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Mexican Congress Approves Changes to Constitution that Would Make Access to Ample, Quality Food a Basic Right

by *Carlos Navarro*

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The Mexican Senate and Chamber of Deputies approved amendments to the Constitution that would make access to healthy food a fundamental right for the Mexican population. The changes to Articles 4 and 27 of the Constitution passed overwhelmingly during separate votes in both chambers of Congress in April and have been turned over to the state legislatures for approval. The measure needs ratification in only 16 of Mexico's 32 state legislatures.

Under the changes approved in the Congress, language was added to Article 4 of the Constitution to spell out the right to food for people within Mexico's borders. "Every person has the right to food that is nutritious, plentiful, and of high quality. The state will guarantee this," read the sentence added to the article.

To reinforce the commitment, the Congress also made applicable changes to Article 27 that promote the principle of the right to food through rural development. The article says that comprehensive and sustainable rural development would have as a goal for the state to guarantee that basic foodstuffs are sufficient and widely available.

While the vote in itself has more symbolism than substance, the inclusion of language in the Constitution allows citizens to demand that the executive and legislative branches enact policies that would ensure adequate food for the population. But the measure forces the Congress to enact the types of policies that will guarantee food for the populace.

"With the recognition that food is a constitutional right, the legal and budgetary frameworks have been created to develop the policies and programs that will address the root causes of lack of access to food," said Alberto Jiménez Merino, secretary for food security and sovereignty at the Confederación Nacional Campesina (CNC).

Jiménez Merino said the changes could eventually benefit 5.5 million families in Mexico that currently suffer some type of hunger. At least 20 million Mexicans currently suffer from food poverty, which, according to the Food Access Network, is defined as the inability to find healthy affordable food.

Policy changes still needed

The process might not be easy because policymakers would be facing some tough questions. For example, the question of whether self-sufficiency is synonymous with an adequate food supply. A related question is whether trade agreements hinder or help promote adequate food supplies. As a condition to join the General Agreement on Tariffs and Trade (GATT), the predecessor of the World Trade Organization (WTO), ex-President Carlos Salinas de Gortari eliminated production subsidies for farmers ([SourceMex, Sept. 4, 1991](#)).

The elimination of subsidies was accompanied by tariff reduction under the North American Free Trade Agreement (NAFTA), which paved the way for corn imports, subsidized by the US government, to flood the Mexican market ([SourceMex, Sept. 4, 2002](#)) and ([Jan. 19, 2000](#)).

The debate on the constitutional changes allowed legislators to air their concerns about the impact of trade policy on food security. Legislators from center-left parties—including Sen. Ricardo Monreal of the Partido del Trabajo (PT) and Antonio Mejía Haro of the Partido de la Revolución Democrática (PRD)—suggested that the constitutional initiative offers Congress the opportunity to improve Mexico's capacity to strengthen its food sovereignty and develop an alternative agriculture model.

"In the face of the food emergencies recurring around the world, and which are deeper in developing countries such as ours..., it is imperative to make effective the changes to the Constitution, so that the words guaranteeing the right to food do not become dead text in the Constitution," Mejía Haro said in a guest column distributed by the newspaper chain Organización Editorial Mexicana, which publishes and several dozen other dailies throughout the country.

Sen. Alejandro Zapata Perogordo of the conservative Partido Acción Nacional (PAN) minimized the impact of the constitutional change. He said it merely serves as a reminder to government to carry out obligations that it already had.

But Sen. Pedro Joaquín Coldwell of the Partido Revolucionario Institucional (PRI), chair of the constitutional issues committee (Comisión de Puntos Constitucionales), pointed out that the state is obligated to promote public policies that will stimulate the production of foodstuffs and thus guarantee supplies for everyone.

In the context of Coldwell's comments, there could be some discussions of whether genetically modified organisms (GMO) should be allowed ([SourceMex, May 11, 2011](#)). GMO grains tend to provide higher yields but might pose a health risk and a threat to native varieties. The concern was brought before a special environmental commission set up under NAFTA in 2002 ([SourceMex, May 8, 2002](#)). And the commission, which has no enforcement powers, recommended that Mexico suspend imports of modified corn ([SourceMex, Nov. 22, 2004](#)).

The Congress might have addressed this question partially by inserting the word "quality" to describe minimum requirements for food in the changes to Article 4.

International organizations praise vote

Despite some difficulties and disagreements that might arise during debate on legislation to implement the right to food, experts agreed that the constitutional changes were the right move in a country where 40 million people suffer some degree of malnutrition.

"The changes to the Constitution represent another step in making the right to ample quality food a right for the [Mexican] population," said Nuria Urquía, representative of the UN Food and Agriculture Organization (FAO) in Mexico. "We celebrate with great satisfaction the approval of this legislation."

Similar comments came from Javier Hernández Valencia, representative in Mexico for the UN High Commissioner on Human Rights (UNHCHR). "The reforms are an additional step in the process that Mexico is undergoing to shore up its human rights structure, and these changes to guarantee

the basic right to nutrition are especially timely to address the food crisis that is affecting thousands of people," said Hernández.

"Once the law is ratified, Mexico would come closer to meeting its commitments dealing with food access under a number of international treaties that address human rights," said the Agencia de noticias Proceso. These include Article 25 of the Universal Declaration on Human Rights, Article 11 of the International Covenant on Economic, Social and Cultural Rights, and Article 24 on the Convention on the Rights of the Child.

Hernández urged Mexican states to quickly ratify the changes proposed by the federal Congress so that the right to food can become the law of the land. The legislatures in about a dozen states have indicated an inclination to ratify the changes, but the interest is lagging elsewhere.

"We call on all local legislatures to consider ratification of this law, which is an urgent national issue," said Hernández. "We also ask the governors of these states to actively promote and support the message that that this reform of a basic human right is a good thing."

The state legislature in Nuevo León has taken the matter a step further and has proposed changes to the state Constitution that would guarantee access to food to residents within its borders. The proposal, which would modify Article 3 of the state Constitution, would state that access to healthy food is a prerequisite for the physical and intellectual development of all people.

"The law will establish the basis and the means for people to access health services. It will also promote changes to public policies that will guarantee access to healthy food and will set the parameters for the state and municipal governments to participate in this endeavor," said state legislator Héctor García.

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