

The right to food: between declaration and reality

Probably the most absurd and well-known fact about food waste is the structural nature of the problem. Indeed, food waste is a huge and under-recognised environmental problem that contributes more to the greenhouse effect than all global air traffic combined, and according to often quoted estimates, almost $\frac{1}{3}$ of all food produced is wasted (around 2.5 billion tonnes per year), while at the same time people around the world do not have access to sufficient quantities or quality of food. It is (again) estimated that around 735 million people in the world suffer from hunger. Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 states that everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing. The parties to the Covenant (the Covenant has been signed by 173 countries around the world, and Croatia has been a signatory since 1992, following the ratification of the signature of former SFRY) recognise the fundamental right of everyone to be free from hunger and take the necessary measures to ensure this right, including to ensure a fair and equitable distribution of the world's food supply. This article is the basis for many contemporary legal and ethical arguments in favour of recognising the right to food as a universal human right, including the views of Professor Nebojša Zelić, which he expresses in the chapter of the book Food and Community. The right to food must not just be an abstract concept. At a time when it is technically and logistically possible to feed the whole world, it is ethically and politically untenable to let people go hungry because of poverty, marginalisation or systemic injustice. The right to access to food – and high-quality food at that – must be guaranteed for all people without exception. Because, as Zelić concludes, if we don't have the right to food, we can't talk about other rights either.

If we look back at the domestic reality for a moment, we can probably rightly conclude that poverty in Croatia rarely really means starvation for anyone, and this whole discussion may seem overly dramatic. After all, does anyone really believe that little Croatia should be thinking about sending food to the poorest or war-torn parts of the world? Perhaps not, but why not? The photos of starving children that are flooding the media these days, for example, might lead someone to conclude that we are not big, but we can make some contribution, just as was done in our country when it was necessary (I don't mean just the Homeland War, but also disasters like those in Gunja, Sisak and Petrinja). But even beyond the dramatic situations and drastic measures, more can be done, because as mentioned before, the right to food does not only mean protection from literal starvation, but also refers to access to quality food for socially affected groups. In this regard, civil society organisations (social supermarkets and other charities), a few companies (which donate food) and the state (mainly through some up-and-coming individuals in the Ministry of Agriculture) are already making efforts to



further develop the food donation system. We have come a long way since the citizens' initiative "Exempt food donations from VAT" achieved its title goal in 2015 with a well-organised and elaborate campaign. However, anyone familiar with the system knows that more can be done in the future. After the president of the AZTN declared that a retail chain fined for dumping would not have been punished if it had donated milk to pensioners instead of selling it below cost, we are probably approaching the time when Croatia will ban supermarkets from throwing away food without first trying to donate it to charitable organisations, following the example of the successful pioneering law passed in France in 2016. And then the awareness that donating is better than throwing away should slowly penetrate more deeply into all pores of the food production and distribution chains. And not only when donation is possible without effort or cost, but also when it is not. After all, everything we do in life that is worthwhile requires effort and money, so why not when it comes to donating food?



Pravo na hranu: između deklaracije i stvarnosti

Vjerojatno najapsurdnija i svima dobro poznata činjenica vezana uz otpad od hrane je strukturalna narav tog problema. Naime, otpad od hrane je golem i nedovoljno prepoznat ekološki problem, doprinosi stakleničkom efektu više nego cijela svjetska avijacija zajedno i prema često spominjanim procjenama, gotovo $\frac{1}{3}$ sve proizvedene hrane se baca (oko 2,5 milijarde tona godišnje), a istodobno diljem svijeta postoje ljudi koji nemaju pristup dovoljnoj količini ili dovoljno kvalitetnoj hrani. Također prema procjenama, oko 735 milijuna ljudi na svijetu gladije.

Članak 11. Međunarodnog pakta o ekonomskim, socijalnim i kulturnim pravima (ICESCR) iz 1966. navodi da je pravo svakog čovjeka na životni standard koji je dostatan za njega i njegovu obitelj, uključujući odgovarajuću hranu, odjeću i stanovanje. Potpisnice pakta (pakt je, inače, potpisalo 173 zemalja svijeta te je uslijed ratifikacije potpisa tadašnje SFRJ od 1992. potpisnica i Hrvatska) priznaju temeljno pravo svakog čovjeka na zaštitu od gladi te će za ostvarenje tog prava poduzimati potrebne mjere, između ostalog, za osiguranje poštene raspodjele svjetskih zaliha hrane u skladu s potrebama. Ovaj članak je temelj mnogih suvremenih pravnih i etičkih argumenata u korist priznanja prava na hranu kao univerzalnog ljudskog prava, uključujući i stavove profesora Nebojše Zelića izrečene u poglavlju knjige [Hrana i zajednica](#). Pravo na hranu ne smije biti samo apstraktan koncept. U vremenu kada je tehnički i logistički moguće nahraniti cijeli svijet, dopuštanje da ljudi gladuju zbog siromaštva, isključenosti ili sustavne nepravde, predstavlja etički i politički neodrživu situaciju. Pravo na pristup hrani – i to kvalitetnoj hrani – mora biti zajamčeno svakome, bez iznimke. Jer, kako Zelić zaključuje, ako nemamo pravo na hranu, onda ne možemo govoriti o ikakvim drugim pravima.

Ako se na trenutak osvrnemo na domaću stvarnost, vjerojatno s pravom možemo zaključiti da siromaštvo u Hrvatskoj rijetko kome zaista znači i gladovanje te cijela ova rasprava može izgledati previše dramatično. Jer misli li netko zaista da bi mala Hrvatska trebala razmišljati o slanju hrane u najsiriromašnije ili ratom pogođene dijelove svijeta? Možda i ne bi, ali u krajnjoj liniji, zašto ne bi? Primjerice fotografije izgladnjele djece koje baš ovih dana preplavljaju medijski eter možda nekoga motiviraju na zaključak da iako nismo veliki, u nekoj mjeri možemo pridonijeti, kao što se pridonosilo i kad je kod nas bilo potrebno (ne mislim samo na Domovinski rat, nego i katastrofe poput onih u Gunji, Sisku i Petrinji). No i mimo dramatičnih situacija i drastičnih mjera, može se činiti više jer, kao što je ranije već navedeno, pravo na hranu ne znači samo zaštitu od doslovnog gladovanja, ono se odnosi i na pristup kvalitetnoj hrani socijalno pogođenim skupinama. Po tim pitanjima udruge civilnog društva (socijalne samoposluge i druge karitativne organizacije), malobrojna poduzeća (koja doniraju hranu) te država (posredstvom pretežito nekolicine nadobudnih pojedinaca iz Ministarstva poljoprivrede), već ulažu trud u daljnji razvoj sustava doniranja hrane. Daleko smo odmakli od kad se 2015. godine građanska inicijativa "Oslobodimo doniranje hrane PDV-a" dobro organiziranom i



elaboriranom akcijom izborila za svoj naslovni cilj. Ipak, svi koji poznaju sustav znaju da se u budućnosti može učiniti i više. Sad kad smo doživjeli da i predsjednica AZTN-a navodi da za *dumping* kažnjeni trgovački lanac ne bi bio kažnjen da je umirovljenicima mlijeko donirao, umjesto prodavao po cijeni ispod nabavne, vjerojatno se približavamo vremenu kad će i Hrvatska, po uzoru na uspješan pionirski zakon iz Francuske izglasan 2016., zabraniti supermarketima da hranu bacaju bez da su je pokušali donirati karitativnim organizacijama. Zatim svjesnost o tome da je donirati bolje nego baciti treba početi snažnije ulaziti i u sve pore proizvodno-prometnih lanaca hranom. I to ne samo kad je doniranje moguće postići bez truda i bez ikakvog troška, nego čak i kad nije. Jer u sve što vrijedno u životu radimo potrebno je ulagati trud i novac, zašto ne i u doniranje hrane?

