



LEGISLATING TO PREVENT AND REDUCE FOOD LOSS AND WASTE

“Food loss and waste is an ethical outrage. [...] The COVID-19 pandemic has underlined the fragility of our food systems, and worsened food loss and waste in many countries. We need new approaches and solutions.”

António Guterres, United Nations Secretary-General, during the observance of the International Day of Awareness of Food Loss and Waste in 2020.

BACKGROUND

Food loss and waste (FLW) is a severe problem, occurring in a global and regional context where millions of people suffer from hunger.

This situation is aggravated by the challenges posed to agri-food systems by climate change and, more recently, by the consequences of the COVID-19 pandemic.

In order to raise awareness about this problem, the United Nations General Assembly declared 29 September of each year as the International Day of Awareness of Food Loss and Waste.

Key concepts:

Food loss is ‘the decrease in the quantity or quality of food resulting from decisions and actions by food suppliers in the chain, excluding retail, food service providers and consumers.’

Food waste is ‘the decrease in the quantity or quality of food resulting from decisions and actions by retailers, food services and consumers.’ (FAO, 2019)

Food loss: It happens from the post-harvest stage to the retail stage (not including the retail stage). According to FAO, around 14 percent of the food produced is lost worldwide.

For Latin America and the Caribbean (LAC) region, this is equivalent to the annual loss of some 220 million tons of food at a cost of approximately USD 150 billion.

Food waste: It occurs at the retail and consumer distribution level. A report by the United Nations Environment Program (UNEP) estimates that around 931 million tons of food were wasted worldwide in 2019.

Considering food losses (14 percent) and waste (17 percent), almost 1/3 of the food produced does not go to feed people.

Data suggest that 17 percent of total food production is wasted; 11 percent in households, 5 percent in food services, and 2 percent in retail distribution (UNEP, 2021)¹.

¹ The apparent discrepancy between the sum of the percentages of each sector and the total is because the percentages were rounded.



FLW takes place in a context where part of the population suffers from hunger. Recent estimates indicate that during 2020 about 768 million people suffered from hunger in the world, which is about 118 million more people than in 2019 (FAO, IFAD, WHO, WFP, and UNICEF, 2021).

The number of people affected by food insecurity is both alarming and growing. In 2020, **nearly one in three people in the world lacked access to adequate food**. This represents an increase of nearly 320 million people in just one year.

In Latin America and the Caribbean, 9.1 percent of the population, or 59.7 million people, lived with hunger during 2020. This is 13.8 million more than in 2019 and the highest number in twenty years. Unfortunately, there has been a deteriorating trend since 2014 (FAO, IFAD, WHO, WFP and UNICEF, 2021).

Moreover, food insecurity has continued to increase in the region. In 2020, 41 percent of the population, equivalent to 267 million people, was moderately or severely food insecure. Of these, 92.8 million, approximately 14 percent of the region's population, were severely food insecure, i.e., people have likely run out of food, experienced hunger and, at the most extreme, gone for days without eating (FAO, IFAD, WHO, WFP and UNICEF, 2021).

The LAC region was particularly hit by the COVID-19 pandemic. The prevalence of moderate and severe food insecurity in 2020 was 9 percentage points higher than in 2019, making the region the one with the steepest increase globally.

Therefore, it is necessary to prevent that food fit for human consumption ends up being lost or wasted. Even more so when a healthy diet in the region costs USD 4.25 per person per day, making it one of the most expensive worldwide (FAO, IFAD, WHO, WFP, and UNICEF, 2021). Many of the foods that make up a healthy diet are precisely those that are lost and wasted, such as fruits and vegetables (24 percent loss) or fish (35 percent loss), among others.

A growing population: There is a general concern about how to feed the planet's growing population. It is estimated that by 2050 the world's population will reach 10 billion people and that 68 percent will live in urban environments (UN, 2018).

If current trends continue, it will be increasingly complex to achieve the goals of the 2030 Agenda (UN, 2019). Even more so, when global food systems face other interrelated problems, such as the lack of resilience to the effects of climate change (FAO, 2017).

RELATION TO THE RIGHT TO ADEQUATE FOOD AND SUSTAINABLE DEVELOPMENT

FLW affects the full realization of the human right to adequate food and goes against a sustainable development approach.

Sustainable development. In 2015, the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development composed of 17 Sustainable Development Goals (SDGs). These also include a specific target on FLW.

- Under SDG 12, related to responsible production and consumption, target 12.3 aims to:

“halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses”.

FLW has implications in relation to sustainable development and each of its three dimensions: economic, environmental, and social.

From an economic perspective, FLW reveals an inefficient use of food. Instead of using food to feed people, it ends up being lost or wasted, even thrown in the garbage.

From an environmental perspective, FLW emits greenhouse gases and leads to the waste of the resources used in food production, such as land, water, nutrients, and energy.

From a social perspective, food and nutritional security is affected. Food availability is reduced and access to food is limited, both globally and locally.

All this encourages unsustainable exploitation of natural resources, to the detriment of the sustainability of food systems and future food production.

Moreover, FLW has ethical and moral implications. The senselessness of wasting food is clear when millions of people are suffering from hunger and malnutrition.

The prevention and reduction of FLW contributes to sustainable development. However, FLW is not only related to responsible consumption and production (SDG 12), but also to other goals:

- SDG 2: Zero hunger
- SDG 8: Decent work and economic growth
- SDG 11: Sustainable cities and communities
- SDG 13: Climate action
- SDG 14: Life below water
- SDG 15: Life on land

The human right to adequate food. The reduction of FLW has an impact on the achievement of the SDGs related to environmental sustainability and food and nutrition security. Consequently, FLW also has a negative impact on the realization of the human right to adequate food.

In this regard, Article 11 of the **International Covenant on Economic, Social and Cultural Rights** (ICESCR) imposes a duty on States to ensure that food is preserved and distributed in an appropriate manner. This implies, among other things, the reduction of FLW along the production and supply chains.

States are thus required to adopt specific programs to “improve methods of production, conservation and distribution of food [...] in such a way as to achieve the most efficient development and utilization of natural resources” (ICESCR, Article 11.2.a).

The prevention and reduction of FLW has an impact on the achievements of sustainable development, including the fulfillment of the SDGs, as well as on the full realization of the human rights to adequate food.

VOLUNTARY CODE OF CONDUCT FOR FLW REDUCTION

On 15 June 2021, FAO Member States, meeting at the 42nd Session of the FAO Conference, adopted the **Voluntary Code of Conduct for Food Loss and Waste Reduction**. This code proposes a common vision to the world to address this challenge. It is the first instrument of international law to regulate this issue in its entirety.

The Code of Conduct recommends a number of measures to prevent and combat FLW, while recognizing that FLW originates from various types of causes.

Among the causes of FLW, the Code of Conduct cites: *“Systemic causes include inadequacies in the institutional, policy and regulatory frameworks that are required to facilitate the coordination of actors, enable investments, and support the adoption of improved practices along the food supply chain”* (para. 10).

The Code of Conduct sets out the actions and measures that national and subnational government entities, actors in the food supply chain, the private sector, producers, civil society organizations, academic and research institutions, and other relevant stakeholders should take in order to contribute to the reduction of FLW.

The Code of Conduct contains guiding principles for implementing these actions and measures. It also refers to the role to be played by FAO, and other stakeholders, in supporting its implementation.

With regard to policy and legal instruments, paragraph 4.8 contains important recommendations for States. One of them is to “set up adequate national legislative frameworks” (para. 4.8.1). This reaffirms the priority of legislating in this area.

PARLATINO MODEL LAW FOR FLW PREVENTION AND REDUCTION

In February 2022, the Latin American and Caribbean Parliament (PARLATINO) adopted a **Model Law for the Prevention and Reduction of Food Loss and Waste**. The law was drafted with technical assistance from FAO and taking into account the recommendations of the Code of Conduct.

This law will serve as a valuable input for countries to legislate comprehensively on the matter, taking into account their own needs and particularities.

NATIONAL LEGAL FRAMEWORKS

At the national level, various laws may have a positive or negative impact on FLW, even if this is not their main purpose.

Examples of laws that can help preventing or reducing FLW:

- Food and nutritional security, food sovereignty, right to adequate food.
- Rural development.
- Agricultural and agri-food activities, including legislation governing good agricultural, production and manufacturing practices, as well as the application of the Hazard Analysis and Critical Control Point (HACCP) system and its derived protocols.
- Drinking-water supply, irrigation, and sanitation and water resources treatment.
- Infrastructure, roads, public works and transportation.
- Municipal and local governments.
- Innovation and energy efficiency.
- Production chains, value added, local markets, food distribution and marketing.
- Family, organic (biological) and agroecological farming.
- Public procurement.
- Public education and school feeding
- Environmental protection and climate change.
- Corporate social responsibility.
- Quality systems, standardization and technical regulations.
- Integrated solid waste management, bioeconomy and circular economy.

At the same time, countries may adopt special FLW laws, specifically aimed at its prevention, reduction or elimination.

Special FLW laws in LAC. At least nine LAC countries have adopted specific laws related to FLW, focused either on food donations or having a broader and more comprehensive nature. In addition, several countries in the region are currently discussing draft laws on the subject.

Initially, these laws focused on the final stage of the food chain, regulating food donations. In this type of law, social organizations and food banks, among other actors, play a fundamental role in the implementation phase.

Starting in 2018, special FLW laws that address the issue from a more comprehensive perspective have been adopted, regulating all aspects of the food chain. These laws designate state bodies with competencies to design and implement national policies, programs and strategies to prevent and reduce FLW.

Two types of laws identified in LAC²

About FLW (in general)

- Argentina (2018)
- Colombia (2019)
- Ecuador (2022)
- Peru (2019)

About food donation

- Argentina (2004)
- Brazil (2020)
- El Salvador (2019)
- Mexico (State laws adopted since 1998)
- Panama (2014)
- Paraguay (2020)
- Peru (2016)

THE ROLE OF THE PARLIAMENTARY FRONT AGAINST HUNGER

The **Parliamentary Front against Hunger in Latin America and the Caribbean (FPH-ALC)** is a network of more than 500 members of parliament working in over 20 countries to put food and nutrition security and sustainable agriculture at the top of political agendas.

It is a platform that promotes legislative processes aimed at eradicating hunger and malnutrition by linking stakeholders, ensuring greater transparency and promoting technical assistance and awareness.

Its alliance with FAO, the Spanish Agency for International Development Cooperation (AECID), and the Mexican Agency for International Development Cooperation (AMEXCID) opens the possibility for parliamentarians and their advisors to participate in trainings, exchanges of information and experience, and press campaigns to generate greater impact.

The FPH-ALC has played a key role in promoting policies on FLW and food donation in the region. In a number of countries, its national chapters have spearheaded initiatives and bills on the subject and achieved the necessary support and political will for their approval.

At the regional level, the FPH-ALC chapter in PARLATINO promoted the adoption of the FLW Model Law in 2022, which is a legislative instrument of reference for all countries in the region.

At the local level, the municipal chapter of the FPH-ALC in Metropolitan Lima promoted the adoption of a **municipal ordinance** on the issue.

² Information updated as of 31 May 2022 and referring only to these two categories of laws.

CONTENT OF FLW LAWS

Countries should establish appropriate national legislative frameworks to prevent and reduce FLW. To this end, they should follow the recommendations of the Code of Conduct.

In our region, moreover, the PARLATINO Model Law is a valuable guide, as are the best practices emerging from comparative law. Based on these instruments, we propose, in summary, certain contents for these laws.

SUGGESTED CONTENT OF LAWS TO PREVENT AND REDUCE FLW

General Provisions	<ul style="list-style-type: none"> • Scope of application • Objectives • Definitions • Principles
Institutional aspects	<ul style="list-style-type: none"> • Definition of the responsible authority • Duties to adopt public policies, planning, and monitoring • Data collection and publication of information • Inter-institutional coordination competence • Promotion of citizen and trade union (business) participation • Awareness campaigns • International coordination • Adequate budget definition
Obligations and measures for companies	<ul style="list-style-type: none"> • Compulsory food donation (prohibition of destruction and disposal) • Voluntary food donation • Fiscal measures (incentives and disincentives) • Labeling and information • Access to “soft” loans
Measures to strengthen the technical aspects of the production and distribution process	<ul style="list-style-type: none"> • Improving the performance of production chains • Technological innovation along the food production and supply chain • Rural infrastructure and food transportation • Application of the principles of circular economy and agroecology
Measures to develop the notion of “proximity” in food distribution	<ul style="list-style-type: none"> • Establishment of food banks • Communal/neighborhood refrigerators (social refrigerators)
Final Provisions	<ul style="list-style-type: none"> • Definition of applicable civil and criminal liability regimes (if deemed relevant). • Establishment of transitional rules, allowing the correct adaptation and implementation of the law

LIST OF PARLIAMENTARY ACTIONS

Parliamentarians can act as proactive political agents in improving food systems and dietary habits to address FLW. They can create an enabling environment to promote access to nutritious food, healthy diets, and sustainable and safe means of production, and prevent and reduce FLW.

To do so, they can consider the following actions:

- Join one of the national chapters of the Parliamentary Front against Hunger and Malnutrition in their country, or establish one of these fronts if one does not exist in their country.
- Review existing legislation and policies related to FLW in their country, in line with internationally recommended standards and best practices, with a view to adopting special laws to prevent and reduce FLW.

- Analyze the impact of national legislation and policies on agriculture, food, taxes, among others, on the FLW phenomenon, based on analytical studies and available evidence, with a view to identifying possible improvements in the legal framework.
- Analyze the impact of budgets allocated in legislation and policies for the prevention and reduction of FLW, for their proper implementation and effectiveness.
- Promote exchanges of experiences and opportunities for dialogue on the importance of legislating to prevent and reduce FLW, such as exchanges between countries or between the main national actors involved in the issue. It is suggested that the ministries in the area, national FLW committees, food banks and academia should be especially involved.

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