



PEOPLES' FOOD SOVEREIGNTY ACT

No.1 of 2018

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Contents page

Cover note _____	1
Peoples' Food Sovereignty Act No.1 of 2018 _____	4



COVER NOTE

Background to the Act

The dominant paradigm of food security has failed the world and South Africa. Billions are hungry, malnourished and obese in the globalised and corporate-controlled food system. South Africa has not escaped these realities. Our unique apartheid legacy, characterised by land dispossession, coupled with the corporate food regime's current and increasing brutalities, such as malnourishment, obesity, climate shocks, environmental degradation and increasing hunger, have contributed to a food system that is inherently unjust, unsafe and unsustainable. In this system, at least one in four South Africans go to bed hungry every night and almost half of the population is food insecure. Increasing food prices are worsening the hunger and food system crisis.

Since 1996 small scale food producers, through the largest movement in the world with over 200 million members, La Via Campesina, has called for an alternative food system pathway based on food sovereignty. Various countries and local governments have heeded this call and have innovated on regulatory, institutional and policy support for food sovereignty. Food sovereignty is a critique, a movement and a systemic alternative on the world's agenda. In South Africa, in November 2014, through a national consultative conference on the right to food, small scale food producers, the landless, the hungry and support organisations resolved to address the multiple systemic crises of South Africa's broken food system. It was also agreed to build a campaigning platform for food sovereignty.

In February 2015 the South African Food Sovereignty Campaign (SAFSC) was launched at an assembly unifying agrarian NGOs, small scale food producers, food justice activists, environmental justice organisations and community movements. After two years of campaigning through a hunger tribunal, food sovereignty festivals, a drought speak out, a bread march against increasing food prices, activist schools, learning exchanges and local forum building, the SAFSC is poised to escalate its activism for a food sovereignty pathway. We demand a people's driven food sovereignty law that advances, strengthens and deepens systemic reform from below.

Why a Food Sovereignty Act?

Solutions to the hunger crisis in South Africa have failed us, particularly those emanating from the market or the government. It is for this reason that the South African Food

Sovereignty Campaign (SAFSC) seeks to unify struggles on the ground with progressive social forces to ensure that food sovereignty is placed on the national agenda and is an alternative way forward for our food system. We are not calling for technical solutions for households to access food, but rather we are calling for the deep transformation of our food system by breaking the control of food corporations and repositioning the state to realise the Constitutional right to food, and ensure the creation of conditions and space for the emergence of food sovereignty alternatives from below. This Act is one way in which we seek to do this. It expresses our emancipatory desire for transformation.

South Africa's drought cycle is further compounded by climate change. We are an extremely vulnerable country. The current drought has demonstrated the challenges we need to address to have a resilient and ecologically sustainable food system. This means diversifying the food system as a crucial policy and strategy so that South Africa has a greater chance of adapting, mitigating and protecting its food system. For us, that means creating the conditions and enabling support for a food sovereignty pathway. This Act provides a crucial mechanism to realise such a pathway.

The South African Food Sovereignty Campaign has initiated a process to develop a Food Sovereignty Act in response to multiple crises in the food system. This Act lays out what we, as small-scale food producers, landless people, the hungry, community organisations, activists and movements envision a just and transformative food system to embody. We argue that a food sovereign system cannot be achieved by government alone. As such, this Act does not cede all power to the government but sets provisions for the government to ensure favourable conditions for food sovereignty practices and ideals to take root. At the same time, rights and responsibilities are conferred on all persons and small scale food producers, as they have an important part to play as conscious agents in promoting a more just, sustainable, non-racial, democratic and food sovereign system in South Africa.

This Act also serves as a campaigning tool that will equip SAFSC activists to:

- a. create awareness about food sovereignty in our communities, thus heightening social consciousness about our unjust food system and radical non-racial systemic alternatives; and
- b. put food sovereignty on the national agenda, by entering into dialogue with other transformative actors, as well as relevant local, provincial and national government bodies.

Because food sovereignty involves an ongoing dialogue, this Act has and will be further developed, refined and strengthened through the following process, as outlined.

Process

The process of developing this Act has been a participatory process, involving the following:

- Commissioning of research into two areas:
 - i) The South African Food System Regulations
 - ii) Case Studies and Lessons from Country Experiences
- Workshops to draft a peoples' agenda based on presentation of research
- Peoples' agenda formulated into the first draft of the Act
- Process of consultation with lawyers and SAFSC activists (including small-scale food producers, consumers, students, civil society organisations and farming communities)
- A second workshop to comment on the revised Act
- All comments incorporated into the first printed version (Act no.1 of 2016)
- Launch of the first version at a Peoples' Parliament in November 2016 to SAFSC and progressive civil society formations for further consultation and input
- Dialogue, input and revisions at grassroots level in community organisations, movements and local food sovereignty forums
- Presenting the Act to relevant government departments
- Input comments from dialogues into second version of the Act (this version, No.1 of 2018)
- Ongoing dialogue at local and national levels by continuing engagements with relevant state departments, and presenting to parliament and local governments
- Encourage communities to use the Act as a compass to develop local food sovereignty pathways in communities, villages, towns and cities.

We envision that this act will play an important role in the pursuit of food sovereignty in South Africa, as it could bind the government to play a progressive and supportive role in the realisation of the Right to Food, and create a vision of our ideal food sovereign South Africa, based on the peoples' own agenda.

**Affirm the right to food
Give control of the food system to the people
Forward to Food Sovereignty!**

PEOPLES' FOOD SOVEREIGNTY ACT
No. 1 of 2018

ACT OVERVIEW

The objectives of this act are to change the laws governing the food system, and for that purpose-

- to give effect to the right to food in the constitution, provided under section 27 and to ensure that the right to food is realised by all people;
- to ensure that indigenous seeds and seed saving practices are protected to maintain the biodiversity of seed and food systems;
- to promote the ownership of land by food producing communities, and ensure that land is distributed and managed so as to maintain biodiversity;
- to establish the rights of persons and food producers in relation to water, and to promote the sustainable use of water in the context of climate shocks, such as drought, so as to maintain food production;
- to ensure that all food production is undertaken by methods that are environmentally sustainable, safe and just;
- to promote the consumption of adequate, culturally appropriate, indigenous and nutritious food for all persons;
- to ensure that all food producers have access to relevant financial mechanisms to improve food production and distribution;
- to promote community markets linked to small-scale food producers and processors for distribution of food and to ensure that local food supply is prioritised over trade;
- to provide for the setting up of national, provincial and local participatory mechanisms to ensure democratic planning of the food system;
- to limit, prohibit and push back through regulation the destructive practices of the existing corporate controlled food system;
- to democratise the food system and reposition the post-apartheid state in support of food sovereignty through active citizen's intervention; and
- to amend and repeal any laws that give power to monopolistic food enterprises along the food chain, thereby maximising control of the people over their food production resources and food system.

BE IT PROMOTED by the South African Food Sovereignty Campaign, as follows:-

TABLE OF CONTENTS

CHAPTER ONE Definitions, Purpose, Application and Interpretation

1. Definitions
2. Purpose of this Act
3. Exclusion from application of this Act
4. Interpretation of this Act

CHAPTER TWO Seed

5. Persons' and communities' right to seed
6. Restrictions on corporations and seed
7. The government's role in protecting seed and seed biodiversity

CHAPTER THREE Land

8. Persons' and communities' rights to land
9. Food producers' rights to land
10. The role of the government in ensuring the right to land

CHAPTER FOUR Water

11. Water as a communal resource
12. Water as a food production input
13. The role of the government in maintaining water sovereignty

CHAPTER FIVE Production

14. The rights of food producers
15. Food waste and loss in the corporate food system
16. Food production as worker-owned and decent work
17. The role of the government in promoting sustainable food production

CHAPTER SIX Consumption and Indigenous food

18. The rights of persons and communities relating to food consumption
19. Restrictions on junk food outlets and retail
20. The role of the government in ensuring adequate nutrition

CHAPTER SEVEN Finance

21. The rights of small-scale food producers to finance
22. The role of the government in ensuring finance for food producers

CHAPTER EIGHT Distribution, Markets and Trade

23. Food producers' and communities' right to community food markets
24. The role of the government in promoting markets
25. Regional and international trade agreements

CHAPTER NINE Participatory mechanisms to support the food sovereign system

26. National food sovereignty fund
27. National food sovereignty council
28. National food system democratic planning commission
29. Local communal councils

CHAPTER TEN General provisions to advance food sovereignty

30. Food sovereignty, agroecology and water education
31. Research and development for agroecology
32. Food sovereignty and customary law

SCHEDULE 1 Amended and repealed laws

33. Seed laws
34. Land and agrarian reform
35. Municipal by-laws

SCHEDULE 2 Transitional arrangements

36. Land
37. Industrial farming methods
38. Staple foods

CHAPTER ONE

Definitions, Purpose, Application and Interpretation

1. Definitions

In this Act, unless the context indicates otherwise-

“Active citizenship” is about constituting social power through democratic practice and consistent with the constitution. In this regard, women, youth, small-scale farmers, the landless, the hungry and workers are at the forefront of championing food sovereignty as citizens;

“agroecology” means an ecological approach to agriculture that views agricultural areas as ecosystems and is concerned with the ecological impact of agricultural practices. Agroecology is a science that is innovating on traditional farming knowledge that works with nature. Agroecology also embodies a political approach, employed by small-scale food producers as a way of life, and as a means to bring about social, economic and environmental justice;

“community” means any group of persons whose rights in land are derived from shared rules determining access to land held in common by such group, and includes part of any such group;

“community market” refers to a market that is owned and controlled by producers or consumers or both, involved in food sovereignty;

“co-operative” refers to an autonomous association of persons who come together voluntarily to meet their common economic and social or cultural needs and aspirations through a jointly owned and democratically controlled enterprise organised and operated on co-operative principles;

“corporate food system” refers to the corporate controlled and globalised food system (inputs, production, processing, retail, trade) which exists to make profit at the expense of meeting human need and protecting ecosystems;

“corporation” refers to a large company or group of companies that is controlled together as one single organisation for profit;

“customary law” refers to an established system of immemorial rules evolved from the way of life and natural wants of the people, the general context of which was a matter of common knowledge, coupled with precedents applying to special cases;

“decent work” involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men;

“eco-social function of land” refers to prioritising public interests over individual or corporate interests in the sustainable use of land as part of eco-systems;

“ecosystem” refers to the physical and biological components of an environment considered in relation to each other as a unit. Central to this concept is the idea that living organisms are continually engaged in a set of relationships with every other element constituting the environment in which they exist. Ecosystems can be bounded and discussed with tremendous variety of scope, and describe any situation where there is relationship between organisms and their environment;

“environmental function of land” refers to prioritising natural ecosystems and natural reserves over individual or corporate interests for the purpose of maintaining biodiversity;

“farmer’s seed varieties” are the opposite of commercial seeds (hybrids and Genetically Modified seeds). They include seeds of varieties that are gathered, picked and maintained through selection, conservation, multiplication and exchange by the farmers themselves.

“food security” is a narrow concept that measures nutrition deficiency and allows corporations to control the food system. Food security has failed to end hunger and is destroying our natural system. It is anti-people and nature.

“food sovereignty” is the right of people to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define and control their own food and agriculture systems. It is an alternative to the corporate food system;

“food sovereign system” refers to an alternative food system which is defined by small-scale food producers and values people and nature over profit;

“Genetically Modified” any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology. These seeds are controlled by corporations for their benefit;

“government” refers to the executive, legislature and judiciary, including national, provincial and municipal structures. Government is the means by which state policy is developed and implemented;

“hectare” is a unit of measurement of an area of land (10,000 m²);

“household” refers to all persons living under one roof or occupying a separate housing unit, having either direct access to the outside (or to a public area);

“hybrid seeds” refers to a seed variety that is developed through a specific, controlled cross of two parent plants. Seeds saved from hybrid seed varieties do not produce uniform offspring, further hybrid seed varieties are in many cases owned by big seed corporations. Both of these features undermine collective seed saving;

“junk food” refers to cheap food that is high in calories from sugar or fat, with little nutritional value;

“persons” includes all human beings;

“precautionary principle” is about protecting all people and the environment from an uncertain science. It is a principle used by governments to restrict and prohibit the introduction of living and non-living GMO products;

“regulation” means a regulation made under this Act;

“right to food” means that food is a human right. The right to food is provided by the South African constitution but we believe this act should be implemented to take forward this provision to affirm the right to food.

“small-scale food producers” includes all peasants and smallholder farmers, agricultural and food workers, pastoralists, small-scale fishers and artisanal fisher-folk, forest dwellers, indigenous peoples, the landless, women and youth, who rely on access to and control over natural resources to advance food sovereignty;

“solidarity economy” refers to an economy in which production, consumption, finance, distribution and resources are controlled by the people to meet social needs and promote ecological justice. It is based on constituting four forms of power; structural, movement, direct and symbolic to advance a solidarity economy pathway;

“staple food” refers to foods that the majority of people eat on a regular basis to alleviate hunger and from which people get most of their calorie requirements;

“this Act” includes all the provisions, schedules and regulations within its ambit;

“water” is more than a physical resource, it is a source of life, provides sites for spiritual practice and a common resource for all;

“worker co-operative” means a primary co-operative in which the members pursue the objective of meeting their needs by building a jointly owned and self-managed enterprise;

“zero waste” refers to the philosophy that encourages the redesign of resource life cycles so that all products are reused. No trash is sent to landfills or incinerators. Zero waste is ethical, economical, efficient and visionary; and guides people to change their lifestyles and practices to emulate more sustainable natural cycles where all discarded materials are designed to become resources for others to use.

2. Purpose of this Act

The purpose of this Act is to advance a food sovereign system, by fulfilling the primary objectives of this Act, which are-

- (1) to give effect to and regulate the fundamental rights conferred by section 27¹, Section 25² and Section 24³ of the constitution;
- (2) to provide a framework within which all persons, communities and food producers can-

- a. produce nutritious and culturally appropriate food using agroecological methods; and
 - b. access and consume nutritious and culturally appropriate food.
- (3) to provide a framework within which the government shall limit-
- a. the monopolistic tendencies and power of agro-industrial, and food retailers in the dominant corporate food system (including producers, suppliers of inputs, retailers and distributors); and
 - b. trade which hampers national food sovereignty.
- (4) to promote-
- a. sustainable use of natural resources during food production; including water and land
 - b. local food trade; and
 - c. biodiversity of nature and seeds.
- (5) to provide a framework within which the government shall provide-
- a. favourable conditions for all small-scale food producers, including sufficient infrastructure, training, access to land, credit and inputs.

- 1 Section 27, which is the Chapter on Fundamental Rights in the Constitution entrenches the following rights-
- (i) Everyone has the right to have access to sufficient food and water...
- 2 Section 25, which is the Chapter on Property, entrenches the following rights-
- (i) The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable persons to gain access to land on an equitable basis...
- 3 Section 24, which is the chapter on the environment, entrenches the following rights-
- (i) Everyone has the right to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that -
 - a. Prevent pollution and ecological degradation;
 - b. Promote conservation; and
 - c. Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development...

3. Exclusion from application of this Act

No person shall be excluded from the application of this Act.

4. Interpretation of this Act

The following principles will guide the interpretation of this Act-

- (1) Laws and regulations shall enable *active citizenship* and shall empower persons to lead and drive this legislation;
- (2) *Non-racial unity* to ensure the food sovereign system meets the needs of all South Africans while challenging the racialised power of the corporate food system;
- (3) Laws and regulations shall promote *system change* of production, consumption, finance and social living to accord with the requirements of a harmonious relationship with the planetary ecosystem;
- (4) *Environmental justice* fights the inequality in resource use, is against racial discrimination and opposes pollution and destruction of ecosystems. It seeks systemic alternatives to privilege the interests of the workers, the poor, the dispossessed and the vulnerable;
- (5) *Democracy* through people's power shall be promoted to ensure that the majority in the food system shall have control over production and consumption of food;
- (6) Promotion of *communal and socialised ownership* to ensure collective property relations and self-management; that is also consistent with customary law and customary communities.
- (7) *Non-discrimination*: No distinction in favour of or against a person based on their group, class or category to which they belong shall be permitted by this Act, including racial, gender and all other forms of discrimination.

CHAPTER TWO

Seed

5. Persons' and communities' right to seed

- (1) All persons have the right to save and share seeds in South Africa.
- (2) All households and communities have the right to preserve seed systems through seed banks.
- (3) Persons, food producers, households and communities have the right to propagate, renew and grow seeds, and share knowledge, and thereby maintain biodiversity.
- (4) All persons have the right to revive and preserve beneficial indigenous practices of seed saving.

6. Restrictions on corporations and seed

- (1) All seed corporations are prohibited from producing, importing, marketing, and cross-pollinating genetically modified (GM) and hybrid seed in South Africa.
- (2) All GM seeds are banned in South Africa based on the precautionary principle.

7. The government's role in protecting seed and seed biodiversity

- (1) The government shall support active citizenship through a household and community controlled national seed bank to protect our seed systems and support local seed banks.
- (2) The government shall amend all relevant seed laws to ensure that seed saving or seed sharing by all persons is not restricted or prohibited.
- (3) All these actions by government shall be informed and determined by the national food sovereignty council envisaged in this Act.

CHAPTER THREE

Land

8. Persons' and communities' rights to land

- (1) All persons have a right to claim and use land to advance food sovereignty, particularly land which is not being used for a social and environmental function.

9. Food producers' rights to land

- (1) All small-scale food producers are entitled to a piece of land with the minimum size being 1 hectare and maximum size of 2 hectares consistent with national food system democratic planning and land communal councils as contained in Section 28 and Section 29.
- (2) Every piece of land utilised by small-scale food producers and those in the existing food system for food production shall maintain the ecosystem in a sustainable way.
- (3) Every food producer who is allocated redistributed land for food production shall produce on that land or it will be allocated to someone else by the government.

10. The role of the government in ensuring the right to land

- (1) The government shall ensure regular land audits and maintain a proper land registry to prevent land theft and ensure fast track redistribution to small-scale food producers.

- (2) The government shall utilise participatory mechanisms provided for in this act (in Sections 26,27,28,29) to undertake proper spatial planning to ensure the development of a food sovereignty system in rural and urban areas.
- (3) The government shall deconcentrate all large farms and pass on ownership to small-scale food producers over the next 20 years. Every 5 years 10 000 commercial farms must be deconcentrated, in accordance with the constitution.
- (4) The government shall recover costs and do what is necessary to rehabilitate land that has been damaged through pesticides, industrial farming and mining and other types of pollution.
- (5) The government shall prohibit land speculation for agricultural land.
- (6) The government shall ensure that land regulation in towns and cities does not hinder or prohibit agroecological food production, farming and food sovereignty pathways.
- (7) All these actions by government shall be informed and determined by the national food sovereignty council envisaged in this Act.

CHAPTER FOUR

Water

11. Water as a communal resource

- (1) Water shall be recognised as a source of life and a public good, integral for life in all eco-systems and shall, therefore, be used sustainably.
- (2) Water shall be prioritised for communal use and maintaining the natural environment before being allowed to be used for industrial and extractive purposes.
- (3) Water shall be democratised, such that water rights and access is determined in accordance with the constitution and water policy.
- (4) Water shall be free of individual or corporate control.
- (5) All dams, rivers and ground water are considered a public good and shall be utilised for public benefit and democratically utilised by interested parties through communal councils under section 29.
- (6) Private dams on farms shall be accessible to all, this in accordance with national policy and legislation which states that water belongs to all people.
- (7) Active citizenship shall have the rights to protect water through people's science, agro-ecology and spiritual practices.

- (8) Any pollution or wastage of water resources shall be penalised and treated as a criminal offence.

12. Water as a food production input

- (1) All small-scale food producers have the right to adequate water infrastructure.
- (2) All food producers shall implement sustainable water management practices.
- (3) Water, as a food production resource, shall be prioritised for these purposes before being allowed to be used for industrial or extractive purposes.
- (4) All water used for industry and mining shall be treated so that it poses no risk to the environment and food production. This burden shall be borne by the industry responsible for its contamination.

13. The role of the government in maintaining water sovereignty

- (1) In allocating water, the government shall-
 - a. ensure that all households, communities working communal land and small-scale food producers have access to sufficient water supply for producing food; and
 - b. maintain water infrastructure to ensure water is clean, safe and utilised sustainably for communal benefit in rural and urban areas.
- (2) Government shall ensure all polluters of water shall be taxed, business licenses revoked and rehabilitation costs carried by offenders based on the circumstances.
- (3) Government shall ensure all mining houses are regulated, monitored and penalised if they misuse, pollute or damage water.
- (4) Water management-
 - a. The government shall devise a suitable water management strategy for times of water shortage, to ensure that it does not disrupt food production. This strategy shall include:
 - i. traditional water management methods, such as water harvesting; and
 - ii. scientific research
- (5) All rights envisioned in this chapter for citizen's action shall be affirmed by government.
- (6) All these actions by government shall be informed and determined by the national food sovereignty council envisaged in this Act.

CHAPTER FIVE

Production

14. The rights of food producers

- (1) All small scale food producers and food providers are considered an integral part of the food sovereignty system.
- (2) All small scale food producers, persons and households have the right to produce food through agroecological methods.
- (3) All small-scale food producers have the right to implement, share and affirm indigenous culture, customs and knowledge about food production so that all beneficial indigenous practices of food production are revived.

15. Food waste and loss in the corporate food system

- (1) Food corporations in the existing corporate food system have the responsibility to eliminate food waste in a manner that meets the needs of the hungry and brings about zero waste as the ultimate objective.
- (2) Food producers and food providers shall promote ecological sustainability in the usage of resources, especially land and water.

16. Food production as worker-owned and decent work

- (1) Small scale food producers have the right to socialise work through worker-owned cooperatives, community-based and collectively owned food markets.
- (2) Youth have the right to be educated in agroecology, to produce food and to find meaningful, dignified work in food production.
- (3) All farm workers have a right to decent work and to the food they produce.
- (4) Small-scale food producers shall link and network to ensure that inputs, production and consumption advance the Solidarity Economy.

17. The role of the government in promoting sustainable food production

- (1) The government shall initiate a purchasing programme commencing with vegetables and milk that is farmed agroecologically by small-scale food producers. This shall be provided to supplement school feeding schemes, prisons, hospitals, clinics, universities and other anti-hunger initiatives promoted by the government.

- (2) The government shall promote ecological sustainability and usage of resources, especially through enabling renewable energy, land, water and wet waste that is used in organic composting.
- (3) The government shall prohibit highly industrial and chemical agriculture that degrades the ecosystem and in accordance with transitional arrangements contained in Section 37.
- (4) The government shall limit foreign ownership of core farming inputs such as seeds, organic fertilisers and pesticides.
- (5) The government shall promote an information and training system for agroecological agriculture and advance agroecology as a science.
- (6) The government shall assist small-scale food producers in relation to -
 - a. Solidarity Economy based production networks in the food sovereign system;
 - b. an enabling environment for small-scale food producers, this includes suitable infrastructure for successful agroecological agriculture; and
 - c. the protection of the property and livestock of small-scale food producers.
- (7) The government shall invest in the processing of healthy food products and staples through the solidarity economy.
- (8) All public institutions in communities (schools, hospitals, police stations and other government facilities) shall promote agroecological food production initiatives on their premises and in partnership with small-scale food producers involved in food sovereignty initiatives within their communities.
- (9) All these actions by government shall be informed and determined by the national food sovereignty council envisaged in this Act.

CHAPTER SIX

Consumption and Indigenous food

18. The rights of persons and communities relating to food consumption

- (1) All persons have the right to access and consume nutritious and culturally appropriate food.
- (2) All communities shall be encouraged to adapt their diets in such a manner that they eat foods that are locally produced and suited to the local eco-systems.
- (3) All persons and communities have the right to implement, share and affirm indigenous culture, customs and knowledge about food, nutrition and food preparation.

19. Restrictions on junk food outlets and retail

- (1) Junk food franchises and other junk food suppliers shall be prohibited from advertising their products to the public.
- (2) Foods that contain GM products shall not be imported, marketed nor consumed.
- (3) All nutritional information on junk food must be provided visibly together with necessary health warnings.

20. The role of the government in ensuring adequate nutrition

- (1) Health and nutrition-
 - a. Government shall set indicators of food sovereignty to be based on household nutrition, food affordability and availability.
 - b. Government provisioning of food through school feeding schemes and other anti-hunger initiatives shall be culturally appropriate and nutritious.
 - c. The government shall offer immediate and intermediate relief in a sustainable way that addresses the health and nutritional needs of children, and insulates the most vulnerable from the inflationary pressure of the corporate food system.
 - d. The government shall prohibit the advertising of low-nutrient food, and instead encourage the consumption of locally produced, sustainable staples and fresh food.
- (2) The government shall increase taxes on all unhealthy foods such as sugar, junk food and all foods that have adverse health consequences.
- (3) The government shall research and promote the consumption of culturally appropriate nutritious food.
- (4) The government shall commission research into indigenous foods so as to understand the nutritional content better, and those foods should be brought back into the food system.
- (5) Staple foods-
 - a. The government shall take control of basic foods and staples through empowering solidarity economy-based production.
 - b. The government shall ensure that staples that are produced and consumed are nutritious, grown locally and are suited to the environment.
 - c. The government shall subsidise nutritious staples.
- (6) All these actions by government shall be informed and determined by the national food sovereignty council envisaged in this Act.

CHAPTER SEVEN

Finance

21. The rights of small-scale food producers to finance

- (1) All small-scale food producers shall have access to finance for-
 - a. investments in agroecological farm production methods and equipment;
 - b. improvement in post-harvest practices;
 - c. promoting better management of risks;
 - d. ensuring better access to local community markets; and
 - e. financing adaptation to climate variability to ensure farming facilities and practices are climate resilient.

22. The role of the government in ensuring finance for food producers

- (1) Government developmental finance shall be biased towards small-scale food producers involved in agroecology, urban agriculture and for upgrading rural farming and infrastructure.
- (2) A government supported community, household and small-scale producer led national cooperative bank shall support small-scale agroecology and farming cooperatives, particularly worker cooperatives.
- (3) All these actions by government shall be informed and determined by the national food sovereignty council envisaged in this Act.

CHAPTER EIGHT

Distribution, Markets and Trade

23. Food producers' and communities' right to community food markets

- (1) Communities, households and food producers have the right to establish community-based and collectively owned food markets that are accessible to community members.

24. The role of the government in promoting markets

- (1) The government shall develop infrastructure and markets for small-scale producers.
- (2) The government shall support street traders with social infrastructure and necessary training so that they become an integral part of the system and are enabled through solidarity economy pathways.

- (3) Government intervention shall limit corporate centred market competition against small-scale food producers, through influencing prices, consumption and production patterns and constrain the power of the corporate food system.
- (4) Government procurement shall be skewed in favour of small-scale food producers, including through the establishment of a small-scale food producer support parastatal. Such a parastatal shall procure from small-scale food producers, provide transport and storage infrastructure and other necessary support to promote food sovereignty.
- (5) All these actions by government shall be informed and determined by the national food sovereignty council envisaged in this Act.

25. Regional and international trade agreements

- (1) Trade agreements shall be subject to food sovereignty priorities and the needs of small-scale food producers.
- (2) Trade agreements shall be determined by domestic food production capacity and local consumption needs.
- (3) Trade within Africa and the global South shall be informed by solidarity, reciprocity and co-development.

CHAPTER NINE

Participatory mechanisms to support the food sovereign system

26. National food sovereignty fund

- (1) A national food sovereignty fund shall be established.
- (2) This fund shall be managed by the government and representatives from food sovereignty organisations.
- (3) This fund will manage the farm buyout process, capitalisation of small-scale food producer enterprises and provide working capital to small-scale food producers.
- (4) Regulations shall be passed by the relevant minister to establish such a fund, and in keeping with the purpose of this Act.

27. National food sovereignty council

- (1) A national food sovereignty council shall be established to include government but will be led by food sovereignty organisations.
- (2) This council shall-
 - a. oversee the implementation of this Act;

- b. monitor the development of necessary mechanisms; and
 - c. coordinate all relevant government departments to realise this act.
- (3) Regulations shall be passed by the relevant minister to establish such a council, and in keeping with the purpose of this Act.

28. National food system democratic planning commission

- (1) A national food system democratic planning commission shall be established to include government but shall be led by food sovereignty organisations.
- (2) The purpose of this mechanism shall be to plan and guide the transition of the entire food system towards food sovereignty. This includes-
- a. the development of research, policies and other necessary instruments to enable this process;
 - b. support of the activities of the food sovereignty fund, council and local communal councils through research and technical advice; and
 - c. devise a participatory planning process involving all food sovereignty organisations to develop 5-year food sovereignty plans.
- (3) Regulations shall be passed by the relevant minister to establish such a commission, and in keeping with the purpose of this Act.

29. Local communal councils

- (1) Participatory councils shall be established in which-
- a. persons can determine local government policies on the food sovereign system consistent with food sovereignty principles and vision.
- (2) Local communal councils shall include representative local government and all communities and small-scale food producers in the local food system.
- (3) Regulations shall be passed by the relevant minister to establish such councils, and in keeping with the purpose of this Act.

CHAPTER TEN

General provisions to advance food sovereignty

30. Food sovereignty, agroecology and water education

- (1) Intervention in the primary, secondary and tertiary school curriculum shall be undertaken to educate children and youth about the food system, as such-

- a. Agroecology, ecology and indigenous food knowledge, including healthy food preparation, shall be essential subjects at all grades of school so that a connection with soil and food is instilled in persons at a very young age;
 - b. the primary and secondary school curriculum should include agroecology food gardens at schools as well as actively promote the growing of food at home as part of school assignments;
 - c. water rights, water commons and the preservation of water shall be included in the school curriculums; and
 - d. content around food sovereignty, solidarity economy and the food system shall be included in the curriculum.
- (2) Agroecology as a science shall be introduced as a course of study at universities.

31. Research and development for agroecology

- (1) The government shall establish training institutions and agricultural colleges to introduce education on agroecology training, capacity building and food sovereign systems.
- (2) The government shall invest resources to strengthen the research and development of agroecology as a science.
- (3) The government shall invest in research into indigenous knowledge about ecology, spirituality and nutritious food preparation practices.

32. Food sovereignty and customary law

- (1) Customary law shall be interpreted in consistence with this act

SCHEDULE 1

Amended and repealed laws

33. Seed laws

- (1) All relevant seed laws shall be amended to ensure that-
 - a. no persons are restrictions from saving and sharing seeds;
 - b. patenting of seeds is prohibited; and
 - c. GM seeds and trials in South Africa are banned based on the precautionary principle.

34. Land and agrarian reform

- (1) All land and agrarian reform policy and relevant laws shall be amended to ensure that policies are in line with this Act.

35. Municipal by-laws

- (1) Any municipal by-laws that impede the promotion of food sovereignty in local municipalities shall be amended to favour small-scale food producers and communities in rural and urban areas. These amendments shall be made by local communal councils.

SCHEDULE 2

Transitional arrangements

36. Land

- (1) The government shall deconcentrate all large farms (larger than 100 hectares) and pass on ownership to small-scale food producers over the next 20 years. Every 5 years 10 000 commercial farms shall be deconcentrated, in accordance with the constitution and in keeping with this Act's provision of 2 hectares being the maximum size of farm.
- (2) This shall be overseen and supported by all food sovereignty institutions envisaged in this Act.

37. Industrial farming methods

- (1) Over a five-year period, industrial farming methods, including the use of chemical pesticides and fertilisers, GM seeds, hybrid seeds and mono-cropping shall be phased out and replaced with agroecological practices.

38. Staple foods

- (1) Over a seven-year period, the government shall ensure national awareness raising around alternative, culturally appropriate and healthy staple foods.
- (2) All food sovereignty institutions envisaged in this Act shall also play their part in national awareness raising around nutrition, culturally appropriate and healthy local food alternatives.

- END -



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SOVEREIGNTY CAMPAIGN

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GLOBAL ALLIANCES

MAKE FOOD
SOVEREIGNTY LAW

AGRO-ECOSYSTEMS
IS A SCIENCE

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