A Food Charter for the Western Cape?
A Critical Inquiry and Scoping Study

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SUMMARY

The idea of a food charter has been proposed in several fora by diverse organisations and individuals for several years as one potentially effective tool for addressing food system challenges in South Africa. Extant proposals have aimed at various jurisdictional levels (Metropolitan and Provincial), yet government at various tiers has been reluctant to champion this proposition. Besides this apparent impasse, what becomes clear from available literature and key informant interviews is that the concept of what 'charter' means diverges significantly. Some suggest that it must be a statement of intent, co-created by all stakeholders, and facilitated by city-level governments in order to tackle 'the invisible crisis' of urban food and nutrition insecurity. Others demand greater input and control over the 'corporate food regime' from government, at national level. Instead of calling on government as arbitrator, or for all stakeholders to be involved, they call for 'systematic reform from below', 'by the people'.

This working paper undertakes a critical inquiry into what a charter means, historically, both internationally and nationally, the subsequent proliferation of 'food charters' in the 'global north', South Africa's special relationship with charters, and finally their connection or lack thereof to the various proposals to undertake a food charter locally. The paper unravels some of the influences as well as presumptions about what a food charter might mean in the South African context and opens a more nuanced conversation about what it might be able to achieve, who might legitimately drive such a process, why 'food charters' have been met with (vague) support from progressives on the one hand, and staunch opposition from many in government on the other.

KEYWORDS: Public policy; planning models, planning policy; inequality, policy, regulation, public health

AUTHOR BIO

Etai Even-Zahav is an independent research consultant in the field of food systems, sustainability, security, nutrition, and sovereignty. This report was written in his capacity as Research Consultant for the Food Systems Centre at the Sustainability Institute. He holds a MPhil in Sustainable Development from Stellenbosch University.

Scott Drimie is a researcher and facilitator working on food systems in Southern Africa. Taking a largely political economy lens, he has focused primarily on food policy and food system change. He contributed to this report in his capacity as researcher whilst based at the Centre for Complex Systems in Transition (CST) in the School of Public Leadership, Stellenbosch University in 2018/19 and then as Director of the Southern Africa Food Lab, which engaged the concept of a charter in a number of dialogue processes.

Gareth Haysom is a researcher at the African Centre for Cities at the University of Cape Town. He has held various teaching and research positions at Stellenbosch University and the University of Cape Town. Gareth's work has focused on descaling food system actions and governance with a particular focus on the urban scale. He contributed to this report as initially a key informant and then major reviewer

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ACRONYMS

CoCT	City of Cape Town
FAO	Food and Agriculture Organisation of the United Nations
FNiS	Food and Nutrition insecurity
OECD	Organisation for Economic Cooperation and Development
UK	United Kingdom
USA	United States of America
UN	United Nations
UNDP	United Nations Development Programme
UNHCCR	United Nations Refugee Agency

1. BACKGROUND AND POSITIONING

1.1　The impetus for the research

The idea of a food charter emerges against the backdrop of a South African food system that is buckling under a tremendous set of pressures. The notion, to put this effort into perspective, has been variously proposed (by different people and groups, representing diverse interests in different fora), as one of a range of suggestions for addressing these challenges.

The commissioning of this report was based on the premise that a food charter was a potentially important way to build awareness about the food system, in particular its failings, and to provide guidelines and impetus for new governance arrangements that would be based upon a set of principles to guide decisions about food. The term 'food charter' had been raised several times in debates around food in the Western Cape since a team of researchers from the University of Cape Town (UCT) highlighted its potential in a commissioned City of Cape Town report that engaged strategic options for the metro to address the complexity of the food system (Battersby et al, 2014).

Subsequently, the Provincial cabinet rejected the idea of a charter, which had been included in an early draft of the Provincial Food and Nutrition Security Strategy, as it was deemed 'impractical' and unlikely to achieve the outcomes required in the Strategy's 'legacy phase'. The province wanted to be seen to be pursuing action and not principles.

Civil society activists also argued that a charter would set the terms of engagement about any discussions about food, based on agreed principles that would guide all decision-making – including how agricultural land should be used in a context where housing delivery and mall development were seen as imperatives.

The idea of a charter was raised on several occasions in facilitated dialogues known as T-Labs convened by the Southern Africa Food Lab (see Pereira *et al.* forthcoming). Participants of these T-Labs suggested that building a legitimate food charter "from the ground up" would provide a powerful way to guide future engagement with policy processes and guide the implementation of practical action on the ground. It was argued that this food charter should be based on the South African constitution and include issues

such as land and water rights. The charter would be a means to hold government and other actors to account and would not be owned by any organisation. In essence, it was argued that a charter would ensure that the inclusion of grassroots organisations, such as themselves, in discussions and decisions about the Cape Town food system.

There has clearly been something alluring about the notion of a food charter that deserves deeper investigation in terms of its potential. As a result, the Centre for Excellence in Food Security initiated this scoping study to look critically at what a food charter could potentially offer in addressing the often fractious debates and discussions about food, possibly even establishing a working group to take it into provincial and other forums. The scoping study thus looked critically at the history of charters and similar instruments in South Africa, with a view to considering how viable it would be to develop a charter in the Western Cape.

At its crux, this paper explores what this notion of a food charter might mean in the context of an ailing food system. It interrogates why such an endeavour has attracted some attention and indeed proponents, but then again, why it has not been as successful to date as some of its progenitors hoped it would become. To do so, it addresses what emerged as a gap in both the literature and the interviews conducted, namely, of food charters ignoring the canon of historic charters out of which they emerge, internationally and nationally, whose achievements and failings, we argue, ought to inform their conceptualisation.

1.2   Legal obligations of the "state"

The Right to Food is enshrined within the South African Constitution. Despite there being sufficient food available within the country, this right is not being met. The Rights to Food and Nutrition are enshrined within the South African Constitution in Section 27.1.b and 28.1.c. The relevant clauses obligate government to ensure the progressive realisation of the right to food (Battersby et al, 2014). In terms of functions and obligations defined by the Constitution, "the realisation of the right of access to food is by no means a duty that is borne exclusively by national and provincial governments … the Constitution allocates many functions to local government that offer points of leverage for municipalities to make meaningful contributions to the realisation of the right of access to food" (De Visser, 2019: 25).

1.3   The context of a food system

The South African food system faces a constricted, long-term low-growth macroeconomic environment, growing uncertainty around core issues such as bulk energy and water supply, and land redistribution policy. A distinct mismatch exists between the societal skill profile and economic sector needs. Low absorption rates facilitate persistently high unemployment and a bifurcated formal-informal economy, which is marked by a comparatively exceptionally high and persistent inequality for an upper-middle income country, mean that efforts to improve food system outcomes face major long-term economic challenges.

Food systems are concurrently and interdependently heavily impacted by accelerating local socio-ecological stressors that accompany a plethora of earth system changes at the global scale. These manifest in directly palpable ways for the layperson, such as increasingly frequent and severe droughts and water shortages, beside ever-escalating electricity costs. These are largely a consequence of dwindling non-renewable energy sources and the rising opportunity cost of their utilisation. These may also present in subtler, less certain and potentially sinister ways, such as the rapid loss of genetic diversity of food and feed stock as a result of human interference and selection, and an ever-increasing, if poorly monitored, pollutant and toxin load entering living organisms, human and others.

Added to these are a set of socio-political challenges, ranging from dwindling state capacity to maintain bulk infrastructure, to the so-called 'capture' of the state, which has witnessed the illicit hollowing out of its already strained coffers by the ruling elite over the past decade. This process has been defined as the formation of a shadow state, directed by an elite group. This shadow state operates within – and parallel to – the constitutional state in formal and informal ways, with the objective to re-purpose state governance, aligning it with the power elites' narrow financial or political interests, for their own benefit (Chipkin & Swilling, 2018). In essence, state capture rests on a strategy to align the arms of state and public institutions and business to support rent seeking, with actors ensuring that all the conditions were created and processes lined up to extract more money than the actual goods and services cost, as a way to enrich themselves (Myburgh, 2019).

Food system outcomes in South Africa are heavily influenced by these proximate and persistent socio-economic and socio-political conditions, as well as more remote but growing socio-ecological stressors. Collectively and to varying degrees, from direct causation to plausible correlation, these have led to or influenced a variety of troubling

'malnutritional' manifestations, ranging from significant levels of hunger and risk of hunger, very high and escalating adult overweight and obesity and persistently high child stunting. In return, poor food system outcomes place a hefty if often unseen burden on socio-economic prospects and socio-ecological targets.

1.4   A food charter: a mechanism to address an ailing food system?

While significant contestation regarding the exact nature, degree and locus of the problems exists - for instance, poor productivity, food inaccessibility, nutritional illiteracy, flawed priorities of populace and/or state, to name a few – what unites proponents of the food charter is at least a recognition that the food system is ailing if not failing to deliver adequate outcomes. The food charter, for many proponents, offers the promise that a strong, united signal of intent to power holders and brokers, about the collective will of the 'food system we want to see' and in so doing, helps to positively steer the food system towards improved outcomes.

For nearly a decade, interest in creating a food charter in the Western Cape has repeatedly surfaced in various food security and/or sovereignty consortia, whether at national, provincial or city level. Beyond interest, some have even committed specific draft policies to Metropolitan and Provincial Government (see Haysom, 2011 as an example), whilst others have mobilised, or tried to mobilise around a 'charter' banner. Despite years of attention, as discussed further below, the various food charters' propositions have not visibly amassed significant traction.

2. OBJECTIVES & METHODOLOGY

2.1 The objectives and outline

This Working Paper aims to explore key assumptions about what the notion of a charter means, why it might be deserving of attention, what different ideas are out there, both in the national and local context and in the international literature, and how these ideas affect how they should be approached. The objectives of this study are to critically assess what a food charter could potentially offer in addressing the often-fractious debates and discussions about food in the Western Cape. Finally, this research engages with the question of who might assume a legitimate mandate for driving and participating in a food charter process, should one be deemed desirable.

This draws on a detailed analysis of the history of charters and similar instruments in South Africa and elsewhere, as well as in-depth interviews with some of the key protagonists in discussions about a food charter for the Western Cape. In the end, it is hoped that this inquiry will prove valuable not only to those interested in the food charter in particular, but to readers interested in improved democratic praxis in South Africa, which would be scarcely possible, as we hope will become evident, without a more equitable and healthier food system.

This working paper begins with a problem statement outlining the crisis of food and nutrition insecurity as it manifests in the Western Cape in particular, as one of many significant motivations for this undertaking. This is followed by the objective of this endeavour. The subsection that follows seeks to aid in understanding what a food charter means, where it has emerged from and how it might develop going forward. Findings are then presented thematically.

The findings emerge from a series of purposively sampled, semi-structured or unstructured conversations with various 'key informants', who have been involved or have been suggested as potentially key stakeholders. The key informant consultations were followed by a review of literature to help trace the origins and meaning of the term 'charter', positing that contextual nuance has been lost in modern iterations. By taking a step back from the 'food' discussion, we gain a better understanding of the purchase of the term 'charter', via an etymological inquiry. Then, again maintaining some distance from 'food-centrism', the meaning of 'charter' in the South African context is explored. Subsequently, with this groundwork established, the paper surveys the proliferation of food charters in the global north, followed by a review of the few sources locally that have proposed such a process. Finally, discussion and reflections unfold.

2.2   Methodological approach

The scoping study undertook an adaptive multi-tacked, simultaneous, reiterative literature>informant; informant>literature approach to understand pragmatically the debates regarding food charters in the Western Cape, what influences informed these and how they might evolve.

As such, we initiated a series of seven purposively sampled key informant 'interview-like', but more conversational consultations. This started with some of the progenitors of the food charter proposition locally and used that to snowball and guide both the 'literature review' and the sample of informants. In this way, an attempt was made to identify as much of the literature, grey and peer-reviewed, as possible, that makes mention of a 'food charter' in 'South Africa', the 'Western Cape' and/or 'Cape Town' via Google Search and Google Scholar. Some of the interviews and conversations guided us towards particular documents. In addition, two of the co-authors, who have written extensively about food governance, one specifically in a doctoral study, highlighted important texts. Simultaneously, we used what we learnt from the literature to refine the selection and direction of the conversations; how we approached them; and how we conducted the interviewed and/or discussions. Seven interviews took place between March and September 2018. One of the interviewees became a co-author to ensure the deep contextual analysis required for the Western Cape was ensured.

Notably, no standardised, repeatable questionnaire was, nor could usefully be, stringently followed as the actors engaged came from divergent backgrounds: government officials, Provincial and Metropolitan; activists and civil society organisations; academics; and a public-private institution; each of whom, importantly was not and is not defined by their roles but who arrived at this conversation from very different hinterlands. For these reasons, a few needed significant priming, even coaxing, to begin to understand what the food charter idea was even about, let alone realising that it may bear relevance for their work. In this way, we were able to assess different meaning of a food charter by informants who were embedded in food system issues in a variety of guises. It thus became clearer what a food charter could potentially offer in addressing discussions about the future of food systems in the Western Cape. What was required for this research, given the variety of informants, their positive or negative feedback, their values and opinions on what mattered, and then the sources that were required to unearth some of the underlying issues they raised, may best be described as an 'exploratory' and 'agile' methodological approach.

Having interrogated varying perspectives of the implications of a food charter for the Western Cape, significant attention was given to reviewing content analysis of 'charters' in the historical canon, tracing the term's etymological evolution from its feudal roots to its federalised, democratised form. This became important when we realised the different meaning that the term 'food charter' evoked amongst the respondents. This methodological turn was unanticipated as the motivation for it arose from a comment

from the first informant, which, as we returned to the literature, proved to open a glaring gap in the literature on food charters, locally and globally. This line of inquiry informed the perceived need to review the history of actual seminal charters, general and food-related, international and local, to understand whether their *de jure* meaning played out *de facto.*

The word 'charter' in South Africa is imbued with historical meaning. The Freedom Charter (1955) arguably looms largest in the national collective memory (Suttner 2015). There are several other relevant and significant charters (e.g. Women's Charter in 1954, Land Charter in 1994, Mining Charter 2004; 2010; 2018; AgriBEE Charter 2008; 2017) that are not considered in this report, as we chose to focus on the most canonical charter on the South African record. It should, however, be stated that the Women's Charter both preceded and inspired the Freedom Charter.

The literature review also presented some methodological challenges. Nearly all of the local literature is technically 'grey', and thus takes a less traditional and more exploratory, 'abductive' turn (Candel 2018). To match this approach for the sake of complementarity (Greene 1989), we also used a similar approach for finding and reviewing less pre-filtered, more primary sources and the grey nature of extant 'food charters' through a snowball research method, followed by a 'rapid literature appraisal' technique. This approach entailed a simple Google Search for "food charter" to identify prominent online charters (as they are almost entirely unpublished) and decipher what the average layperson might come across if they were to look up the term.

The 'rapid' online scan revealed a range of food charters to enable a deepened understanding of their development and application elsewhere. These were not systematically collated, filtered and analysed, and thus, offer a general, 'heuristic' impression of some potentially prominent charters look like, where they come from and what some of their standout features are that add value to this endeavour. The results primarily included a range of links to extant food charters (n=14), from Canada (namely Brandon 2014; Hamilton 2014; Revelstoke 2013; Vancouver 2007; Toronto 2001); to the USA (Maryland 2017; Minnesota 2014; Michigan 2010); the UK (Leeds 2018; Aberdeen 2017; Oxford 2014; Birmingham 2014); and Australia (Deakin University 2017; Victoria 2013). There were additionally four results covering food charters generally (North Dakota State University 2017; Sustain Ontario 2016; Hardman & Larkham 2014; Jaquith 2011).

2.3 The problem statement: Food & Nutrition Insecurity in the Western Cape

As summarised above, this research takes place in the context of expressed concern by diverse consortia of organisations and individuals about the state of food and nutrition insecurity (FNiS) in the Western Cape Province of South Africa. The 'multiple burdens' of FNiS form foundational and incontrovertible barriers to individual and societal wellbeing prospects (FAO *et al.* 2017; GNR 2017). While some progress, for instance, in the form of hunger or iron deficiency reductions has been recorded since the advent of democracy (Shisana *et al* 2014), many of the aforementioned organisations and individuals feel progress has been far too slow, if not inadequate and that much more can be done (see Thow *et al.* 2018; May 2018; SAFSC 2016). There are also more persistent cross-scale and multi-level challenges that have evaded serious redress, such as child stunting (see Said-Mohamed *et al.* 2015). Moreover, the past several decades have seen overnutrition (which may and often does manifest as overweight or obesity) proliferate and become a major public health issue (see Cois & Day 2015; Shisana *et al.* 2014).

This suite of overlapping malnutritional burdens, which the global health community increasingly understands as inherently interrelated (GNR 2017), present elementary development challenges, for both Province and country. Collectively, the South African brand of the 'multiple burden of malnutrition' puts immense and growing, direct and indirect strains on adjacent systems such as physical and mental health; education; the economy; society at large and, least tangibly perhaps, the natural environment in which these systems are all inextricably embedded.

Many FACES of MALNUTRITION in the WESTERN CAPE
The largest representative survey ever conducted in South Africa about the national state of health and nutrition across all nine provinces emerged with the following findings in this Province:
- 16% of households report hunger
- 22% of children (0-14) are deemed stunted[1]

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[1] "Stunting in early life -- particularly in the first 1000 days from conception until the age of two - impaired growth has adverse functional consequences on the child. Some of those consequences include poor cognition and educational performance, low adult wages, lost productivity and, when accompanied by excessive weight gain later in childhood, an increased risk of nutrition-related chronic diseases in adult life." (See WHO 2018).

- 15% of women (15-35) anaemic

Meanwhile, these emergent challenges are rising rapidly:

- 18% of children overweight
- 38% of women obese

(Shisana *et al.* 2014)

2.4   Other important considerations

It is worth recognising that there are many other ways of framing the challenges impacting, or being impacted by, the 'food system' along various scales. These include topical debates ranging from unequal land distribution and the need for reform, to skewed labour relations along the food value chain, to pressures from unfettered globalised markets and/or the impacts of climate change on the food system. Our chosen entry point of FNiS at the provincial scale is two-fold. Firstly, to convey a clear (though admittedly partial) sense that there are major issues with the food system, with some of its intended core outcomes manifesting in the geographical vicinity where this research is based. Secondly, to focus the research on the space in which debates about food charters have emerged.

Furthermore, it is important to consider that the choice of the Province as the level on which to concentrate along the jurisdictional scale (see Cash *et al.* 2006) is a particular and subjective one. There are other levels, such as municipal or local, national, regional and global, which merit unique attention, and a likelihood that those may be more or less suitable. In this instance, the appropriate jurisdictional level will depend on the key objectives that will ultimately be agreed upon by the charter's draftees, should it be charted. Additionally, some have argued that a tension exists between rural, generally smallholder producers whose livelihood and success depends on the ability to receive the best price for their produce, and poor urban consumers who seek the opposite, the lowest possible price for food (Devereux, 2020). While there may be many reasons for the existence of such a situation, and possible solutions, reviewing charters at a scale that seeks to respond to the needs of both these constituencies is deemed productive.

3. THE FOOD CHARTER DEBATE IN THE WESTERN CAPE

As discussed above, the proposition of a food charter has a relatively rich if unsettled history in the South African context. It is important to remain cognisant of the limits of memory; that it 'informs' rather than 'determines' a system's state as well as its evolution. Tracing the definitive 'origin' of the food charter idea is perhaps too bold an expectation, yet, there is merit on identifying the context out of which the idea emerged in order to understand what inspired the proposition, what the original proposition was, to track if and how it has morphed since, and if so, to try to understand why.

To do so, an attempt was made to identify as much of the literature, grey and peer-reviewed, as possible, that makes mention of a 'food charter' in 'South Africa', the 'Western Cape' and/or 'Cape Town' via Google Search and Google Scholar[2]. Some of the interviews and conversations guided us towards particular documents.

These results and their relation to a food charter are presented briefly below highlighting the source, what it says about a food charter and brief comments.

3.1   A Review

The first is the "*Food System and Food Security Study for the City of Cape Town*" produced in 2014 (Battersby *et al.* 2014). This is an exceptionally detailed study commissioned by the City of Cape Town. "Based on the findings of the report, a number of key recommendations are made to help the City to build and maintain momentum in developing a Food System and Food Security Strategy. The key recommendations are: 1) Establish the conditions for food system governance. This should be through the development of a Food System and Food Security Working Group. This is essential if the City is to develop coherent, effective strategies to address food insecurity and to work towards a pro-poor food system. It is also essential to build collaborative partnerships with civil society, the private sector, academia and other groups. Critical elements within this first phase is a) Internal City training on food systems and food security to build a common understanding of the issue and agreement on strategic response, b) Development of a Food System and Food Security Charter that can guide the City's long term planning for food security and develop agreement with external partners, c) Development of a Food

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[2] See Western Cape Government 2016; SAFSC 2016; Pulker 2016; Battersby and Haysom 2016; Battersby *et al.* 2015; van Breeman 2014; Haysom 2014; Battersby *et al.* 2014.

System and Food Security Strategy. This is essential, as it will prevent the responses being project-by-project and department-by-department." (Battersby *et al.* 2014: c-d).

This was and remains by far the most comprehensive treatment of what a 'food charter' might look like in the context of the City, though several of the lessons may apply variously to other levels government and governance. See below for further review of this study, its context and its contributions.

The second key source is Gareth Haysom's PhD thesis in 2014. Haysom argues: "City-scale food security challenges have been considered in the past but these generally aggregated total city food security data or focused on specific projects, such as urban agriculture interventions. It is only recently that cities sought out ways to actively engage the urban food system; innovative responses are emerging. One response is by addressing the way urban food systems are governed. Some cities have developed food system governance strategies that are very responsive to the needs of citizens. The strategies are diverse. As examples, Belo Horizonte in Brazil has developed a number of city government-led pro-poor interventions (Rocha and Lessa, 2009). Toronto uses the Toronto Food Charter as the guiding framework in terms of how food is addressed within the city while the Toronto Food Policy Council, the designated custodian of the food charter, is aligned to, but outside of, government (Haysom, 2014: 8-9).

Haysom's thesis focuses more directly on food policy councils than charters *per se* but what it does usefully do is apply a governance typology to 176 active food councils in North-America (see p. 96 for typology definition and annexure 1 for results), placing them on a spectrum from fully state-led to completely independently governed.

The third key source is a master's thesis by van Breemen from the University of Cape Town (2014). The thesis makes a proposal for the CoCT to initiate a four phase "Urban Food Security Plan", starting with facilitating a food 'think tank' to start identifying key stakeholders, and for phase 2 establishing a food policy council. Phase 3 is for the food policy council to develop a food charter "to build consensus for the direction the FPC is taking to address urban food insecurity" (van Breemen, 2014: 89-90). Also, in phase 3 is training by the council of key stakeholders on urban food insecurity issues. Phase 4 is implementation of immediate relief measures and longer-term ones for improved food security in the City.

In many ways this echoes the City of Cape Town Study, although the phrasing and wording is at times divergent (i.e. 'think tank' vs 'food security working group'). It also gives more detail about the sequence of the process, including a food charter and its role.

A 2015 study by Battersby *et al.* on urban food systems stated in the recommendations: "Municipalities need to develop an overarching approach and strategy to address food insecurity, informed by a systems perspective. This would start with the development of a Food Charter and a stakeholder engagement platform and would ultimately lead to an Urban Food Strategy." (Battersby *et al.* 2015: 5)."These [food charters] short documents do not hold any formal power, but have been used as a powerful tool to instigate and legitimate longer-term food engagements" (Battersby *et al.* 2015: 66). As this report emerged from the same key authors of the Cape Town Study, it is unsurprising that a notion of a food charter is raised again in the context of city-level government, but this time it is also considered for South Africa in general. Once again, however, the full detail and implications of a charter remain unexplored.

A fifth study in 2016 by Battersby and Haysom, made a brief mention of a food charter recommendations for city-level governments across Africa (Battersby & Haysom 2016: 2). "The urban food challenge calls for action from all affected stakeholders – governments, non-governmental organisations, researchers and society at large. These actions include… To develop an urban food charter, or urban food system principles, which inform policy and practice." Once again, the notion of a food charter is offered as a key step in developing a coherent response to urban food security, this time in cities across Africa, but still without detail.

A 2016 master's thesis by Pulker makes a case for the creation of cross-departmental, multi-sectoral "food policy council" and sees the "urban food security charter" as a core element in its formation. The urban food charter idea for her has emanated from food policy council in Toronto (Haysom, 2014). This council aligned the 'values' of the city to the need for improved food security. She notes that the City of Cape Town already has values from its core strategy document, the Integrated Development Plan (i.e. Opportunity City, Caring City etc.), and so the food charter must be responsive to those. However, Pulker further argued that additional links to national rights-based discourse (i.e. right to food) should be added. Pulker's thesis recommended a widespread public participation process coordinated by the food policy council.

The South African Food Sovereignty Campaign developed the 2016 "People's Food Sovereignty Act"(SAFSC 2016). The Act made a brief mention (p78-79) of charters talking about US experience in creating food policy councils as a possible "innovation" to investigate and fill wide-ranging food policy gaps at various jurisdictional levels. "The councils work on a range of issues depending on the context, including increasing the amount of local food purchased by public institutions, preserving farmland, and drafting food charters to guide food policy". In terms of the context of this Act, "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."

It is important to note that a later version of the "People's Food Sovereignty Act" is available online and that the charter no longer appears in it (see SAFSC 2018). The SAFSC has also talked about "A people's Water Charter for South Africa", which was intended to be launched in 2019 (Satgar 2018) although this has not yet materialised. A key informant stated that this Act was very much driven by the Co-operative and Policy Alternative Centre (COPAC). That a food charter is a good idea, but that many of the activists in these circles have "contempt for policy"; that NGO's are "huge gatekeepers" of 'their' members and that among the many farmers she knows, there is a "distrust of Government", making getting them to collaborate in good faith difficult.

The 2016 Western Cape Government Household Food and Nutrition Security Strategic Framework made a brief mention of a charter: "This consultative process may also seek to develop a Western Cape Food Security Charter, which outlines a commonly held vision of food security in the Province. The intent of this document would be to outline areas for joint strategic effort. It would need to specify how joint resources and data can be mobilised to achieve this vision." (p.48). A key informant responded to the question of the difficulties of getting a charter passed by Cabinet:

"The kind of dark side of the question is what is the value add and to what degree can you find the right form and moment, without losing the essence of the value add... I think the attraction will always be to keep giving ground until it becomes a piece of paper and then

it suits everybody because nobody actually gets committed to anything besides what they're already doing". The respondent went on "…it's a kind of political tool with a small 'p', so it's meant to create movement and energy, or at least capture movement and energy that already exists in the system… But because it politicises stuff, it'll always be kind of a threat to somebody… so the natural tendency is to depoliticise, to water down, and then at that point, at a certain moment you lose the point of doing it… it just becomes a nice to have that anybody can sign off, but it doesn't carry any oomph".

Another key informant responded to the question of the provincial consideration of a charter: "Province I think is more interesting …the first kind of draft of, just a policy document was quite, I think ambitious, and a lot of policymakers have this perspective that you've got to set the policy and standards as high as possible and then worry about implementation… think [this]…first draft was of the former, and I'm not making kind of a normative judgement on which one of those is better, but he wrote a really ambitious, kind of solve all the challenges, all the issues, first draft of it. And it's my understanding that he was told by his superiors, this will never pass, you're trying to do too many things, it's got too many implications for the mandates of different departments and they're not going to take kindly to now being told that they have to change…". This may imply that a food charter was initially included in a far reaching, ambitious draft that was quickly cut back after political review.

3.2   Interpretation

These various glimpses of localised ideas of food charters, read in conjunction with informant consultations present a rich and telling story. This content, however, should be considered in the context of what a charter actually is, specifically on what exactly is meant by charter, which reveals that there are different ideas about it.

The story of the food charter debate in the Western Cape begins with a small cluster of academics working on urban food insecurity, finding that its manifestation in Cape Town's low-income areas is extremely troubling. These academics linked with some officials in the City of Cape Town who had an active relationship with the Toronto Food Policy Council. These officials were thus exposed to innovations elsewhere in food governance. In particular, through the aid of a progressive policy maker in the City, the academics made a case to the City that it has a food security mandate that it has hitherto not fully comprehended, and the City commissions a Study.

That report that Jane and them [African Centre for Cities] did for the city was kind of notoriously disregarded by the City. Because of the implications for the PHA [Philippi Horticulture Area farmer group] and the political mess that that was. And that was a huge shame because that report had a whole bunch of recommendations that then got tossed out... It's an example of how good academic work, that was actually funded with taxpayers' money got disregarded because of political interest... It's an idea that exists, and it's been kinda spoken about, motivated for, but I think only ever motivated for by people that are kind of in the food security, advocacy, academic space, which I think is part of the challenge, as to why it's never been picked up. Local government doesn't see itself as having a direct mandate around food security or agriculture, so they've always been very resistant towards playing a more direct role (key informant)

For reasons that are not entirely clear, though there are corroborated suggestions of political agendas (by several informants, though none are insiders) and some hearsay about corruption, this Study they put to the City is nothing short of concealed.[3] The progressive policymaker is redeployed, and his/her portfolio disappears. Eventually, two years after completion, a group of activists take the City to court to force the release of the Study, using the Promotion of Access to Information Act as lever. The Study is released by the City, but is effectively ignored; the Philippi Horticultural Area Action Campaign picks up charter idea but 'personalises' it, calling for open, legitimate, large-scale consultation, even national dialogue *à la* historic South African charters - saying it cannot legitimately drive it given its own clear agenda.

There is potential link here with the South African Food Sovereignty Campaign (SAFSC) and Co-Operative and Policy Alternative Centre (COPAC) process leading into the People's Food Sovereignty Act. This Act was intended to achieve a few things: a "vision of a just and transformative food system", a way to "unify struggles on the ground with progressive social forces to ensure that food sovereignty is placed on the national agenda" and a campaigning tool (SAFSC 2016; 2). This reflects something about how charters have been driven in the past – as will be reflected in the detailed literature review of historical experiences. SAFSC and COPAC, however, only merely make mention of charter as envisaged by global north charters, however, their broader agenda is clearly stated: "We demand a people's driven food sovereignty law that advances, strengthens and deepens systemic reform from below"(SAFSC 2016:1). The charter idea is then dropped from their Act two years later, but they now speak of a Water Charter.

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[3] For further details on the politics and disregarding of this report see Olver (2019), A House Divided: The Feud that Took Cape Town to the Brink, Jonathan Ball Publishers (pages 65 - 110)

A progressive policymaker in Western Cape Government picked up the Study and alongside the charter turned it into a household food and nutrition security strategy, and attempted to drive it via two iterations through Cabinet, which was progressively watered down. The policymaker then initiated a mass consultation with a broad cross-section of society. Again, purportedly for 'ideological' reasons, the food mandate, along with the charter, did not make it past cabinet. A proposal was subsequently made to the Centre of Excellence in Food Security by activists who were involved in various T-Labs facilitated by the Southern Africa Food Lab[4] where the issue was discussed to pick up elements of the Strategy, including, again, the charter. The original recommendation - that City-level government deal with its 'invisible crisis' of FNiS, that training of officials is done in conjunction with the creation of a 'charter' as the City showing it recognises that "the constitutional Right to Food should be a medium term goal" (Battersby et al. 2014:311) shifts and turns with every iteration.

Having explored these varying perspectives of the implications of a food charter for the Western Cape, a content analysis of 'charters' in the historical canon was deemed necessary to fully understand the evolution of the concept from its feudal roots to its federalised, democratised form. This review became necessary in recognising the different meanings of the term and what it evoked amongst the respondents.

4. CHARTERS IN HISTORICAL PERSPECTIVE

4.1 Feudal Origins

The earliest definition describing the meaning of a charter, as it might be conceived of today[5] occurs in Bouvier's *A Law Dictionary* (1839:172)[6], and reads as follows:

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[4] See the Southern Africa Food Lab website for detailed reports of various T-Labs facilitated in the Western Cape http://www.southernafricafoodlab.org/t-lab/

[5] We filtered and disambiguated the term from several other meanings that are deemed irrelevant to any conception of a charter as herein understood, e.g. a charter plane or ship, or to charter something, as in to hire it (see Collins Dictionary 2018). Relevance to this discussion rather than exhaustiveness was the key criteria.

[6] Bouvier's dictionary was the first law dictionary written in and for the United States of America (USA). It became the standard law dictionary for the proceeding century, has been praised for its 'encyclopaedic' and 'scholarly' character, and is still used in its courts today (Yates 2011; Whisner 2000). It was inscribed in order to modernise antecedent British law dictionaries, which themselves were largely "written while

> Charter, is a grant made by the sovereign either to the whole people or to a portion of them, securing to them the enjoyment of certain rights. Of the former kind is the present charter of France, which extends to the whole country; the charters which were granted to the different American colonies by the British government were charters of the latter species… *A charter differs from a constitution in this, that the former is granted by the sovereign while the latter is established by the people themselves: both are fundamental to the law of the land… [Emphasis added].*

The word charter elicits diverse responses from various people, experts, laypeople and organisations, based on their experiences and associations. It is notable, in reviewing the available literature that makes recommendations for a food charter as well as in the food charters surveyed globally in section 5 that the use of the word 'charter' is adopted with scant if any attention to the meaning, contexts and merits of the term.

Considering both the term's particularly rich history locally in South Africa (e.g. Women's Charter 1954, Freedom Charter 1955 and Land Charter 1994) and globally (e.g. the landmark UN Charter 1945) and the prominence assumed by the proposed 'food charter' in several of these documents, it seems worthwhile begin by addressing this omission to ensure conceptual precision.

A brief etymological review of specialised dictionary definitions reveals that the word 'charter' emerged from the Old French 'Charte'; which came from the late Latin 'chartula', meaning little paper; a diminutive of 'charta', meaning a leaf of papyrus in Latin (Nguyen 2018:4394). 'Charta' itself is a derivative of the Greek 'khartēs', meaning papyrus, literally; "something on which to make marks" (The Collins Dictionary 2018). To go a step further, it has been speculated that the word emerged from the Ancient Egyptian term for papyrus given that papyrus was originally endemic to the Nile valley (Dunton-Downer 2010:81). In essence then, besides its ancient origins, the word 'charter' in this literal sense appears to mean little beyond a small piece of material (parchment, paper or card) on which things can be written.

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feudal law was still in full vigour", and were thus deemed to be of vanquishing relevance to the New World and its legal, and devolved, federal political order (Bouvier 1839:v). Bouvier's definition has since largely remained intact, withstanding, verbatim, over a dozen revisions and editions of his dictionary, or recurring in strikingly similar wording in many subsequent legal dictionaries (see Shumaker & Longsdorf 1901; Black 1999: 228; Nguyen 2018:4394).

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Going back to this definition of a charter, Bouvier's distinction between a former and latter meaning is worth a pause. In the former, an independent authority in a position of power, say a monarch, bestows unto his/her 'subjects' a right or privilege of some description, such as awarding a piece of land or conceding some decision-making power over it. It is in this sense a top-down concession of rights, power, property or privilege of some kind to a portion of people by the sovereign. The latter conception, however, turns this idea on its head, entailing an emancipatory, bottom-up assertion of wishes or demands of a group of 'subjects' under the jurisdiction of a sovereign power. What may be discerned from the evolution of the concept of a charter then, is a reinvention of a term – away from its feudal European form, towards one that reflects shifting political tides, ostensibly starting with the 'modern' United States – towards a more devolved and democratic form of governance. In other words, in order to reflect the political rupture that was underway, new language needed to be created, or in this case, repurposed, to capture this novel state of affairs[7]. Both conceptions are deemed by Bouvier's interpretation as foundational to the consolidation of this new order. Charter in the latter, more contemporary sense then, has an aspiration towards or an assertion of rights, powers, property and/or privileges by the governed inscribed into its evolutionary code.

Still to this day, contemporary dictionary definitions of charters have this top-down bottom-up tension stamped into their DNA, albeit seemingly unwittingly. The Collins Dictionary (2018) provides the most extensive definition, in which one of the definitions of a charter is "a formal document granting or demanding from the sovereign power of a state certain rights or liberties". The Cambridge Dictionary (2018) defines it as "a formal statement of the rights of a country's people, or of an organization or a particular social group, that is agreed by or demanded from a ruler or government". In other words, a charter in both definitions is either awarded by an authority, or it is claimed from the authority. What these 'general-purpose' non-specialised English dictionary definitions fail to do however, is to historicise the shift in meaning from the former, "granting" or "agreed by", to the latter "demanding", leading to confusion around who the architect/s of a charter might be. What is, however, added in the Cambridge (2018) definition is a

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7 Bouvier's (1839) definition was written in midst of the 'first wave of democratisation' that started in the United States in the 1820s owing to the expansion of suffrage to more of the country's populace (Huntington 1991). To be sure, this was only extended to white males at this stage, but, it was, in its time, nonetheless marked by an expansion of suffrage to more than 50% of the male population. This wave was also marked by the establishment of a more popularly responsive and responsible authority whose support was to be secured through 'majority' support or through an elected parliament.

clearer breakdown of who the claimants might be, that is, the whole populace, "the country's people", or an "organization" or a "social group".

These historical shifts in language need to read within the context of wider political shifts, some may call these transitions, taking place in (Western) society as a whole. The shift from feudal transfers of power from a sovereign to one of associated with democratic claiming of authority align with more than shifts in understanding of democracy, but also in responses to rejections of past practices. These new forms of charters demonstrate new forms of engagement with power. The shifts in the understandings of a charter provide insight into how charters are viewed, potentially as vehicles to enact change during periods of transition, where other vehicles are deemed in appropriate.

A charter, given full recognition of this etymological account, can then be descriptively defined as *a document detailing wants and/or needs* (for rights, powers, property and/or privileges) *of a people and/or a portion of them* (whether an organisation or group thereof and/or some kind of ostensibly united social grouping loosely defined), *which is either conceded to by a governmental authority, or demanded from it*. Crucially, though this latter distinction has been lost in modern, non-specialised English dictionaries, *where modern charters emerge as aspirational assertions of those with less power (the power-less) towards those with more (the power-ful) to recognise their rights.*

While this etymological, and perhaps exacting reading is preliminary and thus the definition may well be challenged on multiple grounds, what may be more pertinent is to unpack what the eventual grouping undertaking the drafting a charter explicitly understands to be the function and merit of using this word, instead of presuming homogeneity of what it means. It goes further however in pointing out a core conflict stamped into the architecture of charters. That is, of their battle between claiming popular representation and legitimacy as an ideal, while, when examined up closely, being an expression of how difficult it is, even with the best intentions, to approach that ideal in reality.

4.2   Historical charters abroad and in South Africa

This etymological tension of a charter as a top-down or a bottom up affair, alongside the loss of this distinction in modern dictionaries, comes to life in examining canonical charters of the past, both nationally and internationally. This 'power' tension also offers a revealing lens with which to examine their purview. It is with this tension in mind that

we examine seminal international and national historic charters, what they were on the one hand, and how they have come to be remembered on the other.

The United Nations Charter ([1945](#)), more than any other charter perhaps, reveals concretely the aforementioned tensions. The war-weary Allies, converged in the wake of yet another devastating 'world war' and, as in the Treaty of Versailles (1919), tried to garner support and faith in an ideal of a world free of the scourge of war (See Figure 1). This time, however, they went a step further, claiming that in fact 'security' alone, or the mere absence of war were insufficient conditions for 'freedom' to be realised, and thus arrived at a more positive conception of it (Carter 2016), of one mankind striving for socio-economic progress (Sachs 2010). The preamble to the 'Charter' is instructive in cementing this point:

> *WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, AND FOR THESE ENDS to practice tolerance and live together in peace with one another as good neighbors, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples, HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS [emphasis of positive conceptions of freedom italicised].*

This Charter is important for several reasons, some of which may be more evident and known and others less so. If its words ring with resonance, it is likely because they have pervaded human rights discourse since their inscription. Sir Peter Marshall (2001:56), distinguished British career diplomat and recognised expert in foreign affairs, went so far as to say that "there is no more influential text in international relations than the Preamble to the Charter of the United Nations..." Whether or not this is an overstatement is up for debate, but the material point is that it is the founding document of the Universal Declaration of Human Rights of 1948 (UN [2018](#)), the bedrock of the United Nations and even beyond that, one of the key texts in the attempted turn from 'international realism' towards 'liberal institutionalism' (Keohane & Martin 1995). Other than its ancient

ancestor the Magna Carta of 1215, it is one of the most famous charter on the 'international' record (Klug 2015).

4.2.1 United Nations Charter, San Francisco, 26 June 1945

Figure 1. Executive Committee of the United Nations Conference (May 8, 1945)[8]

More than that, it arrived at a positive conception of what human rights entail, including the foundation to 'social' or 'welfare' rights, which paved the way for the subsequent assertion of the 'right to food' in article 25 of the Universal Declaration of Human Rights (UN 2018).

Less known, however, is that not only was South Africa a co-signatory to this document but was in fact instrumental in its shaping. Marshall (2001:56) continues: "Yet the remarkable story of how the Preamble came to be incorporated in the Charter has been largely forgotten. It was primarily the inspiration of one man, Jan Christiaan Smuts, Prime Minister of South Africa for many years, soldier, jurist, philosopher, international

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[8] . In this May 8, 1945 photo members of the executive committee of the United Nations conference meet in the Opera House in San Francisco to consider conference procedure. (AP Photo, source: San Francisco Examiner 2015).

statesman and Commonwealth pioneer…" To be sure, revealing quite who was included or excluded from Smuts' view of who constitutes 'mankind' might change the reading of this preamble, as his espousal of "freedom abroad" and his pursuit of "racist policies at home" left him exposed as a high-handed hypocrite[9] (see Dubow 2008). To take the argument a step further, Smuts' 'universalist' (read expansionist) posturing had inadvertently sown a potent decolonising seed of inevitability, as colonised states and peoples did not share Smuts' exclusive view of 'mankind' (see Gouraige 1974; UN 2018a).

The title of the most highly cited article about the United Nations Charter, namely, 'The United Nations Charter as Constitution of the International Community' (Fassbender 1998), directly contradicts Bouvier's (1839:172) distinction between the old and modern definition, which states that "a [modern] charter differs from a constitution in this, that the former is granted by the sovereign while the latter is established by the people themselves". Ironically, the article goes to great lengths to make the case for why the charter should in fact be seen as *the constitution* of the international community, while adopting a 'modern' English legal definition of "a deed granted only by the Crown, in the form of letters patent under the Great Seal, of special powers, rights, privileges and immunities" (Fassbender, 1998:579). It was felt, however, that just calling the Charter a treaty, placing it on a level with thousands of other international agreements, would not do justice to its outstanding importance in post-war international law. Its substance was better understood by President Harry S. Truman when he compared the Charter in the final session of the San Francisco Conference to a constitution that grows and develops and expands as time goes on (Fassbender, 1998:531).

While the encyclopaedic treatment of the meaning of the term 'constitution', as afforded by Fassbender (1998), though offset the lack of attention to the deeper reading of the meaning of a 'charter' still makes the following contributions to this scoping endeavour. By making a compelling case for the UN Charter to be treated as the *de facto* constitution of the international community, as well as by noting that in fact, this document was not called a 'treaty' in the first place simply for fear of its 'specialness' being lost in the archive of antecedent treaties, and through its partial, arguably archaic treatment of the legal meaning of a 'charter', it inadvertently also makes a most compelling case for why the UN Charter may in fact not be a charter at all. Even if one goes as far as adopting the

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[9] The racist policies "at home" refer to the comprehensive racial segregation that defined South Africa's social, economic and political reality. As the rest of the world renounced colonialism and racism, South Africa tightened its segregationist structures under the new banner of apartheid.

expansive 'ideal type' proposed by Weber for this theoretical construct, there is little prospect of recovery from Bouvier's ([1839](#):172) distinction that a modern "*charter differs from a constitution* in this, that *the former is granted* by the sovereign while the *latter is established by the people* themselves" [emphasis added]

4.2.2 The Freedom Charter, Kliptown, 26 June, 1955

It took South Africa far longer to dismantle colonial rule than most fellow African countries, and yet, in its midst was founded this document of mythical emancipatory importance, namely, the Freedom Charter, was erected. Interestingly, probably the most published author on the Freedom Charter, Raymond Suttner (2006:5) offers the following insights into the difference between a constitution and a charter, linking to the two previous sections, and the questions they raise about power, privilege and rights - their granting versus their taking:

> *That does not mean that everyone accepts democracy or the constitution … But what is different about the Constitution and the values of the Freedom Charter on which it is based is that many who have opposed these documents or the establishment of democracy are nevertheless its beneficiaries.*
> *In linking the Charter and the constitution we must also recognise their difference. The Charter is a political document and the constitution is a legal one.*

For Suttner then, the Constitution of South Africa is draped on the backbone of the Freedom Charter. While he is unlikely to be making a broader point but is instead specifically referring to the South African case-study, this statement does imply that a charter *can* conceivably become the foundation of a constitution. The difference, however, Suttner proposes, is that the charter is not a legally binding document, but a political tool, while a constitution is legally binding, but is not necessarily politically charged.

Notably, the Freedom Charter was adopted precisely on the 10th anniversary of the UN Charter, whether by coincidence or not remains unconfirmed. Still, its words loudly and clearly echoed some of the UN Charter's more universalist human rights discourse, whilst at the same time being suffused with South Africa's idiosyncratic character and moment. Nevertheless, its formulation could not be much more different to that of the UN Charter.
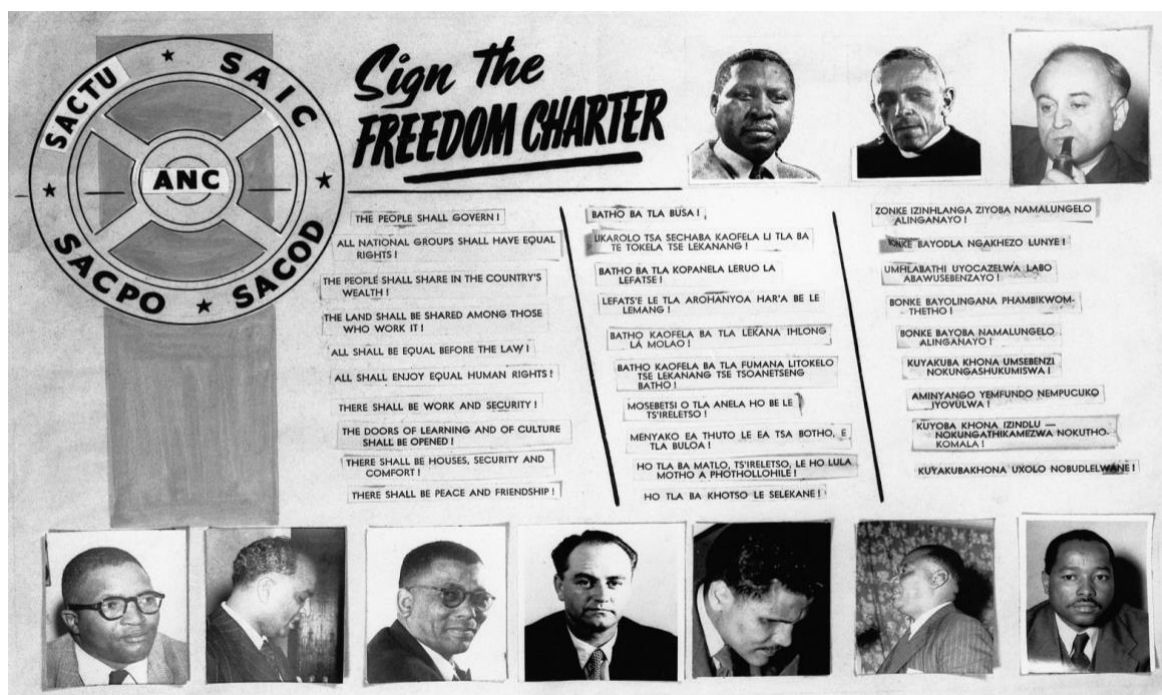
Figure 2. Pamphlet canvassing people's demands for freedom[10]

The extent to which participation was real or romanticised remains contested (Suttner 2015) and the exact details are tough to reliably recreate given the myriad of accounts and the politically charged nature of the document. Still, it saw a coming together of the largest consolidation of anti-Apartheid forces that had ever been achieved in the country to that date, involved a process spanning over a year where a reported 50,000 volunteers across the country canvassed the people's needs, and had nearly 3,000 delegates who represented organisations from across the country in attendance at the Congress of the People in Kliptown, on 25-26 of June, 1955.

Quite how the process actually unfolded, the number of inputs, the extent to which the demands were incorporated, how they were coded, who actually committed the final charter to paper and how objective that process remain questions shrouded in obscurity. The following note by Hilda Bernstein, anti-Apartheid activist – and wife of Lionel 'Rusty' Bernstein, claimed by some to have been the drafter of the charter (Sampson 2002; Trapido 2000) – published a note alongside a Third World Quarterly (1987:676-677)

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[10] Pamphlet distributed by thousands of 'freedom volunteers' to canvass people's demands for freedom (source: ANC, SACTU, SAIC, SACPO and SACOD 1955).

reprint of the Freedom Charter, which offers a most instructive singular account of the charter's both in the granularity of detail and its capturing of the gravity of the document:

> *This charter would be put before a mass assembly of delegates from all over the country, elected on the basis that they represented an organisation (trade unions, political parties, sports, etc) or a locality, a street, a region, a factory, a church organisation…The Assembly would be open to all. A call went out to existing political parties to participate; they did not respond.*

> *The call for the Congress of the People that went out indicated headings for different groups of demands: land, industry, human rights, education, the law, but did not draft direct proposals. This was left to the people up and down the country. And the proposals came flooding in, from simple local demands to theoretical concepts of a new constitution, from carefully worded documents to scraps of paper…*

> *So the Freedom Charter was adopted. But by the end of the year 156 leading activists were on trial for treason, and the Charter was cited as a treasonable document. When this first treason trial came to an end after four-and-a-half years, the ANC was banned and the Charter declared illegal. Yet 25 years later it has become the basis for mass opposition to apartheid, acclaimed, published, quoted from, its opening words: South Africa belongs to all who live in it, black and white, as familiar as a popular poem...*

> *Criticisms of the Freedom Charter, particularly from radical organisations in the West, miss its significance. It gave the liberation movement a single programme for the first time, and this unity was cemented by the subsequent treason trial. This unity is the outstanding feature of the South African movement. The Charter is a broad statement of aims, not a policy document or blueprint for a future democratic government. How these general aims will be put into practice is the task that faces the victors. Until then, the Freedom Charter remains the basis for a united struggle to free our land. [emphasis added].*

This is a rich account and there is a great deal to be gleaned from it, but the core takeaways are as follows. Firstly, while not all people were invited from across South Africa, all representatives of organisations, or localities, including political parties, were represented at the Congress. Still how 'representation' was discerned is unclear. Secondly, it was open ostensibly to all to at least give input, but also notable that 'the people' were primed by the pamphlets that were distributed with the volunteers canvasing inputs. Many had responded in advance by sending in "proposals". Thirdly, that at the Congress the depth of engagement that was intended could not be achieved. Fourthly, that it took, proposedly, a quarter of a century for the document to be generally known and accepted. And lastly, that it was a 'broad statement' of intent, rather than a 'policy document'.

It is also important to reflect on who actually wrote the document, as the mythology of the freedom charter is that it is crafted "by the people". In terms of who was consulted, it was "put before a mass assembly of people" representing different interests united in their search for social justice in a time of extraordinary injustice. The broad themes or issues were identified for a mass circulation to elicit widespread response: "the proposals came flooding in". These ideals were "acclaimed" in public as an indication of support. These were then crafted in clear and straightforward language to reflect the ideals expressed. In other words, the "flood" of inputs was carefully sifted and selected, then crafted into a document by a diverse group of men and women in a racially divided time, to be accessible as a rallying call of struggle.

Was this the intention, and what was achieved? The congress and the writing of the freedom charter aimed for a process 'so democratically revolutionary' in the South African historical canon, and yet, in effect its rhetorical meaning, its mythic character while it may have indeed as some suggest ushered and enabled a new moment was also, not as democratic, as was actually the case.

5. DEVELOPING A FOOD CHARTER: INSIGHTS FROM INTERNATIONAL EXPERIENCE

5.1   Emergence of the concept

The evolution of the concept pf a 'food charter' internationally, has proved difficult to reliably trace, but this was nonetheless attempted to understand if and what continuities with canonical charters, if at all, are perceivable. As detailed in the section on the methodological approach, this evolution was gleaned *via* a snowballing search technique, adopted and gleaned both from conversations conducted and from the rapid literature survey technique described in the methodology.

The first historical appearance of a "food charter" in the review of literature proved a divergent proposition to that conceived through the key informant discussions, the local literature and indeed the international food charters found. Yet, it forms the clearest link between the 'liberal institutionalism' of historic charters above, which are steeped in human-rights rhetoric, and the more 'localised communitarian' tone of predominantly city-level charters presented below.

This was the "Food Aid Charter" for the Sahel region, which was created and adopted on 10 February 1990 by a Sahel regional inter-state group of governments, the Permanent Inter-state Committee for Drought Control in the Sahel (CILSS), alongside donor members of what was then named the Club du Sahel, a group of primarily OECD countries offering aid for food security in this region (see CILSS 1990; Figure 3). It was essentially a "code of good conduct", indicating, as Maxwell (1997) points out, self-regulation, rather than legal enforcement. It entails a clear compromise between "donor" and "beneficiary" governments and the needs of "target populations", the balance of which is subject to debate[11].

The crux of the charter, nonetheless, pivots around recognition of the structural dimensions of food crises, about the need for far greater cooperation and coordination of aid efforts, noting who is responsible for what aid in case of food crises, and how aid is to be disbursed responsibly. Instead of the local-level food charters of the 2000s emerging from the 'global north', and visited below, here is a call for a multilateral, north-south, inter-governmental compromise about food aid, its root causes, dimensions and proposed panaceas. In a similar vein to the UN Charter, no mention is made of participation by any of the 'people' affected (or "target population"), nor of representative civil society organisations. Interestingly, also, no mention is made of historic multilateral agreements or covenants to which most of the European donors were co-signatories, affirming, for instance, welfare rights such as the right to food, as affirmed by article 25 of the Universal Declaration of Human Rights (1948 in UN 2018)[12].

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11 Between 2007 and 2011 "building upon an inclusive and participatory revision process", supposedly as a result of at least some contestation and certainly following several major changes within and between the original organisations and countries that signed along with new additions, the Food Aid Charter was substantially revised. It was re-approved in 2012 (see SWAC/OECD, CILSS, 2012; Ford 2012).
12 The commitment to which, we are reminded by former UN secretary general Ban Ki-moon (2015:iv) "stems from the Organization's founding *Charter*" [emphasis added].
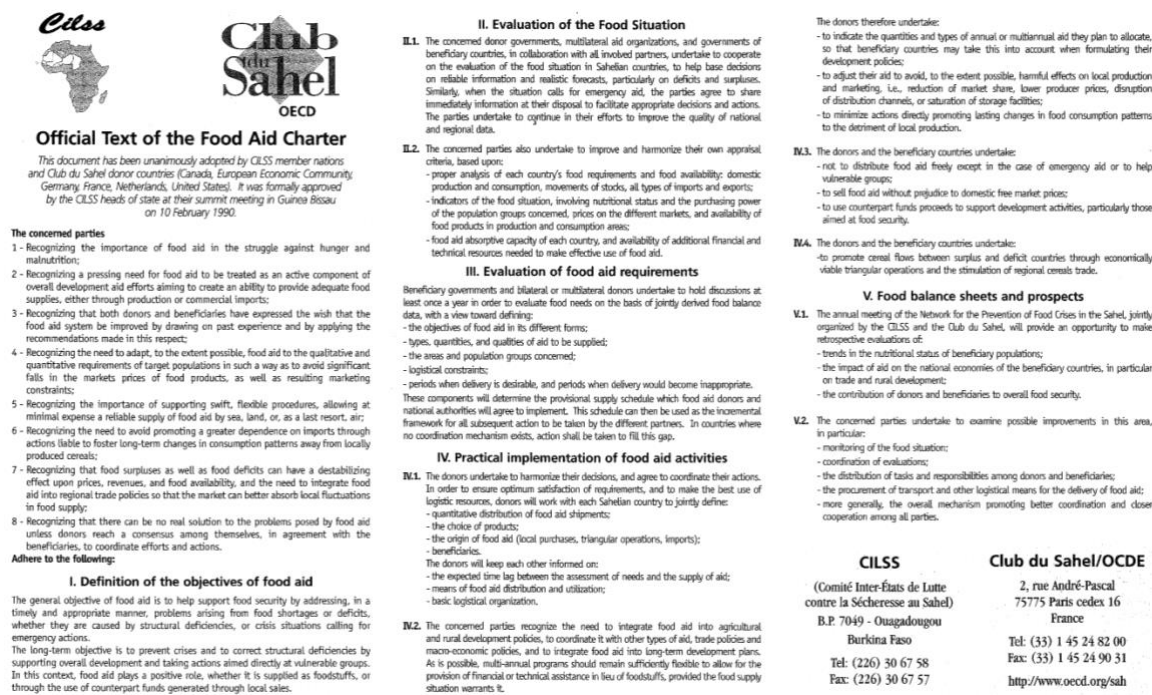
The concerned parties

1 – Recognizing the importance of food aid in the struggle against hunger and malnutrition;

2 – Recognizing a pressing need for food aid to be treated as an active component of overall development aid efforts aiming to create an ability to provide adequate food supplies, either through production or commercial imports;

3 – Recognizing that both donors and beneficiaries have expressed the wish that the food aid system be improved by drawing on past experience and by applying the recommendations made in this respect;

4 – Recognizing the need to adapt, to the extent possible, food aid to the qualitative and quantitative requirements of target populations in such a way as to avoid significant falls in the markets prices of food products, as well as resulting marketing constraints;

5 – Recognizing the importance of supporting swift, flexible procedures, allowing at minimal expense a reliable supply of food aid by sea, land, or, as a last resort, air;

6 – Recognizing the need to avoid promoting a greater dependence on imports through actions liable to foster long-term changes in consumption patterns away from locally produced cereals;

7 – Recognizing that food surpluses as well as food deficits can have a destabilizing effect upon prices, revenues, and food availability, and the need to integrate food aid into regional trade policies so that the market can better absorb local fluctuations in food supply;

8 – Recognizing that there can be no real solution to the problems posed by food aid unless donors reach a consensus among themselves, in agreement with the beneficiaries, to coordinate efforts and actions.

Adhere to the following:

I. Definition of the objectives of food aid

The general objective of food aid is to help support food security by addressing, in a timely and appropriate manner, problems arising from food shortages or deficits, whether they are caused by structural deficiencies, or crisis situations calling for emergency actions.

The long-term objective is to prevent crises and to correct structural deficiencies by supporting overall development and taking actions aimed directly at vulnerable groups. In this context, food aid plays a positive role, whether it is supplied as foodstuffs, or through the use of counterpart funds generated through local sales.

II. Evaluation of the Food Situation

II.1. The concerned donor governments, multilateral aid organizations, and governments of beneficiary countries, in collaboration with all involved partners, undertake to cooperate on the evaluation of the food situation in Sahelian countries, to help base decisions on reliable information and realistic forecasts, particularly on deficits and surpluses. Similarly, when the situation calls for emergency aid, the parties agree to share immediately information at their disposal to facilitate appropriate decisions and actions. The parties undertake to continue in their efforts to improve the quality of national and regional data.

II.2. The concerned parties also undertake to improve and harmonize their own appraisal criteria, based upon:
- proper analysis of each country's food requirements and food availability: domestic production and consumption, movements of stocks, all types of imports and exports;
- indicators of the food situation, involving nutritional status and the purchasing power of the population groups concerned, prices on the different markets, and availability of food products in production and consumption areas;
- food and absorptive capacity of each country, and availability of additional financial and technical resources needed to make effective use of food aid.

III. Evaluation of food aid requirements

Beneficiary governments and bilateral or multilateral donors undertake to hold discussions at least once a year in order to evaluate food needs on the basis of jointly derived food balance data, with a view toward defining:
- the objectives of food aid in its different forms;
- types, quantities, and qualities of aid to be supplied;
- the areas and population groups concerned;
- logistical constraints;
- periods when delivery is desirable, and periods when delivery would become inappropriate.

These components will determine the provisional supply schedule which food aid donors and national authorities will agree to implement. This schedule can then be used as the incremental framework for all subsequent action to be taken by the different partners. In countries where no coordination mechanism exists, action shall be taken to fill this gap.

IV. Practical implementation of food aid activities

IV.1. The donors undertake to harmonize their decisions, and agree to coordinate their actions. In order to ensure optimum satisfaction of requirements, and to make the best use of logistic resources, donors will work with each Sahelian country to jointly define:
- quantitative distribution of food aid shipments;
- the choice of products;
- the origin of food aid (local purchases, triangular operations, imports);
- beneficiaries.

The donors will keep each other informed on:
- the expected time lag between the assessment of needs and the supply of aid;
- means of food aid distribution and utilization;
- basic logistical organization.

IV.2. The concerned parties recognize the need to integrate food aid into agricultural and rural development policies, to coordinate it with other types of aid, trade policies and macro-economic policies, and to integrate food aid into long-term development plans. As is possible, multi-annual programs should remain sufficiently flexible to allow for the provision of financial or technical assistance in lieu of foodstuffs, provided the food supply situation warrants it.

The donors therefore undertake:
- to indicate the quantities and types of annual or multiannual aid they plan to allocate, so that beneficiary countries may take this into account when formulating their development policies;
- to adjust their aid to avoid, to the extent possible, harmful effects on local production and marketing, i.e., reduction of market share, lower producer prices, disruption of distribution channels, or saturation of storage facilities;
- to minimize actions directly promoting lasting changes in food consumption patterns to the detriment of local production.

IV.3. The donors and the beneficiary countries undertake:
- not to distribute food aid freely except in the case of emergency aid or to help vulnerable groups;
- to sell food aid without prejudice to domestic free market prices;
- to use counterpart funds proceeds to support development activities, particularly those aimed at food security.

IV.4. The donors and the beneficiary countries undertake:
- to promote cereal flows between surplus and deficit countries through economically viable triangular operations and the stimulation of regional cereals trade.

V. Food balance sheets and prospects

V.1. The annual meeting of the Network for the Prevention of Food Crises in the Sahel, jointly organized by the CILSS and the Club du Sahel, will provide an opportunity to make retrospective evaluations of:
- trends in the nutritional status of beneficiary populations;
- the impact of aid on the national economies of the beneficiary countries, in particular on trade and rural development;
- the contribution of donors and beneficiaries to overall food security.

V.2. The concerned parties undertake to examine possible improvements in this area, in particular:
- monitoring of the food situation;
- coordination of evaluations;
- the distribution of tasks and responsibilities among donors and beneficiaries;
- the procurement of transport and other logistical means for the delivery of food aid;
- more generally, the overall mechanism promoting better coordination and closer cooperation among all parties.

Figure 3. Image of the official text of the Food Aid Charter[13]

The next few mentions of a "food security charter' are by Simon Maxwell (1996; 1997; 1998), who was Director of the British Overseas Development Institute at that time. Rather than an actual charter, ratified in any sense, this is merely a proposal, which Maxwell was proposing to various intergovernmental and UN fora. His idea of what a food charter would be and mean coheres best with a 'liberal institutionalist' worldview promulgated in the UN Charter and stands quite far away from the 'food charter' conceptions that follow in these findings. The latest source referring to this charter is a paper presented by Maxwell (1998:1) to a Symposium on Human Development and Human Rights, which summarises his efforts most succinctly:

> *In my own previous foray into this debate (Maxwell 1996, 1997), I have tried to fill the glass by proposing a 'charter' for food security, which lays down justiciable standards which duty bearers are required to meet; and by proposing a burden-sharing arrangement between rich and poor countries. I am tempted to dust down these proposals, but will resist. Instead, I propose to look 'outside the box', and see whether we can find a way to increase accountability for meeting the right to food.*

Here we have a development economist making a proposal, once more, an institutionalist proposition, steeped in human-rights discourse, for an intergovernmental charter, along with a now seemingly 'fanciful' suggestion of cross-subsidisation of poor countries that

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[13] Food Aid Charter official text (Source: CILSS 1990).

cannot pay for themselves. What is most unique about this proposition, though, is that it makes very specific demands, which it seeks to make justiciable, i.e. legally binding and triable in an international court of law. As the next section reveals, this proposal is ontologically and teleologically different to those promoted by intra-national, local-level food charters.

5.2   Contemporary food charters: Results from a rapid literature appraisal

Based on the rapid online scan which was undertaken for this paper, it first appears that all the charters were located within what might be termed heuristically, the global north (see Parnell et al. 2015). Four of these charters represent entire states, within a federal governmental system, namely, Minnesota, Michigan and Maryland in the USA and Victoria in Australia. The rest of charters, however, are at the city level, except Deakin University's food charter, which represents a public university rather than a specific level along a 'jurisdictional scale' (Cash et al. 2006) . Toronto (2001) presents the oldest charter by some margin, and its prominence was confirmed by two informants naming it as a key inspiration for the charter nationally. This was followed by Vancouver (2007). The remainder, however, are concentrated between 2010 and 2018.

Jaquith's (2011) report offers a comprehensive review of food charters examining 24 existing Canadian food charters through detailed content analysis, alongside several informant interviews and electronic surveys. The aim is to inform the "best methods for the development and implementation" of a regional food charter for an agglomeration of counties within Ontario Province, Canada (Jaquith 2011:8). The report was commissioned by a local consortium of organisations and individuals under the banner of the 'Healthy Eating Working Group'. Jaquith (2011) also performs a SWOT analysis on this group's ability to carry out their proposed food charter. The report entails a thorough investigation of charter-making processes, their similarities and variability, and is worthwhile examining closely for any group that is seriously considering creating one.

It includes an expansive definition followed by key features found from the 24 sampled charters. The core divergence and contribution of Jaquith's (2011) definition is that it proposes that a charter is "developed by the public" representing "the voices and visions of community members, resulting in a community-owned and locally focused action plan to improve food access and sustainability". It continues, asserting that "the primary role of a food charter is to act as a guide to foster the development of municipal food related planning, policy, and program development". In short, Jaquith (2011) conceives of a

charter by the people for policymakers, a deviation from Hardman & Larkham's (2014) suggestion that all stakeholders co-create charters.

Jaquith's (2011:2) recommendations from the executive summary are highlighted, as being instructive for a food charter:

- *Take the time to learn what your community wants in their Food Charter. It is important to ensure the community is ready and accepting of such a document. If they are not, do more awareness raising and education.*
- *Ensure all members of the food system have a voice in the development of the Food Charter, everyone is welcome, and all perspectives are respected. Go beyond the members of the Working Group and gain input from community members who you envision utilizing the document.*
- *Create a baseline measure for evaluation by undertaking a community food assessment and set indicators to monitor the impact of the Food Charter.*
- *Attempt to get municipal staff and councillors on board early in the process to ensure they are aware of the concept of a Food Charter, informed on the process taken to develop the document, and given the opportunity to provide feedback.*

Some of these recommendations were echoed in other charters identified in the rapid scan. Victoria, Maryland and Minnesota present far longer and more elaborate documents than the rest, ranging between 24 and 30 pages. Victoria's charter is both state-government 'Department of Health' led and funded, with the entire document presented with little attention to the process that led to its formation (except to say it was produced in partnership with multiple stakeholders on the first page). It comprises generalised information, values and objectives that focus primarily on nutrition education (indicating FNiS as primarily an issue of people's poor choices) whilst paying a little attention to food access issues as well.

In contrast, the charters from Minnesota, which was primarily state-funded but seemingly University-led, and Maryland, which was the most visually attractive, without declaration of funding but non-profit institution led, appear to be more serious collaborative affairs[14]. This is reflected not just in acknowledgements and sections dedicated to explaining the length and depth of the engagement process and consultations undertaken, but is also clearly evident throughout these reports. It took three years for Maryland to develop theirs, whilst Minnesota's charter boasts 2500+ individual inputs, 144 food charter events, 90+ interviews and 27 steering committee members, while Maryland's shows smaller yet

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14 Note also that the population size of these two states (United States Census Bureau 2018) is similar to that of the Western Cape.

still impressive list of multi-sectoral stakeholders. More than standalone charters, these two documents stand out in the granular level of detail they unearth, for making an economic case upfront for more equitable and healthy food systems, and the specific (if not clearly 'justiciable') targets they set.

The majority of charters, however, are very different documents, reflecting little information on their progenitors nor genesis. While they look quite different, they share many common traits. They are mostly very short (between one and two pages, with a couple of slight exceptions), mostly quite dense, but not overly technical, and read more like upbeat advocacy tools, lined with lists of 'shared' ideals and principles, unlike the sprawling cerebral reports of Minnesota and Maryland. Rather than they are predominantly aspirational in character rather than setting out direct, 'binding' targets. They also mostly represent city-level jurisdictions (again, excepting Deakin University) and indeed five of the city-level charters have their respective city's approval stamped on them in some way.

Most emanate from a multi-stakeholder 'partnership', 'steering committee', a 'network' or a 'food policy council', indicating that they too were part of a significant process of consultation, but the drivers, extent and depth is difficult to tell since they contain little to no information of their development. Still there is much to be gleaned from these charters. Their structure is generally similar. Several contain a preamble, which is followed, for most, by a mission or vision statement, and end with a generalised set of principles or values. In terms of content too, charters read relatively similarly, primarily as advocacy tools (either squared at educating the public about various food system related issues, or at policymakers that knowingly or unwittingly impact food systems, sometimes both) with several having links and indeed actual space to for affected readers to sign up in support.

Most recall something resembling the seminal FAO (1996) definition of food security, but in their own words, likely a measure of ensuring either an agreed upon definition that was reached and/or to bring readers up to speed with a variously agreed upon local definition. Visions and principles span across the 'pillars' of food security, in order of attention availability and access, to utilisation and stability. Beyond the FAO's technical definition, nutrition and health (or expressing concerns for their lack and the role it plays in the rise of diet-related disease) are most prominent in all charters. This indicates a major stake in most processes by public health professionals and/or practitioners, though whether public, private, or public-private funded is less clear. Next on the scale is the 'green agenda'

(environmental sustainability) receives significant attention in the majority of charters, while the 'brown agenda' (poverty and inequality) features as nearly as prominently. Deakin University's (2017) charter presents the novel idea of co-creating a food charter within a public institution, in this case, of higher education. The charter itself is geared chiefly towards more educated food 'choices' for the "diverse needs of the Deakin community" as well as improved sustainability. Some, especially Canadian food charters, adopt a rights-based discourse and allude to or directly recall being signatories to national and/or international constitutions or covenants dealing with the right to food or freedom from hunger (See Toronto's food charter). Some attempt to define what a 'food charter' means in general or in their case. None explicitly reflect on what the word 'charter' means, though several define it.

Beyond these actual charters, four of the results offered information about food charters, which usefully reflect not only on what these charters are, but specifically hone in on several of the charters that resulted from this rapid appraisal (see North Dakota State University 2017; Sustain Ontario 2016; Hardman & Larkham 2014; Jaquith 2011). North Dakota State University's (2017) Food and Nutrition Department produced a blog entry titled "What's a Food Charter". The entry simply comprises an answer to that question along with links to Michigan (2010) and Minnesota's (2014) food charters. The definition offered is as follows:

> *Food charters drive visions, actions, and strategies for civically engaged food systems. Michigan's Good Food Charter is the first statewide charter in the nation. Minnesota has completed one as well. Both charters highlight what state, county, city, and town levels of government can do to stimulate access to healthy foods for all. Whether it's promoting local investment through microloans, starting a networked system of food policy councils, driving efforts to preserve rural grocery stores, promoting food coops, or creating policies that support urban agriculture – a charter recommends to decision makers at all levels of government where they put their efforts.*

In this definition, a charter is presented as a *driver* of civic engagement, for improving food *access*. It is clearly aimed primarily at government "decision makers" at all levels. Hardman & Larkham's (2014) short opinion article explores the potential of food charters to promote urban agriculture, drawing on Birmingham's (2014) food charter process and proposed successes and challenges as a case study. Here we have a specific agenda (urban agriculture) promoting the use of food charter as a strategy for urban agriculture promotion. It defines 'food charters' as "A statement of aims which bring together

businesses, practitioners and other bodies involved or interested in sustainable food systems" (Hardman & Larkham 2014:400).

Again, the definition is similar, but the locus of interests shifts from 'access' to food (conceivably a 'browner' more localised agenda) towards sustainable food systems (possibly revealing a 'greener' agenda, alongside a broader globalised worldview). It is loftier on what charters are, simply 'aims' rather than North Dakota State University's which speaks also of "actions" and "strategies". Moreover, the charter thus conceived constitutes a unifying function, in 'bringing together' multiple stakeholders in "sustainable food systems". While not explicitly stated, this multi-stakeholder get-together indicates that a diversity of actors, private and public, co-create a food charter.

The last source also emerges from Ontario (Sustain Ontario 2016) but offers a much more concise shorthand lay entry to food charters, which offers an even more useful and usable guide to food charters. It defines what they mean, who constructs them, how to construct them and challenges faced by the consortium in developing charters. It defines food charters as follows:

> *A Food Charter is broad community statement and/or a set of goals that describe how the members of a specified geopolitical community want their food system to be maintained. By including the voices of various stakeholders, Food Charters encourage a broad base of support, cross-sectorial collaboration, and community connection. Used as an education piece, Food Charters raise community awareness about food system concerns and weaknesses, and offer a platform for public discussion and advocacy. Most importantly, Food Charters are not binding policy statements, but instead act as inspiration for how to develop local food policy and or initiatives for the community.*

It is important to reflect on the evolution of food charters in the Canadian context. These emerge directly from different spheres of government embracing the Universal Declaration on social and economic rights, but also play out in a particular type and context of political engagement in Canada. Further to this, as MacRae and Donahue (2012) have demonstrated in their review of the formation of pluralistic food governance structures in Canada (what they refer to as municipal food system entrepreneurialism), the evolution of structures follows a very specific genealogy, with the Toronto Food System Charter, later operationalised through the Toronto Food Policy Council, setting the agenda, approach and even mode of operation. Leaders of the Toronto Food Policy Council and authors of the Sustain Ontario charter were advising Cape Town and the academics reviewing the Cape Town food system.

Again, this conceives of charters as collaborations between various stakeholders, though it commits to members of a "specified geopolitical community". In essence, this reads as a compromise between Jaquith (2011) and Hardman & Larkham (2014), in that the orientation is community-based, but the collaboration is with "various stakeholders". Importantly, a public education function (read nutrition literacy, and 'choice') is also identified, which Jaquith (2011) directs more squarely at policymakers. Interestingly, by contrast with Maxwell (1998), the food charter is expressly merely aspirational and non-binding, or to put it in his words, "justiciable".

The steps towards producing a food charter and the challenges that emerge from Maxwell's document are particularly useful and thus worth noting as they appear in Sustain Ontario (2016: 4):

> *Steps to developing a Food Charter*
> 1. *Build interest in the community through education and out-reach.*
> 2. *Begin planning the development of a Food Charter. Seek advice on the content from stakeholders. Consider holding a public consultation process to understand the perspectives of the community.*
> 3. *Hold an event to determine the underlying purpose of the Food Charter.*
> 4. *Build a first draft of the Food Charter and request feedback from the community and stakeholders.*
> 5. *Continue the process until everyone is satisfied and approves.*
> 6. *Finalize the Food Charter and seek municipal endorsement.*
> 7. *If endorsed, present the Food Charter to the public through a public event, education channels, and begin working on a food council, food system strategy, and or community action plan.*
>
> *Challenges*
> - *Time and resources*
> - *Communication between working group members in different parts of the food system*
> - *Lack of producer participation*
> - *Encompassing all perspectives*
>   *Lack of public awareness*
> - *Food Charter endorsement by community or municipality/region*
> - *Lack of long-term planning following Food Charter endorsement*

Reflecting back to the first text discussed, what stands out from Jaquith's (2011) work, as it relates to the South African context, is firstly the extent to which there exists a 'community' to speak of. Can "everyone is welcome, and all perspectives are respected"

principle succeed in the South African or Western Cape context, given the extent of 'power' inequality?

It is important to recognise the deep levels of mistrust in the South African food system and that "an open embrace" to all perspectives may alienate or even silence some actors. This is particularly true in that it is the powerful and the articulate who will engage and dominate unless specific care is taken for real inclusion and voice and will.

6. LOCATING THE FOOD CHARTER DISCOURSE AND PERSPECTIVES IN THE WESTERN CAPE

This review has highlighted and number of factors that require further contextualisation within the politics and histories of the Western Cape. In order to effectively ground this, it is necessary to take a broader position on the debate as to what a charter may be or offer in the contemporary sense. Clearly a charter is not an edict dispensed by a sovereign. It is also not a constitution. As Bouvier's (1839) makes explicit, a charter differs from a constitution in that the former is granted by the sovereign while the latter is established by the people themselves. Given the diverse responses from the informant interviews and the literature specific to the Western Cape, it is clear that proponents of a charter hold divergent views of what this may be.

There is, however, agreement that the imagined charter is essential in two areas. The first is in descaling food system actions closer to "the people" to the local or provincial scale. In so doing, the second ideal is more profound; the enactment of food democracy with the charter used to create a roadmap for the emergence of a more just, health providing, equitable and democratic food system. This resonates with Jaquith's (2011) assertion that the "the primary role of a food charter" is to act as a guide or map towards a "better" food system. These aspirations for the charter reflect a deep dissatisfaction with the nature and power evident in the current food system. Further, the informants also view food as a vehicle to address other, at times even more substantive, issues including transformation, land restitution and land reform, inclusion, to name but a few. These hopes and aspirations segue into the nature and form of a food charter in the region.

This prompts a view that the imagined food charter reflects in some shape or form, an approach to gain a measure of agency by a collective and to assert that agency in how the

food system should change and evolve into the future. Here the work of Emirbayer and Mische (1998) is instructive. Emirbayer and Mische argued that agency is a process of making decisions about changing the present so as to inform a better future, but deeply grounded in a reflection and recognition of the past. This reference to the past is seldom given the necessary attention. One could argue that the ideals of the food charters suggested for the Western Cape and Cape Town, are seeking to chart a new food system future, informed by a disquiet or discontent about the current food system.

In the South African case, imagining a food charter demands greater attention to the past. The food system has emerged as a result of very particular (and unjust) histories, evolved through multiple iterations, and these all impose a distinct "finger print" in the current system. Indeed, the current food system is the result of a systemic restructuring of the economy dating back to the resource boom of the mid to late 1800s, notably, the discovery of diamonds and later gold. This shift in the nature of the economy and politics of the time prompted laws and policies that drove land dispossession, migrant and unequal labour systems, segregation, exclusion and later apartheid disenfranchisement. This trajectory originated from a need for cheap industrial (and urban) labour. This prompted dispossession and associated laws and taxes to enable this (Bundy, 1972). Aligned to this was a re-structuring of the agricultural economy to privilege one class of farmer, White farmers (Wolpe, 1972), whilst simultaneously destroying indigenous farming to "free up" labour for the mines and eliminate competition. This process aligned with the evolution of industrial policies that sought to create and retain a passive, but underpaid, urban (and industrial) labour force (Legassick, 1972; Wolpe, 1972). One of the core instruments used to ensure passivity was cheap urban food, itself driven by the industrialisation of the maize economy (Legassick, 1972).

These foundations oiled the transition to the South African food system of today (Greenberg, 2017).The deliberate apartheid and colonial dispossession, and spatial management processes, enabled an accelerated industrial food system transition (Greenberg, 2016), revealed in how South Africa was an early adopter of the supermarket revolution (Weatherspoon and Reardon, 2003; das Nair, 2018). Today, this means that the majority of South Africans (both urban and rural) are fed by large consolidated corporate entities (Greenberg, 2016).

One consequence of this history is that for generations food poverty has, in one way or another, been effectively normalised. This is not to say that communities are not aware of what nutritious food may be, but that historical processes have served to desensitise poor

consumers to their right to decent food. This normalisation is arguably one of the reasons why South Africa only sees food rights when hunger emerges, as was seen during the 2008 food crisis and more recently during the coronavirus (COVID-19) lockdowns. As a result of this normalisation, for the most part and particularly in food poor communities, food is not politicised. Access to housing, land and decent sanitation have much higher political currency than food.

Addressing these structural issues situates a charter in a particularly interesting position. Here the framing of the United Nations Charter offers some insights into how the principles of such a charter can set a course for different praxis, but also arguably, ideological and value-based positions. As has been argued previously, in order to reflect the political rupture that was ostensibly underway, new language needed to be created, or in this case, repurposed, to capture this novel state of affairs.

There is little doubt that with the transition of society to a predominantly urban world, traditional, largely agrarian approaches to the food system are failing, not just urban consumers, but society as a whole. The urban transition, however, is embedded within a set of other, mutually reinforcing and converging transitions (Swilling and Annecke, 2012). The result is "the reconfiguration of the institutional and organisational structures and systems of society" (Swilling and Annecke, 2012: xvi). The more formal structural political economy, by its very design, is generally unable to keep pace with such transitions. Often more novel approaches to governance (and not government) are the test beds for changes in praxis. These changes range from bottom up organisation to new allegiances and politics.

Reflecting critically on this, the emergence of a discourse calling for the formation of a food charter is an indicator of the frustration of many demanding change, particularly in the urban context, in society writ large and in the food system, changes that the current policy architecture is unable to address.

The emergence of the concept of a food charter in Cape Town and the Western Cape therefore requires some deeper reflection. Two key processes informed the emergent thinking during the early evolution of food systems thinking in the region, specifically in the early 2000s. Firstly, some officials in the City of Cape Town had an active relationship with leaders in the Toronto Food Policy Council. These actors served as informants to the processes that were unfolding both in the City but also through links with academics supporting the city in their evolving food system engagement. This reflects both how the

notion of a food charter emerged (in contrast to other places in South Africa) and a seemingly progressive urge to at least consider questions and institutional responses to food insecurity.

A second input emerged, linked to the Belo Horizonte case, with support offered from the World Future Council (Gerster-Bentaya et al, 2011). Given the absence of a formal food mandate at the urban scale in Cape Town, and the absence of a political desire to engage food issues, implementing and operationalising the full Belo Horizonte model was not possible. For this reason, the notion of a food charter, and later food policy council, was drawn from the Canadian experience. However, the Canadian experience emerged from a particular politics and a particular type of engagement between the state and society, in a context of very different levels of inequality.

These different considerations all require a far more nuanced view when seeking to formulate a food charter in the Western Cape.

Additionally, the romance of the imagined egalitarian foundations of a charter require some reflection. The persons captured in the photograph of Figure 1 and Smuts' exclusion of large sectors of "mankind" reflect a distinct bias and racial position in even the UN Charter. While this was of a particular time, notions of power and voice (agency) require far greater consideration. A similar narrative is evident in the Freedom Charter. While input was canvassed from a society wider collective, the likelihood of a small elite drafting the final Charter cannot be disregarded. The dissonance between the politics in Ontario (and Toronto) and those of Cape Town, also demand different approaches, voices and actors in evolving South African food charters. In the contemporary sense, an important question is whether food charters fall into the broader basket of alternative food networks, what Goodman and Goodman refer to as nothing more than embodiments of "middle class angst" (Goodman and Goodman, 2007).

Here Sutner's (2005: 6) notion that a charter is a political document while a constitution is a legal one, is instructive. The question of access to a just and equitable food system is clearly a deeply political one for most poor consumers. How then does a charter, a document that is not law, but at its very core, political, emerge? This implies activating a political process around food, with a food charter as one tool, to enable a political transformation of the food system. If other politics such as around land or housing have greater traction, then through such an alliance a stronger politics might emerge. However, such a charter would then engage a specific constituency and would not have the

universal application as was imagined on the earlier suggestions of a charter. Delving more deeply into these issues, the questions become more complex. If the food system encountered today is a result of a complex history reinforced by contemporary industrial and economic policy, underpinned by elites within the state and private sector, is a food charter going to achieve what its imagined outcomes may be?

Such questions require far greater interrogation before charters should be pursued or enacted. This presents a further challenge. With the convergence and mutually reinforcing outcomes of the urban transition and the nutrition transition, clearly a new approach to policy, government and governance are required. The state – at the best of times – is incapable of the type of shifts required to respond to these changes. Given the hollowing out of the South African government system, the capacity is further reduced. What type of structure, agreement, coalition and compact, encapsulated in governance, is required to facilitate a transition to a just and equitable food system?

CONCLUSIONS: LESSONS FOR FURTHER STEPS

In its early conceptualisation in the CoCT report, the notion of a food charter emerged from *a search for alternative solutions*, to draw the City officials into a "new" way of thinking about the food system with institutional arrangements that would be adequate for the challenge. The charter accompanied the idea of a food policy council (of sorts) along with a broader City strategy. As other experiences on food policy councils reflect:

> After seventeen years from its early conceptualisation, and ten years on from its institutionalisation (Van der Valk and Viljoen 2014), sustainable food planning is a thriving transdisciplinary research and policy field bringing together policy makers, academics, and practitioners across the globe. Food charters, food strategies and food policy councils have multiplied, 'alternative food networks' have gained significant and growing shares of the food market and new forms of localisation of food production, including urban agriculture, are gaining ground and becoming central components of new food policy strategies. Yet, the scale and speed of the 'food' crisis make us see these achievements as modest and utterly inadequate (Tornaghi 2018:3).

The full meaning and implications of a charter needed to be more fully considered after the provocative suggestion made in the UCT research conducted for the CoCT in 2014. It should be acknowledged that such a suggestion only appeared within the recommendations almost as if it were to quietly place it on the agenda, as a possibility to consider in the future. The inclusion of a charter is in some ways shorthand for initiating a process for a food policy council or 'think tank', derived from the often conflated

recommendations of first writing a charter and then using that to establish an institutional arrangement to help 'govern' the food system, and itself 'governed' by the principles in the charter. However, as revealed in this paper, developing a food charter has to consider notions of representation, inclusion, mobilisation and legitimacy, all of which requires considerable effort and commitment, informed by political sensitivity and certainty of mandate and goal.

In reflecting more deeply about the possibilities that a charter might evoke, the extent of the "food challenge" in the Cape metropole adds a more circumspect view. The City and wider Provincial food system challenges have defied easy solutions. Nonetheless, a charter was likely seen as a way to establish the "terms of engagement" between diverse actors operating in the food system, to guide the new interactions, and to make a public statement about the intent of the work. The implications of the meaning of the charter as discussed in detail in this paper should be brought centrally into discussions about the possible benefits and indeed viability of a food charter.

A key lesson emerging from the Freedom Charter hinges on the idea(l) of mass participation of people denied representation and voice, in a time of totalitarian stricture. In retrospect, the limits of the time are revealed by a contemporary gaze, refracted by conditions of persistent socio-economic strife and this moment of heightened political turmoil and turbidity, and by the various emergent 'radical' movements, most vociferously perhaps, the student movements, and their clarion call for a far more participatory, direct and inclusionary form of democratic praxis, influenced and buoyed by contemporary postcolonial, subaltern and decolonial thought.

Also, as revealed by the review of the literature, the questions of multi-stakeholders is key to a charter. Many stakeholders may be interested but they must then be met on their own terms. The Freedom Charter, for instance, invited all political parties but none came, including those that now claim the Charter as their own. The congress still went ahead. The flipside of this is how to effectively canvas and effectively include those that are often at the brunt of the food system: the voiceless, marginalised, time-restricted, poor? A particular issue is how to engage them to canvas their needs and wants without making the process onerous for them? This is a social justice issue; it is imperative not to waste people's time with any further promises that will not be kept. There is already mistrust particularly of government and large 'corporates', exacerbated by issue of state capture and the deliberate hollowing out of the state often in alliance with private interests. This

offers a particular moment in South African history after revelations of state capture become more explicit.

In contrast to the era of the Freedom Charter, the South African government has undergone a democratic transition and is now a legitimate and consolidated democracy. The voice and power of the state bears major influence and needs to be canvased without necessarily conceding too much. Similarly, influential private sector companies should also be engaged as key drivers of the food system, but many may be reticent for fear of being pilloried or seen to collude. The point of this is that the enormous complexity and divergence of power, privilege, rights (and lack thereof) in South Africa is the greatest inhibitor of collaboration. It will require a governance approach that is multi-modal, cross-scale, agile, sensitive to these dynamics and prepared to act decisively on what is likely to come. It is not an undertaking to be pursued lightly. A critical challenge is who holds the convening authority to bring such diverse groups together to formulate a food system charter. What do participants to such a process betray or concede by participating, for instance an environmental rights actor engaging a pesticide supplier in such a process? Who mediates power and how are disagreements countered, or resolved? These are important questions that can guide initial conversations about embracing such processes leading to a food charter.

Using a food 'charter' as a rhetorical device will require considerable commitment and courage. Issues around representation and challenges of subsequent biased and blind-spotted agendas may not be in the best interests of the 'people' the charter is intended to serve. If this is going to aim at a bold option of attempting a food charter as didactically understood and contextually, historically undertaken in the country, this will require an institutional home with deep foundations that will amass and dedicate serious resources, time and energy to drive it. For any group or organisation interested in initiating such a process, it needs to explicitly build a rock-solid broad-based and diverse alliance at the highest level, with the most astute and experienced stalwarts guiding it. If such courage is found, it may help establish the commitment to truly acknowledge and work towards the Right to Food as enshrined within the Constitution.

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