

GUIDELINES FOR THE REVIEW OF ENVIRONMENTAL-RELATED LEGISLATION REGARDING THE REALISATION OF THE RIGHT TO ACCESS TO SUFFICIENT FOOD

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SUMMARY

The development of legislation for the progressive realisation of the right to access to sufficient food is labelled as an international and national objective. Section 27(2) of the *Constitution of the Republic of South Africa, 1996* assigns a compulsory mandate to the South African government to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the right to access to sufficient food. The United Nations' *Food and Agricultural Organization* (FAO) proposes a three-level strategy for the implementation of the right to food on a national legislative level, namely through: constitutional recognition, the implementation of a food framework law and the reviewing of relevant sectoral legislation. This contribution focuses on the last level of legislative provisioning, namely the reviewing of relevant sectoral legislation which influences, or possibly can, influence the realisation of the right to access to sufficient food. The right to access to sufficient food has multidimensional, interdisciplinary and cross-sectoral characteristics and consequently various sectors are involved in the realisation of the right to access to sufficient food. The FAO determines that the intended purpose will be to identify and review all sectoral legislation that might influence the availability, stability, access and adequacy of food, by means of a proposed reviewing process. The suggested reviewing process of the FAO is comprehensive and diverse; therefore the focus of this contribution is based on the reviewing of relevant environmental-related legislation only. The FAO does not make

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recommendations with regard to the specific aspects that need to be incorporated in environmental-related legislation to contribute to the progressive realisation of the right to access to sufficient food (in other words the aspects against which environmental-related legislation can be evaluated). Therefore this contribution contains compiled guidelines that can be used to review environmental-related legislation.

KEYWORDS: environmental-related legislation, legislative review, natural agricultural resources, right to access to sufficient food, sectoral legislation.