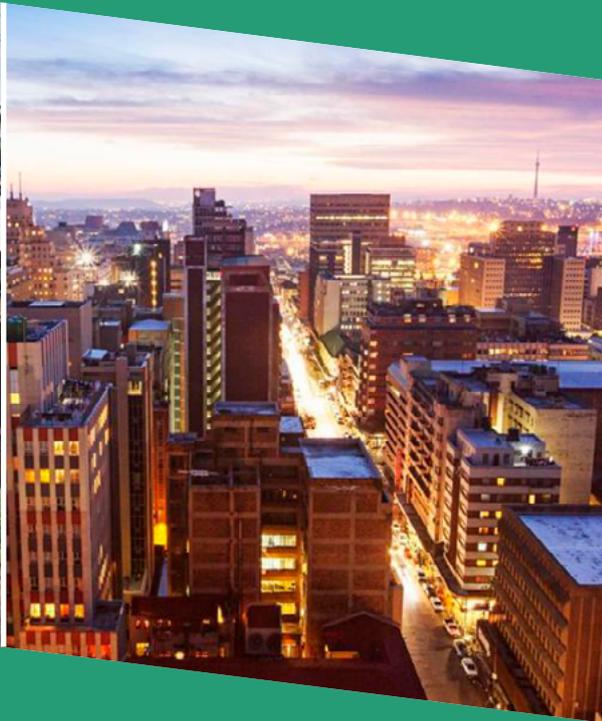


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# ESR REVIEW

Economic & Social Rights  
Review in Africa

ENSURING **RIGHTS** MAKE REAL **CHANGE**



**DULLAH OMAR**  **INSTITUTE**  
FOR CONSTITUTIONAL LAW, GOVERNANCE AND HUMAN RIGHTS

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# Editorial

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Welcome to the fourth issue of the *ESR Review* in 2018. Our first two articles focus on the current debate on food security in South Africa. The vision of the 2030 Agenda for Sustainable Development calls on all countries and stakeholders to work together to end hunger and prevent all forms of malnutrition by 2030 – an aspiration that can be achieved only if agriculture and food systems become sustainable, food supplies are stable, and all people have access to adequate nutrition and health.

The first article, by Bright Nkrumah, seeks to uncover the reasons for South Africa's lack of activism around food poverty. He notes that while South Africans have used social protest to hold state officials accountable and improve their access to basic human needs, paradoxically there has been hardly any protest to improve access to food even though millions are chronically hungry.

In the second feature, Yuri Ramkissoo explores the transformative intention of the constitutional imperative of the provision that 'everyone has the right to adequate food and water' by highlighting a 2017 study by South African Human Rights Commission. The aim of the study, *The Right to Access Nutritious Food in South Africa*, was to critically analyse what the right to food entails in actuality and assess whether this right is being observed, respected, promoted, protected and made accessible to everyone in the country.

The study found that the right and the food system in its entirety are complex matters and that a systematic analysis of the components of the food system was required to identify gaps in policy and problems in the implementation of policies – gaps and problems that limit the realisation of the right.

In the case review section of this issue, Tinashe Kondo examines the role of judicial activism in balancing the right to property with the right to access to housing by reflecting on the landmark decision in *Fisher v Unlawful Occupiers (Erf 150, Philippi) (297/2014) 2014 (3) SA 291*. To ensure that about 60,000 people were not evicted from their homes in Philippi East, the Western Cape High Court ordered the City of Cape Town to negotiate with the owners to buy the land on which the informal settlement is located. This case is significant for several reasons, one of which is that it underlines that municipalities have a clear responsibility to be proactive in acquiring housing, particularly in emergency housing situations.

The updates section reports on the mission the United Nations Special Rapporteur on the right to food, Hilal Elver, undertook to Zambia from 3–12 May 2017. The event section features a brief on the challenge of hunger that students face in higher education institutions in South Africa, challenges brought to light at the national colloquium on access to food for students held on 13–14 August 2018.

We thank our guest contributors, and extend special thanks to Prof. Serges Djoyou Kamga (University of South Africa), Prof. Olubayo Oluduro (Adekunle Ajasin University), and Prof. Christopher Mbazira (Makerere University) for acting as peer reviewers of the four issues of the 2018 *ESR Review*.

We hope you enjoy the issue.

***Gladys Mirugi-Mukundi***  
**Co-Editor**

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