping and adaptive strategies aimed at reducing poverty and food insecurity.

Keywords: access to food; capabilities; food security; livelihood; poverty; sustainable livelihoods

Introduction

Poverty deprives households of access to food because such households do not have money to purchase food that is available in the markets. Poverty perpetuates food insecurity as its various manifestations include lack of income and productive resources that are sufficient to ensure sustainable livelihoods.¹ The United Nations Principles and Guidelines for a Human Rights Approach to Food Security Interventions of 2006 (UN Principles and Guidelines on Poverty Interventions) state that poverty is the denial of a person's rights to a range of basic capabilities, such as the capability to be adequately nourished and to live in good health.² In this context, the right to food plays an important role in relation to poverty alleviation, and food security interventions have a direct impact on food-specific policies. Such interventions will also take account of the fact that people living in poverty not only have needs but also have poverty rights, with the right to food being one such right.³ This is important because the right to food enables people to have entitlements. Such entitlements place a duty on states to take relevant legislative and other measures to ensure that the right to food is promoted.

In South Africa, such an obligation emanates from section 7(2) of the Constitution of the Republic of South Africa, 1996 (the Constitution) which provides that the state must respect, protect, promote and fulfil the rights in the Bill of Rights. The duty to promote the right of access to food as entrenched in section 27(1) of the Constitution, read with section 27(2) of the Constitution, is relevant to this article. Section 27(1)(b) of the Constitution therefore imposes a positive obligation on the state to ensure that everyone has access to sufficient food and water, subject to certain limitations imposed by section 27(2). This means that the government must devise and implement measures to give effect to the right to food and these measures must be reasonably capable of achieving the purpose of the right to food.⁴ Needless to say, measures aimed at realising the right of access to food should comply with the government's obligations at both regional⁵

1 The World Summit for Social Development Programme of Action (1995) para 19 provides that poverty is a condition characterised by the severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. <<https://www.un.org/development/desa/dspd/world-summit-for-social-development-1995/wssd-1995-agreements/cdosd-introduction.html>> accessed 28 March 2020.

2 Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies. para 7 <<https://www.ohchr.org/Documents/Publications/PovertyStrategiesen.pdf>> accessed 28 March 2020.

3 UN Principles and Guidelines on Poverty Interventions (n 2) para 19.

4 Danie Brand, 'The Right to Food' in Danie Brand and Christof Heyns (eds), *Socio-Economic Rights in South Africa* (Pretoria University Law Press 2005) 178.

5 Article 22(1) of the African Charter on Human and Peoples' Rights of 1986 (African Charter) provides that all peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind, while art 22(2) places a duty on state parties to ensure the exercise of the right to development. Taking into consideration the framing of art 22 of the African Charter, there is a threefold duty in respect of the right to development: an obligation to abstain from undertaking actions that could violate human rights, a duty to protect citizens against acts that could violate their human rights, and a duty to fulfil mostly economic, social and cultural rights [my emphasis]. Article 15 of the Protocol to the African Charter

and international⁶ levels. Goals 1 and 2 of the Sustainable Development Goals (SDGs) adopted at the Transforming our World: The 2030 Agenda for Sustainable Development Summit, 2015⁷ (2030 Agenda) provide that the member states must commit to ensuring that poverty, hunger and food insecurity are eradicated by 2030. In order to achieve these goals, governments are required to adopt national planning processes, policies and strategies.

To this end, paragraphs 18 and 19 of the UN Principles and Guidelines on Poverty Interventions provide that empowerment occurs most fundamentally by introducing the concept of rights itself. Once this concept is introduced into the context of policy making, the rationale of poverty alleviation no longer derives merely from the fact that people living in poverty have needs, but also from the fact that they have rights that give rise to legal obligations on the part of others. This rights-based approach, reflected in the Millennium Development Goals (MDGs), means that the realisation of these goals requires states to fulfil their duty in realising the right to food and at the same time empowers individuals to assert their claims against governments where this right remains unrealised.⁸ The MDGs create an expectation that rights, specifically the right of access to food, should be protected, respected, promoted and fulfilled by state parties.⁹ Similarly, paragraphs 17 and 24 of the 2030 Agenda provide that eradicating poverty, ending hunger and achieving food security are of paramount importance. These provisions reflect the vital role of the rights-based approach in addressing food

on Human and Peoples' Rights on the Rights of Women in Africa of 2003 (African Women's Protocol) provides that state parties shall ensure that women have the right to nutritious and adequate food. Article 14(1)(c) of the African Charter on the Rights and Welfare of the Child of 1990 (African Children's Charter) provides that states shall take measures to ensure the provision of adequate nutrition and safe drinking water.

- 6 Article 11(2) of the ICESCR encourages state parties to adopt programmes, including developing or reforming agrarian systems, in such a way as to achieve the most efficient development and use of natural resources to ensure that everyone is free from hunger. Commitment 3 of the Rome Declaration Plan of Action (1996) provides that state parties should pursue participatory and sustainable food, agriculture, fisheries, forestry and rural development that are essential to adequate and reliable food supplies at the household, national, regional and global levels. Principle 3 of the Rome Declaration of the World Summit on Food Security ('Rome Declaration 2009') provides that state parties must strive for a comprehensive twin-track approach to food security that consists of: direct action to immediately tackle hunger as it occurs among those most vulnerable to it; and sustainable medium-term and long-term agricultural, food security, nutrition, and rural development programmes to eliminate the root causes of hunger and poverty, also through the progressive realisation of the right to adequate food.
- 7 UN General Assembly, Transforming our World: the 2030 Agenda for Sustainable Development, 21 October 2015, A/RES/70/1, <https://www.refworld.org/docid/57b6e3e44.html> (accessed 28 June 2021).
- 8 See Marc J Cohen and Mary Ashby Brown, 'Access to Justice and the Right to Adequate Food: Implementing Millennium Development Goal One' (2005) 6(1) Sustainable Development Law & Policy 54.
- 9 See arts 24 and 25 of the United Nations Millennium Declaration (2000) <<http://www.un.org/millennium/declaration/ares552e.htm>> accessed 28 March 2020.

insecurity as it allows individuals to take legal steps to compel governments to take reasonable measures to progressively realise socioeconomic rights.¹⁰

Such a rights-based approach calls for coordinated food security interventions and policies that reflect a detailed resources plan and institutional initiatives that include the adoption of food-specific legislation. Paragraph 9 of the 2030 Agenda provides that in order to succeed in achieving the SDGs, good governance and an enabling environment are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger.¹¹ To this end, paragraph 24 of the Copenhagen Programme of Action emphasises the integration of food security interventions and social development programmes and provides that the eradication of poverty requires universal access to economic opportunities that will promote sustainable livelihoods and basic social services, because hunger stems from disempowerment, marginalisation and poverty.¹² Therefore, addressing the factors that perpetuate hunger and food insecurity will reduce poor people's vulnerability to risks and will assist them in coping with adverse shocks and stressors.¹³

The question then is how to address these shocks and stressors. This leads us to the concept of sustainable livelihoods, which has been defined and conceptualised in various ways over the years. Emanating from Sen's concept of capabilities, a sustainable livelihood comprises of resources and conditions for the enhancement and exercise of capabilities.¹⁴ In other words, a livelihood comprises of the capabilities, assets (stores, resources, claims and access) and activities required for a means of living. A livelihood is sustainable if it can cope with and recover from stress and shock, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next

10 Cohen (n 8) 56.

11 See also paras 13 and 24 of the Millennium Declaration (n 9).

12. Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (Oxford University Press 1981) 154–166.

13 See World Bank, *World Development Report 2000/2001: Attacking Poverty* Report number 22684 (Oxford University Press 2001) 4 <<https://openknowledge.worldbank.org/handle/10986/11856>> accessed 28 March 2020.

14 See Robert Chambers and Gordon R Conway, 'Sustainable Rural Livelihoods: Practical Concepts for the 21st Century' (1991) Institute of Development Studies Discussion Paper 6. See also Amartya Sen, 'Capability and Well-Being' in Martha Nussbaum and Amartya Sen (eds), *The Quality of Life* (Oxford University Press 1993) 30–41. Sen states that the capability approach to a person's advantage is concerned with evaluating it in terms of his or her actual ability to achieve various valuable functionings as a part of living. The corresponding approach to social advantage—for aggregative appraisal as well as for the choice of institutions and policy—takes the sets of individual capabilities as constituting an indispensable and central part of the relevant informational base of such evaluation (at 30).

generation; and if it contributes net benefits to other livelihoods at local and global levels and in the short and long term.¹⁵

According to the NDP 2030 of 2012, the government should adopt strategies such as using and expanding existing public works programmes for rural infrastructure development, and ensuring that eligible households have access to social grants that enable poor households to cope with food insecurity and other factors that make households vulnerable to livelihood shocks.¹⁶ These strategies include social protection, job creation, land reform and viable economic policies.¹⁷ All these livelihood strategies are capabilities that aim to improve the livelihoods and wellbeing of individuals and households. Their importance lies in the fact that poverty is a result of a variety of factors, including economic, social, and political conditions. Hence, adopting strategies that address these conditions not only allows individuals and households to enjoy the right of access to food but is also key to addressing the shocks caused by poverty.

Therefore, this paper adopts the capabilities approach or sustainable livelihood approach (SLA), which critically examines the concept of sustainable livelihoods as it relates to the right of access to food, and considers how its adoption will enable the government to achieve the NDP 2030 goals. First, the concept of sustainable livelihoods, as coined by Chambers and Conway and developed over the years by various scholars, is discussed to determine the relevance of the SLA in promoting livelihood capabilities and activities. Second, the role of sustainable livelihoods in promoting the efficient realisation of the right of access to food is analysed in respect of land as a livelihood resource and policies as an integral component of the SLA. Third, the importance of the SLA in achieving the goals of the NDP 2030 in relation to promoting food security is examined.

The Concept of Sustainable Livelihoods: Its Origin and Development

The concept of sustainable livelihoods emanates from international law and has its origin in international instruments aimed at reducing poverty and promoting food security. This notion is present in several international instruments that are based on the promotion of socioeconomic wellbeing and the prevention of deprivation.¹⁸ The World Conference on the Environment and Development Report: Our Common Future, 1987 (WCED) provides that sustainable development requires meeting the basic needs of all

15 Chambers and Conway (n 14) 6. See also Lasse Krantz, 'The Sustainable Livelihood Approach to Poverty Reduction' (2001) 44 Swedish International Development Cooperation Agency Working Paper (Division for Policy and Socio-Economic Analysis) 1–2.

16 National Development Plan (2030) 230 <<https://www.gov.za/issues/national-development-plan-2030>> accessed 28 March 2020.

17 NDP (2030) (n 16) 25–28.

18 Robert Chambers, 'Poverty and Livelihoods: Whose Reality Counts?' (1995) 7(1) *Environment and Urbanization* 174 defines deprivation as lacking what is needed for wellbeing. Its dimensions are physical, social, economic, political, and psychological or spiritual. It includes forms of disadvantage such as physical weakness, isolation, poverty, vulnerability and powerlessness.

and extending to all the opportunity to satisfy their aspirations for a better life.¹⁹ This includes the promotion of sustainable food security strategies. Chapter 5 of the WCED provides that food strategies must give effect to the following challenges: shifting production to where it is most needed; securing the livelihoods of the rural poor; and conserving resources.²⁰ Commitment 3 of the Copenhagen Declaration on Social Development, 1995 provides that employment is the most basic pathway for enabling people to attain and secure sustainable livelihoods, while paragraph 19 of the Copenhagen Programme of Action, 1995 provides that poverty has various manifestations, including lack of income and productive resources sufficient to ensure sustainable livelihoods. The preamble to the Rome Declaration on Food Security, 1996 provides that poverty is the core cause of food insecurity and that sustainable progress in poverty eradication is critical in improving access to food.

To this end, the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* in 2004 (*Voluntary Guidelines on the Right to Food*) stipulate that states should facilitate sustainable, non-discriminatory and secure access to and use of resources consistent with their national law and international law, and protect the assets that are important for people's livelihoods.²¹ Guideline 2.4 provides a solution on how livelihood security can be achieved in respect of the right of access to food and stipulates that states need to adopt a holistic and comprehensive approach to reduce hunger and poverty that encompasses direct and immediate measures to ensure access to adequate food as part of a social safety net; invests in productive activities and projects to improve the livelihoods of the poor and hungry in a sustainable manner; develops appropriate institutions; maintains a conducive legal and regulatory framework; and provides access to employment, productive resources and appropriate services.

Taking into account the definition of sustainable livelihoods, the approach envisaged in the above international food security instruments bears the hallmarks of the SLA. Taking its cue from Chambers and Conway, the SLA is an approach to poverty reduction that enables individuals and households to secure a living.²² This is done using a variety of assets, both tangible and intangible. These assets are important in ensuring that households cope with the shocks and stressors that can increase a household's vulnerability to poverty and food insecurity.²³ Livelihood assets contribute to livelihood security by enabling households to adopt effective livelihood strategies. Chambers states that the concept of livelihood security entails secure command over assets as well

19 WCED, ch 2 para 4.

20 WCED (n 19) ch 5 para 44.

21 FAO Council, *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (FOA 2004) Guideline 8.1.

22 Chambers and Conway (n 14) 6.

23 Chambers and Conway (n 14) 11.

as income, and good chances of survival.²⁴ This means that the livelihood strategies that are adopted should be resilient. This approach requires the government to implement programmes aimed at providing integrated support activities to improve the sustainability of livelihoods in poor and vulnerable groups by strengthening the resilience of their coping and adaptive interventions. According to Scoones, resilience is important in promoting livelihood adaptation and coping strategies.²⁵ These livelihood strategies are diversified to meet short-term and long-term livelihood needs, namely coping and adaptive strategies that meet immediate and future livelihood needs.²⁶

The Concept of Sustainable Livelihoods: Potentials and Challenges

Potentials of the Sustainable Livelihood Approach

From the discussion on the origin and development of the concept of SLA it is clear that this concept places people at its core and its achievement is gauged by whether sustainable improvements in people's livelihoods have taken place.²⁷ In other words, for development to be sustainable it should have a lasting impact on the lives of the intended beneficiaries.²⁸ Hence, the advancement of the SLA, especially in poverty alleviation. According to Morse,²⁹ the SLA is a set of principles guiding development interventions. This is one of the reasons why this approach is important within the human development framework. The SLA promotes principles of human rights that advance development that is centered on people.³⁰ Since the SLA is a people-centered approach it is thus a human rights-based approach to development.³¹ Broberg and Sano³²

24 Robert Chambers, 'Sustainable Livelihoods, Environment and Development: Putting Poor Rural People First' (1987) IDS Discussion Paper 9–10.

25 Ian Scoones, 'Sustainable Rural Livelihoods: A Framework for Analysis' 1998 IDS Working Paper 72, 6–11.

26 See also Gary Woller, 'Livelihood & Food Security Conceptual Framework' 16–17, Report for the Livelihood and Food Security Technical Assistance (LIFT) Project under the FIELD-Support Leader with Associates (LWA) mechanism, managed by FHI 360 (Washington DC 2011).

27 Caroline Ashley and Diana Carney, 'Sustainable Livelihoods: Lessons from Early Experience' (1999) 7 DFID ODI Issue Paper 5.

28 See UK DFID White Paper on International Development (1997) 18-19 <<https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/2622.pdf>> accessed 25 September 2020.

29 Stephen Morse, Nora McNamara and Moses Acholo, 'Sustainable Livelihood Approach: A Critique of Theory and Practice' (2009) *University of Reading Geographical Paper* 189 6.

30 See Flavio Luiz Schieck Valente and Denisse Córdova Montes, 'The Human Right to Adequate Food and Nutrition within a Framework of Food Sovereignty: Towards Social Inclusion and the Reduction of Inequalities' in Flavio Luiz Schieck Valente, Livia Maria da Costa Nogueira, Veruska Prado Alexandre and Michael MacLennan (eds), *Food and Nutrition Security: Towards the Full Realisation of Human Rights* 2016 13(2) *Policy in Focus* (A publication of the International Policy Centre for Inclusive Growth) 10.

31 Morse, McNamara and Acholo (n 29) 6–10.

32 Morten Broberg and Hans-Otto Sano, 'Strengths and Weaknesses in a Human Rights-based Approach to International Development—an Analysis of a Rights-based Approach to Development Assistance Based on Practical Experiences' (2018) 22(5) *The International Journal of Human Rights* 672–674.

argue that a human rights-based approach to development has five characteristics namely:

First, it creates entitlements to enable citizens to access essential services. This is vital since the SLA enables people to claim both tangible and intangible assets and resources from the government. Guideline 8.2 of the Voluntary Guidelines on the Right to Food provides that states should take steps to ensure that members of vulnerable groups can have access to opportunities and economic resources in order to participate fully and equally in the economy.

Second, it strengthens the concept of citizenship by enlightening people, especially the marginalised to be aware of their rights. Guideline 1.2 of the Voluntary Guidelines on the Right to Food states that human rights empower individuals and civil society to make demands on their governments, to devise policies that address their specific needs and ensure the accountability and transparency of governments and state decision-making processes in implementing such policies.³³

Third, it gives individuals a legal claim in development assistance and development policy and in assisting individuals to improve their conditions. This also assists them to enforce their legal rights. Guideline 7.3 of the Voluntary Guidelines on the Right to Food provide that states that have an entrenched right to adequate food under their legal system should inform the general public of all available rights and remedies to which they are entitled.

Fourth, development often thrive in countries in transitionary state of democracy that are susceptible to adopt human rights that aid development as entrenched in international and regional law. To this end, these characteristics echo the provisions in Guideline 1.3 of the Voluntary Guidelines on the Right to Food which provide that countries should promote good governance as an essential factor for sustainable development, poverty, and hunger eradication and for the realisation of human rights including the progressive realisation of the right to adequate food.

Therefore, the objectives of the SLA have a direct impact on the interrelation between human rights and advancement of development. This approach calls for governments to play an active role in providing a sustainable environment upon which human rights specifically those aimed at poverty alleviation are realised. Massoud and others in advancing this approach, argue that the distinctive feature of the SLA is that it presents a comprehensive framework directed at identifying challenges, which hamper

33 See further Varun Gauri and Siri Gloppen, 'Human Rights-Based Approaches to Development: Concepts, Evidence, and Policy' (2012) *Deepening Democracy* 485 at 494–498 on how human rights-based approaches to development can be used as a tool for holding decisions makers at different levels to account for their constitutional rights obligations as they set priorities and distribute resources in legislation, policies, and administrative.

development and livelihood assets and resources; and management strategies that improve livelihood.³⁴

Lastly, the human rights approach to development fosters the promotion of legislation that benefits the poor or groups that are ordinarily discriminated against and vulnerable to livelihood shocks.³⁵ For the vulnerable, policies and legislation that entrench human rights, including the right to food are vital in fostering government efforts to address hunger and food insecurity.³⁶ Hence, the Voluntary Guidelines on the Right to Food³⁷ provide that governments should not only adopt human rights-based poverty alleviation and food security strategies but that such strategies should be used to evaluate the efficiency of existing legislation and policies. Furthermore, legislation should be implemented at national level to directly promote the progressive realisation of the right to adequate food.³⁸

Challenges in Adopting the Sustainable Livelihood Approach

Despite the SLA being pro-poor and prioritising the poor's needs, specifically poverty alleviation, it has its shortcomings such as the content of the concept of 'sustainability' as envisaged in the SLA, the neglect of key issues important to development such as power and social relations of stakeholders and the effectiveness of the SLA approach in poverty alleviation taking into account that it does not explicitly mention poverty in its scope but rather focuses on factors that can address poverty.³⁹ The principles within the sustainable livelihood framework (SLF) have been adapted and adopted by different international bodies and governments to suit their national strategies aimed at the progressive realisation of the right to adequate food. For example, the South African government uses the capabilities approach in its vision to eliminate poverty as set out in the NDP 2030. As expected, the NDP 2030 adopts various global trends (international and regional) and provisions in section 27(1)(b) of the Constitution in relation to the realisation of the right to food in its development agenda.⁴⁰ This entails that the SLA cannot be guided by an exhaustive set of principles. Ashley⁴¹ argues that although the SLA has core principles it is not a 'fit-all-situations' set of development principles and requires that it be understood from a contextual perspective by those who employ it as a development tool. In other words, this approach has limitations as stated above and these are discussed in detail below.

34 May A Massoud and others, 'Sustainable Livelihood Approach Towards Enhanced Management of Rural Resources' (2016) 8(1) *International Journal of Sustainable Society* 56–58.

35 *ibid* 57–58.

36 Naomi Hossain, Dolf te Lintelo and Alexandra Wanjiku Kelbert, 'A Common Sense Approach to the Right to Food' (2015) IDS Working Paper No 458, 6–10.

37 See Guidelines 3.1 and 3.2 of the *Voluntary Guidelines on the Right to Food*.

38 See Guideline 7.2 of the *Voluntary Guidelines on the Right to Food*.

39 Ashley and Carney (n 27) 33–36.

40 See NDP 2030 (n 16) 30–35.

41 Ashley and Carney (n 27) 6–9.

First, the entrenchment of the right to adequate food is fairly recent compared to other socioeconomic rights such as the right to housing, education and health.⁴² Accordingly, the content and scope of the right to food are determined by three features, namely a constitutional right to food; the adoption of a framework law on the right to food or food security and nutrition, and by ensuring that sectoral legislation is conducive to the realisation of the right to adequate food.⁴³ Taking into account the three limitations mentioned earlier, it's clear that the SLA as adopted in the 1970s by Chambers and Conway⁴⁴ cannot effectively address poverty alleviation and food insecurity without proper adaptation. This, according to Ashley,⁴⁵ brings about the issue of what is meant by 'sustainability' within the SLF. This entails that governments are tasked with determining what should be sustained and the manner in which it should be sustained be it *economic, political, social or environmental* sustainability (my emphasis). In other words, the SLA becomes too broad for those implementing it and may prove ineffective as a development tool. Gauri and Kloppen⁴⁶ correctly assert that different governments and/or countries employ a variety of modalities in implementing human rights-based approaches (HRBAs) to development. Needless to say, the availability and efficiency of government institutional mechanisms and processes play a pivotal role in promoting the use of HRBAs to development.⁴⁷

Second, power and social relations influence access to livelihood assets and resources. Fortnam⁴⁸ avers that entrenched power relations within the political context can hinder sustainable transformations in improving livelihoods. Furthermore, Massoud and others⁴⁹ assert that social relations are important for empowerment and that social inclusivity enhances capabilities. Nyamu-Musembi and Cornwall⁵⁰ observe that any HRBA to development requires a positive transformation of power relations among the various stakeholders that enables those whose lives are affected the most to articulate their priorities, hold accountable development agencies and address inherent power inequalities. Hence the SLA, although it contains principles that encompass the above-mentioned issues, does not address in concrete terms how such factors are to be articulated in poverty alleviation and food security strategies.⁵¹ The intrinsic details of

42 Christian Curtis, 'The Right to Food as a Justiciable Right: Challenges and Strategies' (2007) 11(1) Max Planck Yearbook of United Nations Law Online 317 at 322.

43 Margret Vidar, Yoon Jee Kim and Luisa Cruz, 'Legal Developments in the Progressive Realization of the Right to Adequate Food' (2014) FAO Thematic Study 3, 1–7 <<http://www.fao.org/3/a-i3892e.pdf>> accessed 25 September 2020.

44 See (n 14).

45 Ashley and Carney (n 27) 33–34.

46 Gauri and Kloppen (n 33) 487.

47 *ibid.*

48 Matt P Fortnam, 'Forces Opposing Sustainability Transformations: Institutionalization of Ecosystem-based Approaches to Fisheries Management' (2019) 24(4) *Ecology and Society* 37.

49 Massoud and others (n 34) 57.

50 Celestine Nyamu-Musembi and Andrea Cornwall, 'What is the "Rights-based Approach" All About? Perspectives from International Development Agencies' (2004) IDS Working Paper No 234, 47–48.

51 Ashley and Carney (n 27) 35. See also Andy Norton and Mick Foster, 'The Potential of Using Sustainable Livelihoods Approaches in Poverty Reduction Strategy Papers' (2001) ODI Working

such strategies are the prerogative of individual governments and development agencies.

Third, the SLA does not directly refer to poverty but is an inclusive development framework. This entails that those that want to use it as a tool for poverty alleviation and to promote the realisation of the right to food should adopt relevant policies and sectoral legislation. Vidar, Kim and Cruz⁵² argue that sectoral legislation can contribute to or hinder the realisation of the right to food. To this end, it comes as no surprise that the United Nations Committee on Economic, Social and Cultural Rights (Committee) made two stern recommendations to the South African government in its 2018 review, namely that the government should enact a law to ensure the right to food and the high incidence of food insecurity and malnutrition are addressed; and that the government should accelerate the implementation of land redistribution and restitution policies to enable beneficiaries to productively use the land and improve their livelihoods.⁵³ Such sectoral laws are critical to further the objectives of the NDP 2030 and the government's efforts to fulfil its constitutional obligations in promoting the right of access to food.

Taking into account the potentials and shortcomings presented by the SLA, it is important that governments assess their legislative frameworks and institutional process to ensure that these are consistent with their national, regional and international commitments and obligations. This will ensure that in advancing the realisation of the right to adequate food, appropriate and relevant strategies are adopted to suit the state's environmental, social, economic and political dynamics in order to adapt the SLA principles accordingly. Thereby further enabling the government to evaluate its current strategies in order to manage any factors that may hinder the efficiency of livelihood assets and resources.

Importance of Sustainable Livelihoods and the Right to Food

According to Drèze,⁵⁴ the right to food can be defined as an entitlement to be free from hunger, which stems from the assertion that society has enough resources, both economic and institutional, to ensure that everyone is adequately nourished. This definition accords with the sentiment that underlies the entrenchment of socioeconomic

Paper No 148, 13–14 on how the SLA is limited in addressing power and social relations inherent within the development agenda.

52 Vidar, Kim and Cruz (n 43) 6–10.

53 See paragraphs 22 and 24 of the ICESCR Campaign (2019) 'Summary of Recommendations to South Africa from the United Nations Committee on Economic, Social and Cultural Rights' <<https://spii.org.za/summary-of-recommendations-for-south-africa-from-the-united-nations-committee-on-economic-social-and-cultural-rights/>> accessed 25 September 2020.

54 Jean Drèze, 'Democracy and Right to Food' (2004) *Economic and Political Weekly* 1723 at 1726. See also (UN Factsheet No. 34 April 2010 <www.ohchr.org> accessed 25 September 2020), which defines the right to food as the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.

rights, which assert that rights aimed at socioeconomic development create entitlements to material conditions for human welfare.⁵⁵ In other words, the aim of socioeconomic rights is the (re)distribution of wealth in an equitable way, and these rights therefore acknowledge the fundamental premise that all human beings are equal with equal entitlements.⁵⁶ This means that the government should create an environment that enables individuals and households to access food.

According to General Comment 12 of the Committee on Economic, Social and Cultural Rights (General Comment 12), the right to adequate food is realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or to the means for its procurement. The above definition therefore indicates that the right to food is realised when food is available, accessible and sufficient to meet the day-to-day needs and dietary requirements of individuals and households. These four elements briefly entail:

(a) Availability refers to the availability of food in a quantity and of sufficient quality to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture.

(b) Accessibility means that food should be accessible both physically and economically. Physical accessibility means that people should be able to purchase food and governments should also remove any barriers preventing individuals and households from accessing food, either by purchasing it or through agricultural production. Economic accessibility means that food should be affordable and accessible to everyone, including the most vulnerable members of society.

(c) Adequacy means that food that is available and accessible should contain sufficient nutrients for a healthy diet. Food should be free from any adverse substances and be culturally acceptable,⁵⁷ which means that individuals and households should have access to familiar foods.

(d) Stability means that in order for a population, household, or individual to be food secure it must have access to adequate food at all times. In this instance, the right to food requires the government to guard against other supervening factors that can curtail the realisation of the right.

However, Brand asserts that the right to food is based on two main elements, namely availability and accessibility.⁵⁸ Availability refers to *national food security*—the

55 Brand (n 4) 3.

56 Marjoleine Zieck, 'The Concept of "Generations" of Human Rights and the Right to Benefit from the Common Heritage of Mankind with Reference to Extraterrestrial Realms' (1992) *Law and Politics in Africa, Asia and Latin America* 166.

57 General Comment 12 paras 10 and 11.

58 Brand (n 4) 158–159.

existence of a national supply of food that is sufficient to meet the nutritional needs of all the people in the country and is geographically distributed in such a way that it is physically available to everyone, and the existence of opportunities for the production of food for people's own use. Accessibility refers to *household food security*—people must be able to acquire the food that is available or to make use of available opportunities to produce food for their own use. The focus on these two elements is critical because lack of availability and accessibility to food entails that the government has failed in its responsibility to create a conducive environment for the realisation of the right to food. The analogy is simply that these two elements are dependent on the livelihood assets, resources (including natural resources) and opportunities available to individuals and households.⁵⁹

Therefore, this calls for the government to provide a variety of livelihood resources that enables people to access food. Moreover, for such livelihood resources to be effective, they should meet the demands of the targeted individuals. The World Development Report on poverty (WDR 1990) provides that, in reducing poverty and in gauging the effectiveness of their economic policies in reducing poverty, governments should ascertain the needs of the affected poor.⁶⁰ This is vital since development policies must widen people's options for earning a sustainable livelihood, particularly for resource-poor households.⁶¹ Therefore, studies indicate that for livelihoods to be sustainable, the poor should have access to both natural and institutional assets.⁶² These assets allow households to generate income, meet their basic needs, manage risk, and cope with stressors and shocks.⁶³ Hence, a household's assets base affects the household's food security indirectly through its livelihood activities and outcomes, and directly by the proportion of household assets used to secure access to food.⁶⁴ For the purposes of this article, I examine the importance of land (a natural asset) and policy (a political asset) as livelihood assets that are vital in promoting access to food.

Land as a Livelihood Resource and the Right of Access to Food

According to the World Development Report on attacking poverty (WDR 2001), the lack of income and livelihood assets to attain basic needs such as food, shelter, clothing and acceptable standards of health and education perpetuates poverty.⁶⁵ As a result, it is imperative for governments to strive to ensure that the poorest people have access to basic livelihood assets. This will enable the poor to be less vulnerable to livelihood

59 See discussion on the concept of 'sustainable livelihoods' above.

60 World Bank, World Development Report 1990: Poverty (English) Report number PUB8507 (Development Indicators, World Bank Group 1990) 30–32
<<http://documents.worldbank.org/curated/en/424631468163162670/World-development-report-1990-poverty>> accessed 28 March 2020.

61 WCED (n 19) ch 2 para 56.

62 Chambers (n 18) 175–193.

63 Woller (n 26) 10.

64 *ibid* 11.

65 WDR (2001) (n 13) 34.

shocks and stressors such as hunger and food insecurity. Therefore, access to land is vital in promoting access to food, especially for the rural poor with limited livelihood resources. According to the WDR, 1990, there is a link between poverty (in the form of lack of access to food) and landlessness.⁶⁶ This is a result of the common ownership of land in rural settlements, unproductive land and lack of access to the resources needed for farming.⁶⁷ This makes land an important resource, especially in the realisation of the right to adequate food. To this end, the United Nations Land and Human Rights Standards and Applications provides that land is more than a commodity but an essential element for the realisation of human rights.⁶⁸ This assertion is critical in relation to the realisation of the right to food because access to, use of and control over lands and resources promote the enjoyment of the right to adequate food.⁶⁹ This entails that land reform programmes are critical in enhancing access to land as a natural resource to those who would otherwise remain landless.⁷⁰ In South Africa, section 25(4)(a) of the Constitution provides that for the purposes of this section—the public interest includes the nation’s commitment to land reform, and to reforms to bring about equitable access to all South Africa’s natural resources. While section 25(5) provides that the state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis. When the above constitutional provisions are read in context it is apparent that land reform programmes should be used within the ambit of relevant legislation and policies to accelerate access to land as a natural resource.

In relation to the realisation of the right to food it entails that individuals and households should have access to food, including through productive activities.⁷¹ Accordingly, Żukowski⁷² argues that land reform in South Africa is underpinned by three features, namely the deracialisation of the rural economy, democratic and equitable land allocation and use across race, gender and class and a sustained production discipline for food security. These factors complement the objectives on land reform as envisaged in the NDP 2030 and from the foregoing brings about the need to balance the scales between access to land for non-commercial sustainable use and commercial production.⁷³ The right of access to adequate food for many, especially the poor households can only be fulfilled through the availability of land as a natural resource for production. Kgobe and Makalela argue that land access to the poor is a natural capital

66 WDR (1990) (n 60) 31–32.

67 See WDR (2001) (n 13) 93.

68 ‘Introduction’ the United Nations Land and Human Rights Standards and Applications at 1 <http://www.ohchr.org/Documents/Publications/Land_HR-StandardsApplications.pdf>accessed 25 September 2020.

69 *ibid* 19.

70 Juanita M Pienaar, ‘Land Reform Embedded in the Constitution: Legal Contextualisation’ (2015) 114 *Scriptura* 114, 2–7.

71 See discussion on the Importance of Sustainable Livelihoods and the Right to Food above.

72 Arkadiusz Żukowski, ‘Land Reform in the Republic of South Africa: Social Justice or Populism?’ (2017) 12(1) *Werkwinkel* 71 at 72.

73 NDP 2030 (n 16) 218–222.

that can lessen disparity and destitution.⁷⁴ In other words, land is a livelihood security that not only bestows dignity on households as an asset but presents an opportunity to enjoy the right to adequate food.

Therefore, land reform is important in such instances to ensure that rural households have access not only to arable land but also to all the other resources necessary for sustainable agricultural practices. The WCED provides that conservation of the agricultural resource base (which includes access to land), and the livelihood security of the poor are beneficial in three ways, namely:

- (a) They secure resources and adequate livelihoods that lead to good husbandry and sustainable management.
- (b) They limit rural-to-urban migration and stimulate agricultural production from resources that would otherwise be underused, and reduce the need for food to be produced elsewhere.
- (c) By combating poverty, they help to slow population growth.

These are just a few reasons why land is a key asset for rural households. In South Africa, the importance of availability of land, especially for rural communities, is entrenched in the Reconstruction and Development Programme: A Policy Framework, 1994 (RDP).⁷⁵ Paragraph 2.4.3 of the RDP provides that the aim of the land reform programme is to supply residential and productive land to the rural poor and aspirant farmers, and to encourage the use of land for agricultural purposes. Similarly, the White Paper on South African Land Policy, 1997 (White Paper on Land Policy) states that the objective of the land reform programme is a flourishing rural landscape consisting of large, medium and small farms and enterprises, developed by full-time and part-time farmers.⁷⁶ From the above provisions, it is clear that land is an integral part of agrarian reform. Lack of access to arable land will have a negative effect on creating a vibrant and efficient smallholder farming sector, so rural households should maximise the use of the productive land that is available to them to produce food.⁷⁷ In other words, land rights and food security measures are interlinked.

Land plays an important role in rural livelihoods for agricultural production, homestead cultivation and practices of natural resource harvesting and, as a result, its availability

74 FKL Kgobe and KI Makalela, Paper presented at the 4th Annual International Conference on Public Administration and Development Alternatives (3–5 July 2019, Southern Sun Hotel, OR Tambo International Airport, Johannesburg, South Africa) 236.

75 RDP para 2.4.1.

76 White Paper on South African Land Policy (1997) 35.

77 Mengezi C Tshuma, 'The Land Reform Programme (LRP) as a Poverty Alleviation and National Reconciliation Tool: The South African Story' (2012) 7(13) *African Journal of Agricultural Research* 1973.

is crucial for such households.⁷⁸ However, subsistence farmers often lack access to sizeable land for their farming activities. Okunlola and others⁷⁹ indicated that only 690 farmers of the 1,569 farmers working on 10,860 cultivated plots of one to five hectares cultivated farm sizes averaging 10 to 50 hectares, and 50 per cent of the farmers cultivated different farm sizes in the form of co-operatives. In addition, Cousins⁸⁰ observes that about 7.7 per cent of irrigated land or about 100,000 hectares in rural areas is cultivated by small-scale farmers, and half of this land comprises backyard gardens. As a matter of fact, in 2015, 11.8 per cent of South African households cultivated farmlands.⁸¹ This number has since increased, the General Household Survey (GHS) of 2018 indicates that 14.8 per cent of households nationally were involved in agricultural activities. Households that cultivated farms were a marginal 10.1 per cent while 90.3 per cent cultivated backyards.⁸²

Access to land and infrastructure is necessary in order to revitalise smallholder farming in South Africa, especially in rural areas.⁸³ Therefore, land distribution is integral to improving small-scale farming.⁸⁴ The government's land reform programme is vital to ensuring that households, specifically in rural areas achieve food security. The NDP 2030 provides that agriculture has the potential to expand if the necessary environment is created, such as the efficient use of communal land that could improve the livelihoods of 370,000 people.⁸⁵

Godfray and others⁸⁶ argue that the same or less agricultural land should be optimally used by farmers to produce sufficient food; they call this process 'sustainable intensification'. This process involves increasing the frequency of cultivation, including labour and technical inputs, in order to make the land more productive.⁸⁷ The land

78 David Neves and Andries du Toit, 'Rural Livelihoods in South Africa: Complexity, Vulnerability and Differentiation' (2013) 13(1) *Journal of Agrarian Change* 93 at 102–103. See also Thembele Kepe and Danielle Tessaro, 'Trading-off: Rural Food Security and Land Rights in South Africa' (2014) 36 *Land Use Policy* 268–273.

79 Adetola Okunlola and others, 'Challenging the Stereotypes: Small-scale Black Farmers and Private Sector Support Programmes in South Africa: A National Scan' (2016) *PLAAS (Institute for Poverty, Land and Agrarian Studies) Research Report* 20–21.

80 Ben Cousins, 'Smallholder Irrigation Schemes, Agrarian Reform and "Accumulation from Above and from Below" in South Africa' (2013) 13(1) *Journal of Agrarian Change* 116 at 125–126.

81 General Household Survey (2015) 67.

82 General Household Survey (2018) 68.

83 Mukole Kongolo, 'An Empirical Assessment of Women's Access to Land and Credit in North West Province, South Africa: A Probit Analysis' (2012) 7(3) *African Journal of Agricultural Research* 353–356.

84 Edward Lahiff and Ben Cousins, 'Smallholder Agriculture and Land Reform in South Africa' (2005) 36(2) *Institute of Development Studies Bulletin* 127 at 128.

85 NDP (2030) (n 16) 221–222.

86 Charles J Godfray and others, 'Food Security: The Challenge of Feeding 9 Billion People' (2010) 327 *Science* 813.

87 Grace Carswell, 'Agricultural Intensification and Rural Sustainable Livelihoods: A Think Piece' (1997) *IDS Working Paper* No 64 10.

reform programme should therefore be implemented in the light of new farming technologies and agro-ecological systems that would enhance the productivity of the land.⁸⁸ To this end, in implementing the land reform process, the government should consider the needs of subsistence farmers when dealing with land distribution and, where possible, should ensure that households that engage in subsistence agriculture are assigned sizeable plots of land.

As indicated above, one of the major constraints in effective agricultural productivity is the availability of arable agricultural land. The literature indicates that some of the responses to land constraints include agricultural intensification and rural development, by encouraging the integration of off-farm and on-farm employment opportunities. Rural households need to embark on agricultural intensification and non-farming activities in order to deal with land constraints.⁸⁹ This will enable rural households to supplement their farming activities and maintain a stable income that will minimise incidences of food insecurity.⁹⁰ This viewpoint is supported in the NDP 2030, which provides that non-agricultural activities should also be promoted in rural areas.⁹¹

In South Africa, the government views subsistence agriculture as part of rural development. The lack of sustainable livelihoods forces rural households, especially those with small landholdings, to diversify their livelihoods through migration, to supplement household income.⁹² Effective rural development is also important because subsistence farming provides only a fraction of rural households' food demands and such households often need to engage in alternative livelihoods to purchase food.⁹³ Hence, government policies should aim to create jobs and non-farming livelihood opportunities for rural households.⁹⁴

88 See NDP (2030) (n 16) 225–227 for detailed recommendations on revamping South Africa's agricultural sector, which include factors such as increasing and refocusing investment in research and development for the agricultural sector, increasing investment in water resources and irrigation infrastructure and improving and extending skills development in the agricultural sector, including entrepreneurship training for small-scale farmers.

89 Jordan Chamberlin, Thomas S Jayne and Derek Headey, 'Scarcity amidst Abundance? Reassessing the Potential for Cropland Expansion in Africa' (2014) 48 *Food Policy* 51 at 52.

90 Thomas S Jayne, Jordan Chamberlin and Derek Headey, 'Land Pressures, the Evolution of Farming Systems, and Development Strategies in Africa: A Synthesis' (2014) 48 *Food Policy* 1 at 12.

91 NDP (2030) (n 16) 228–229.

92 Lori M Hunter and others, 'Rural Outmigration, Natural Capital, and Livelihoods in South Africa' (2014) *Population Space and Place* 403–404. See also Jonathan Rigg, 'Land, Farming, Livelihoods and Poverty: Rethinking the Links in the Rural South' (2006) *World Development* 186–187.

93 Xavier Irz and others, 'Agricultural Productivity Growth and Poverty Alleviation' (2001) 19(4) *Development Policy Review* 452.

94 See Ben Cousins, 'Land Reform in South Africa is Sinking: Can it be Saved?' A publication commissioned by the Nelson Mandela Foundation (2016) <<http://www.plaas.org.za/bibliography/land-reform-review-nmf>> accessed 28 March 2020. See also NDP (2030) (n 16) 218 and 261–265.

Policy as an Intangible Asset

The WDR, 1990 provides that in order for governments to ensure that the poor participate in and contribute to economic growth it is vital to adopt appropriate economy-wide and sectoral policies and measures to assist the poor in accessing new income-earning opportunities.⁹⁵ To this end, the agricultural sector requires effective policies that will enable the poor to adopt sustainable livelihood activities. The reason being that the agricultural sector does not lack resources, but it does lack policies to ensure that food is produced where it is needed and in a manner that sustains the livelihoods of the rural poor.⁹⁶ In South Africa, the RDP was the foremost policymaking framework and sought to address issues that have a direct impact on the sustainable livelihoods of households and individuals, including those with the potential to plunge households into food insecurity. Hence, one principle of the RDP was to create an integrated and sustainable programme that would cater for the needs of the most marginalised members of the society and those previously disadvantaged by apartheid policies, to ensure that social and economic disparities were eradicated.⁹⁷ Policies aimed at bettering the lives of citizens and poverty alleviation had to cater for the physical needs of citizens and also ensure that interventions would establish sustainable livelihoods. Nutrition and social welfare were among the priority areas that the RDP intended to address.⁹⁸

These two areas required policies and legislative frameworks to ensure their realisation, as well as a coordinated policy to ensure their short-term and long-term realisation, taking into account the varied needs of those affected by food insecurity. The RDP adopted a human rights approach in addressing these socioeconomic needs that have a direct impact on the realisation of the rights of access to sufficient food, by acknowledging that rights are interrelated and mutually reinforcing. Hence, the RDP's goal was to eradicate poverty and deprivation by eliminating hunger, providing land and housing, providing access to safe water and sanitation, ensuring the availability of affordable and sustainable energy sources, eliminating illiteracy, raising the quality of education and training for children and adults, protecting the environment, and improving health services. In so doing, the RDP was fashioned to comply with the prevailing international law and regional law standards as set out in the Universal Declaration on Human Rights, 1948; the International Covenant on Economic, Cultural and Social Rights, 1966; the Convention on the Rights of the Child, 1989; the African Charter on Human and Peoples' Rights, 1984; and many more. This is also apparent from the legislative framework that was promulgated after the RDP.⁹⁹

95 WDR (1990) (n 60) 56.

96 WCED (n 19) ch 5, para 2.

97 RDP (n 75) para 1.3.2.

98 RDP (n 75) para 2.2.5.

99 Such as the Comprehensive Rural Development Programme of 2009, the Integrated Sustainable Rural Development Strategy of 2001 and the Integrated Food Security Strategy for South Africa of 2002, among others.

Hence, policies operate through institutions to influence people's choice of livelihood strategies.¹⁰⁰ In other words, a policy can either promote sustainable livelihoods by being pro-poor or it can perpetuate the plight of the poor by marginalising the needs of the poor.¹⁰¹ In relation to promoting food security with specific reference to the realisation of the right of access to food, a pro-poor policy will provide an enabling environment for realising sustainable livelihoods.

A livelihood is sustainable when it can cope with and recover from stressors and shocks, maintain or enhance its capabilities and assets both current and in the future, while not undermining the natural resource base.¹⁰² Accordingly, a livelihood comprises of the capabilities, assets (including both material and social resources) and activities required for a means of living.¹⁰³ A policy aimed at reducing food insecurity must therefore include long-term interventions (such as subsistence farming) that aim to result in livelihood priorities such as food security. Therefore, with reference to *Grootboom v President of the Republic of South Africa*,¹⁰⁴ which views the realisation of socioeconomic rights as an on-going process, one can conclude that long-term interventions that cater for future food needs are required to properly realise the right of access to sufficient food. In other words, policies that aim to give effect to the right of access to sufficient food should consider the ability of households to sustain their food production capacity and to remain food-secure.

These policies should give effect to food sovereignty, which is the right of people to healthy and culturally appropriate food, produced through ecologically sound and sustainable methods, and their right to define their own food and agricultural systems through peasant-driven and family-driven agriculture.¹⁰⁵ In summary, the policy framework envisaged in the *Grootboom* case should enable households to not only deal with their immediate food needs, but also to access resources such as land and water and intangible assets, such as technological expertise, that will enable such households to enhance food security in the long term.

The Link between the Concept of Sustainable Livelihoods and the NDP 2030 Goals on Poverty Eradication

The plan envisaged by the NDP 2030 draws from the notion of capabilities including, among others, political freedoms and human rights, social opportunities arising from education, healthcare, public transport and other public services, social security and

100 Alex Shankland, 'Analysing Policy for Sustainable Livelihoods' (2000) *IDS Research Report* 49 10–14.

101 Michael Windfuhr and Jennie Jonsén, 'Food Sovereignty: Towards Democracy in Localized Food Systems' (2005) *FIAN International Publication* 25–27.

102 Scoones (n 25) 5 (Scoones adapted the definition of sustainable livelihood by Chambers and Conway (1991) *IDS Working Paper* 6).

103 Scoones (n 25) 5.

104 *Government of the RSA v Grootboom* 2001 (1) SA 46 (CC) paras 35–46.

105 Declaration of the Forum for Food Sovereignty, Nyéléni (2007) 1.

safety nets, transparency and accountability, economic facilities, work, investments and production.¹⁰⁶ All these capabilities play an integral role in promoting livelihood opportunities for individuals and households. The capabilities approach is central in providing a diversity of livelihood strategies, especially in a developing country like South Africa, where socioeconomic disparities are widespread.¹⁰⁷ According to the WDR 1990, long-term economic development policies do not always benefit all poor people and therefore diverse livelihood strategies are important, especially when food security and survival are threatened.¹⁰⁸

Hence, the SLA enables governments to adopt targeted and sustainable policies aimed at creating sustainable livelihoods for the poor and promoting human development.¹⁰⁹ States should therefore take a holistic approach in curbing food insecurity by ensuring that food security interventions address social, political, economic and ecological issues. Such an approach recognises that development is not only about charity and welfare but is also an issue of rights and entitlements, based on a recognition of the structural and underlying causes of poverty.¹¹⁰ To this end, the SLA is beneficial for two reasons; first, economic development policies may take some time to benefit the poor and those that live in remote geographical areas and second, development policies may never benefit the most marginalised and vulnerable people and therefore social protection safety nets may be necessary.¹¹¹

The NDP 2030 presents a formidable developmental policy as it provides a two-pronged strategy (an inclusive social protection system and the rural economy) that aims to reduce poverty and promote food security. Chapter 11 of the NDP 2030 provides that it aims to create an inclusive social protection system that is responsive to the prevailing realities, needs, conditions and livelihoods of those who are the most vulnerable. In so doing, the government aims to minimise the vulnerabilities that the poor face due to lack of employment, low income jobs and their vulnerable status, namely children, people with disabilities, and the aged.¹¹² In this instance, the social protection system is seen as all-encompassing, based on the following five key elements:¹¹³

106 NDP (2030) (n 16) 27.

107 See Sandra Liebenberg and Beth Goldblatt, 'The Interrelationship between Equality and Socio-economic Rights under South Africa's Transformative Constitution' (2007) 23(2) SAJHR 335– 361. See also Mzikayise Binza, 'South African Government Policies: Towards Combating Poverty and Exclusion' (2007) *Journal for Contemporary History* 3–5.

108 WDR (1990) (n 60) 90.

109 William Solesbury, 'Sustainable Livelihoods: A Case Study of the Evolution of DFID Policy' (2003) Overseas Development Institute Working Paper No 217 1.

110 Salil Shetty, 'Can a Rights-based Approach Help in Achieving the Millennium Development Goals?' (2005) 36 1 *IDS Bulletin* 74.

111 See WDR (1990) (n 60) 73 and foreword.

112 NDP (2030) (n 16) 354–355.

113 *ibid* 355.

- (a) Protective element: these measures aim to reduce levels of deprivation.
- (b) Preventive element: these measures aim to stabilise livelihood risks and seek to help people so that they can avoid falling into deeper poverty and can reduce their vulnerability to natural disasters, crop failure, accidents and illness.
- (c) Promotive element: these measures aim to enhance the capabilities of individuals, communities and institutions to participate in all spheres of activity.
- (d) Transformative element: these measures aim to tackle inequities and vulnerabilities through changes in policies, laws, budgetary allocations and redistributive measures.
- (e) Developmental and generative elements: these measures aim to increase the consumption patterns of the poor, promoting local economic development and enabling poor people to access economic and social opportunities.

This approach, as envisaged in the NDP, reveals Devereux's¹¹⁴ viewpoint on the importance of social protection as a strategy for both livelihood protection and livelihood promotion.¹¹⁵ The basis is that the primary function of social protection is to alleviate income or food poverty, and to manage vulnerability, by either raising incomes or stabilising household incomes. In this case, social protection is part of a broad developmental agenda that goes beyond income security and feeds into other strategies such as land reform and agricultural transformation.¹¹⁶ Notable, however, is the fact that the main objectives of social protection are to enhance food security, reduce hunger and ensure that households have access to food.¹¹⁷

In line with the SLA, the two-pronged strategy of the NDP 2030 goes beyond social protection measures by including objectives that aim to achieve economic inclusiveness, especially for the rural poor. Chapter 6 of the NDP 2030 outlines an integrated strategy that aims to revamp the rural economy through agriculture, more specifically irrigated agriculture and dry land production.¹¹⁸ In achieving this goal, the focus will be on subsistence and small-scale farmers. This goal is consistent with the objectives of the NDP 2030, which include¹¹⁹ the need to realise a food trade surplus, with one-third being produced by small-scale farmers or households, and ensuring household food and nutrition security. The government needs to adopt robust interventions to ensure that the goal of the NDP, namely to reduce poverty and hunger, is achieved.¹²⁰ To achieve this,

114 *ibid* 52.

115 Stephen Devereux, 'Social Protection for Enhanced Food Security in Sub-Saharan Africa' 2016 Food Policy 52 at 53–56.

116 NDP (2030) (n 16) 361–364.

117 *ibid* 361.

118 *ibid* 218.

119 *ibid* 34.

120 *ibid* 24–25.

individuals and households should be equipped with the requisite livelihood assets, and this is only achievable through the adoption of the SLA to poverty alleviation.¹²¹

Conclusion

The concept of capabilities is at the core of promoting viable livelihood strategies. Hence, it is critical for the government to implement the objectives of the NDP 2030 efficiently and consistently with both international and regional instruments, specifically those aimed at realising the right of access to food. The importance of the SLA lies in the fact that it presents a holistic strategy that considers the needs, demands and prevailing conditions of households. This means that the government is obliged to foster an enabling environment for the poor and marginalised members of society that creates livelihood opportunities through both tangible and intangible livelihood assets. The SLA ensures that policies are both effective and practical to meet social, economic, political and environmental conditions. This allows for well-targeted policies that meet both immediate and future food needs. The SLA not only promotes households' access to food but enables households to tackle the other shocks and stressors that emanate from poverty, thus reducing households' vulnerability to poverty and deprivation. However, to ensure that the SLA is beneficial to target beneficiaries it is imperative that the government adapt the SLA principles to suit its environmental dynamics and institutional processes and modalities.

121 *ibid* 26.

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