Rights-based food systems and the goals of food systems reform

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Abstract Food security, health, decent livelihoods, gender equity, safe working conditions, cultural identity and participation in cultural life are basic human rights that can be achieved at least in part through the food system. But current trends in the US prevent full realization of these economic, social, and cultural rights (ESCR) for residents, farmers, and wageworkers in the food system. Supply chains that strive to meet the goals of social justice, economic equity, and environmental quality better than the dominant globalized food value networks are gaining popularity in the US. However, achieving important human rights has become conflated with other goals of food system reform over the past decade, such as being "community-based," local, and sustainable. This conflation confuses means, ends, and complementary goals; and it may lead activists trying to help communities to regain control of their food system choices into less productive strategies. This paper introduces a new concept, rightsbased food systems (RBFS), and explores its connection with localization and sustainability. The core criteria of RBFS are democratic participation in food system choices affecting more than one sector; fair, transparent access by producers to all necessary resources for food production and marketing; multiple independent buyers; absence of human exploitation; absence of resource exploitation; and no impingement on the ability of people in other locales to meet this set of criteria. Localization and a community base can help achieve RBFS by facilitating food democracy and reducing environmental exploitation, primarily by lowering environmental costs due to long-distance transportation.

Sustainability per se is an empty goal for food system reform, unless *what* will be sustained and *for whom* are specified. The RBFS concept helps to clarify what is worth sustaining and who is most susceptible to neglect in attempts to reform food systems. Localization can be a means toward sustainability if local food systems are also RBFS.

Keywords Rights-based approach · Food system · Local food · Food democracy · Ecological integrity · Sustainability

Abbreviations

ESCR Economic, social, and cultural rights RBFS Rights-based food system

Introduction

Public support for small farms and farmers in the US remains high (PIPA/Knowledge Networks Poll 2004), despite the very small percentage of the population now farming. Public environmental and socioeconomic benefits of farm land use are substantial (Aldington 1998; Boody et al. 2005). Farmers' markets and "buy local" campaigns have proliferated over the last decade, in part because customers seem to want more direct connections with farmers and their food, and want to support local farmers. Yet few farmers, and even fewer farmworkers or others who work for wages in the system that brings food from field to mouth, have been able over the last few decades to make a decent living from their wages or farm income alone, recent commodity price increases notwithstanding. Most US farmers must support their farms with other jobs,

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and many wageworkers in the food system subsist at or below the poverty threshold.

The concept of a "sustainable livelihood" has entered development discourse over the past two decades (Chambers and Conway 1991; Scoones 1998; development of concept reviewed in Neefjes 2001), but almost always in the context of efforts to improve the welfare of poor people in developing countries. The UK Department of Foreign and International Development uses the following definition, adapted from Scoones (1998, p. 5):

[T]he capabilities, assets (including both material and social resources), and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stresses and shocks, maintain or enhance its capabilities and assets, while not undermining the natural resource base.

This is a worthwhile aspiration for workers in any country, not only those that are "developing." Receiving fair remuneration from one's labor at a level sufficient to provide for necessities is one of the economic, social, and cultural rights (ESCR) in the 1966 International Covenant on Economic, Social, and Cultural Rights, now ratified by 155 countries (not including the US and a handful of other countries). Economic, social, and cultural rights also include work itself, food, safe working conditions, the highest attainable standards of health, and opportunities for education. While the list of specific rights included in ESCR is evolving, the set is perceived by human rights advocates as having value beyond an aggregation of individual rights; they are indivisible, interdependent, and interrelated (UN 1991).

At the World Summit for Social Development in Copenhagen in 1995, world leaders committed themselves to "promoting the goal of full employment as a basic priority of our economic and social policies, and to enabling all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work" (UN 1995, p. 14). Among the advantages of recognizing this goal as a human right, and not a privilege or simply something nice to have, is that rights have legal standing. States, private enterprise, and international organizations have legal obligations for progressive achievement of the full realization of human rights. These include respecting, protecting, promoting, and fulfilling rights without discrimination, by all means necessary (UN 1991; Eide 2005). Obligations of different parties are spelled out in numerous documents of the Committee on ESCR of the Office of the

¹ Status of ratification is posted on the website of the Office of the United Nations High Commissioner of Human Rights: http://www.ohchr.org/english/countries/ratification/3.htm



United Nations High Commissioner on Human Rights. Of course, consequences of violating a right only apply if a country or other body with enforcement authority recognizes that right; but the failure to acknowledge a widely accepted right can undermine a government's legitimacy by making clear to its citizens and the rest of the world that it does not act in the interest of its people.

Increasing attention to human rights such as sustainable livelihoods has generated a shift toward a "rights-based approach" in development. Core principles of the rightsbased approach are that social development can be advanced by strengthening the capacity of residents to recognize and demand their rights, supporting campaigns to promote human rights and raise the visibility of their violation, and pressing for governmental or intergovernmental action to respect and act in accordance with human rights (Pettit and Wheeler 2005). The overriding goal of rights-based approaches is that rights become embedded in everyday political and social expectations, so that the collective vision of how one should be treated and what one deserves, simply by being human, is transformed and steadily co-created to improve human potential for self-realization (Gready and Ensor 2005). Legal measures are considered to be a last recourse for addressing violations of human rights. Rightsbased approaches have been adopted by agencies of the United Nations, such as the United Nations Development Programme and the World Health Organization, and by international development and humanitarian aid organizaincluding Action Aid International, International, Mercy Corps, and Oxfam International.

The understanding of rights and how they can be implemented is growing. For example, the right to food is being elaborated regularly by the United Nations' Special Rapporteur on Rights to Food and the deliberations of the Committee on Economic, Social, and Cultural Rights. In addition, academic and legal work is strengthening the rights-based approach through evaluation, comparisons across countries and cultures, development of new legislation, and conceptual fine-tuning (e.g., Boele et al. 2001; De Feyter 2005; Khoza 2005; Tveiten 2005).

The evolving concept of human rights is criticized by some as being very challenging or—at the most cynical—ineffectual in the absence of programs for acting on those rights (e.g., De Feyter 2005; Kneen 2006). Nevertheless, reaching agreement with others that something is a right deserved by all human beings can cause such a change in expectations and self-identity that assuming the prerogatives of that right becomes possible. This shift in consciousness occurred among many African-Americans during the Civil Rights years: previously unthinkable acts of affirming one's rights suddenly became not only possible but necessary for ordinary people to do. And when enough people assume a right, stopping them is impossible.

In a similar way, however, glossing over a human right by ignoring it and ignoring the consequences of its violation can diminish the capacity of people to seize that right. US failure to recognize ESCR as basic human rights, on a par with civil and political rights, contributes to the absence in US discourse of these goals as entitlements and gives implicit license to US actions that degrade these rights for farmers, farmworkers, and other wageworkers in the food system, both here and in other countries. Ultimately, this dismissal of ESCR reduces the sustainability and security of the US food supply, for reasons that will be put forth in this paper.

Just because advocates in the US generally do not talk about ESCR does not mean that they are blind to social injustice in the food system, of course; and just because these are not recognized as human rights does not mean that there is no official redress for conditions in which people cannot achieve these goals. Unfair practices in the food system are a tremendous concern to many organizations and the focus of legislative action, and have stimulated campaigns to improve working conditions, raise wages, successfully press charges of farmworker slavery, allow labor to organize or strengthen the power of unions, and enact reforms that fall within ESCR. By failing to use rights language, however, advocates are giving up important advantages.

In part, this paper aims to promote recognition of the importance of ESCR in food systems and provide some arguments and hypotheses to stimulate discussion of their application to food systems. It applies a rights-based approach to food systems and suggests six critical elements that characterize rights-based food systems (RBFS). This new term integrates reforms in different sectors of the food system into a single comprehensive goal with linked economic, sociocultural, and environmental benefits, and has the added advantage of potential to draw on the breadth and depth of analyses of human rights and rights-based approaches. Calling for the application of ESCR in food systems is not asking for a return to simple traditional family farms of the past, nor constraining farmers', wageworkers', and consumers' capacity to adapt to the contemporary world in creative ways. Furthermore, it is not a veiled argument for more government regulations on farms or other business enterprises in the food system. It is rather a plea to look at the food system in a way that emphasizes the legitimate basic needs and dignity of its workers, in order to achieve greater overall security and sustainability of the food supply.

In this paper, I first review current trends in the US food system that affect ESCR to demonstrate how the US food system is not operating in such a way at present that basic human rights are respected, protected, promoted, and fulfilled without discrimination, and by all means necessary. Then I describe the critical elements of a RBFS and the

connections among RBFS, localization, and sustainability. Localization and sustainability are themes of interest to farmers, other food business operators, consumers, policy-makers, and foundations supporting food system alternatives. The specific questions this paper addresses are how local food systems can help farmers and food system workers to achieve ESCR, and how RBFS in a local context contribute to sustainability.

Why the US needs RBFS: current trends

Many of the ESCR that underpin socioeconomic expectations in other countries can be met through the food system, or are adversely affected by food system practices. The list includes, at the least (with references to the relevant sections of the 1966 International Covenant on ESCR in parentheses):

- The rights to safe and healthy working conditions for farmers and wageworkers in the food system, fair compensation for their labor, and fair wages sufficient to guarantee a decent living (Article 7);
- The right to form and join unions (Article 8);
- The right to food (Article 11);
- The right to make full use of technical and scientific knowledge to achieve the most efficient development and use of natural resources (Article 11) and to enjoy the benefits of scientific progress and its applications (Article 15);
- The right to the highest attainable standard of physical and mental health, including environmental hygiene and access to medical services (Article 12, which has been construed to mean environmental quality sufficient for public health); and
- The right to enjoy culture and participate in cultural life (Article 15).

In this section, I summarize trends affecting ESCR within the food system from the perspectives of the public in the roles of consumers, taxpayers, and citizens; farmers; rural communities dependent on agricultural production; and wageworkers in the food system.

Consequences of current food system trends for the public

Despite providing relatively cheap food, compared with other countries, the US food system perpetrates food insecurity, poor health associated with diet, and lack of democratic participation in political decisions about food. In addition, food system trends contribute to poor environmental quality and the eradication of traditional foodways. All of these problems are violations of ESCR.



Food in the US is relatively cheap in large part because many social and environmental costs are externalized. Among the social costs are many ESCR: in effect the ESCR of US citizens as workers are being externalized, along with ESCR of citizens in other countries, so that US citizens as consumers can maintain what has become perceived as an entitlement to cheap food. Another way that food is kept cheap—mass-producing and standardizing many of its attributes—results in loss of taste and quality. Despite the low cost of food, millions of people in the US are food-insecure (i.e., they do not have access, at all times, to enough food for an active, healthy life). Eleven percent of households (12.6 million) in the US were food-insecure at some point during 2006 and 4% of households were classified as "very low food-security" (Nord et al. 2007). This term is equivalent to "food-insecure with hunger," which was used prior to language adjustments of 2006. Poor people, women, and people of color have higher incidences of overweight and obesity (Drewnowski and Specter 2004; Ogden et al. 2006), in addition to higher food insecurity (Nord et al. 2007).

During Fiscal Year 2006, more than half of USDA's budget went to 15 food assistance programs, including Food Stamps and the National School Lunch Program, with 2006 being the fourth consecutive year in which expenditures exceeded the previous record year. Expenditures in 2006 were almost \$53 billion, up 4% from 2005. Most of these funds go into the Food Stamp Program (Oliveira 2007). This broad food assistance safety net is the main way that the US government helps to meet food needs of people whose incomes are too low to purchase enough food for the household; but it does nothing to solve the root problems it addresses, other than enable households to get enough food so that adults can work and children do not suffer cognitive impairment. That is, food assistance programs cannot be construed as progressive realization of the right to food: at most, they are stopgaps. Furthermore, the choice to eat healthy food does not exist for most poor people in the US. Households receiving the maximum food stamp benefits in the US (which most do not) cannot afford to buy foods that match the current US Department of Agriculture's dietary guidelines (Neault et al. 2005).

Choices about healthy food are foreclosed as well because of city planning decisions, private sector investments, and federal subsidies. For example, people in many inner cities in the US cannot get fresh produce at reasonable prices because they lack convenient transportation to suburbs where the supermarkets are (Morland et al. 2002; Nayga and Weinberg 1999). Foods with high fat and sugar content and low fiber and nutrient content are usually cheaper than healthy foods and therefore selected more often by people on limited incomes (Drewnowski and Specter 2004). In some parts of the US, it is difficult to find

fruit juice that does not have sugar or high-fructose corn syrup added, or dairy products without a long list of additives. Tap water is no longer available from drinking fountains in many public places, although sodas and bottled water can be purchased almost anywhere from vending machines.

Most people in the US lack opportunities to engage in important decisions about changes in the food system, such as who retains profits and how much they get, how food is marketed to adults and children, how food is raised, and whether it is labeled to indicate where and how it was raised. Consumers are increasingly disconnected from food production and distribution, as the number of farmers shrinks and more food consumed in the US is imported from other countries. For example, more than half of the apple juice consumed in the US now comes from China (Huang and Gale 2006); and developing countries overall supply one-third of US imports of processed foods (Jerardo 2004). This helps to perpetuate the externalization of environmental and social costs, as consumers are not aware of the ways and means by which their food reaches them.

The ability to make choices about food grown and consumed, based on open access to information, has been called "food democracy." Although supermarket shoppers may appear to have almost infinite choices of foods, some critical choices are completely unavailable because information about how food is produced and by whom is not divulged. For example, 46% of people in the US oppose the introduction of genetically engineered foods to the food supply; but more than half of the foods on supermarket shelves contain genetically engineered ingredients, and they were introduced into the food supply without public debate. Such foods are not required to carry a label showing whether they were produced with genetic engineering (Pew Initiative on Food and Biotechnology 2006). Attempts to label dairy products as "rBGH-free" have been struck down at the state level and the Food and Drug Administration requires that any products labeled in this way also state that there are no significant difference between milk from cows treated with rBGH or not (Organic and Non-GMO Report 2008).

Similarly, repeated attempts to implement mandatory country-of-origin labeling (COOL) have been postponed, despite wide public support. Two recent surveys (Reuters 2007; Zogby International 2007) showed overwhelming support (92% and 85% respectively) for labels that show the country in which food was produced. In 2002, Congress incorporated COOL in the Farm Security and Rural



² Tim Lang has popularized this term recently (e.g., Lang 1998), but the basic arguments were made several years earlier by Lappé (1990) and in the US context build on a long agrarian legacy (see Carlson 2000).

Investment Act. Mandatory labeling rules were slated to go into effect by 30 September 2004; but Congress postponed the deadline twice, and full implementation of COOL is now slated for September 2008. Consumers cannot know whether the beef they buy in a US supermarket came from a cow that was tested for Bovine Spongiform Encephalopathy (BSE or mad-cow disease) because the government does not permit such tests to be done independently, even though it tests less than 1% of beef cattle itself (New York Times 2006). Negligence and failure of the government to fund adequate inspection of food products contributes to other food safety problems, such as contamination that has led to frequent meat recalls (Suppan 2008).

Food is indisputably an important aspect of culture, and many traditional foods and foodways are healthier than foods consumed and advertised widely in the US. The right to enjoy one's culture and participate in cultural life by eating traditional foods is threatened in subtle ways. For example, while an immigrant household might be able to obtain ingredients for traditional foods in an urban area, its children are susceptible to peer pressure and heavy advertising of processed and fast foods and may reject traditional foodways in an attempt to fit into the dominant culture. Some immigrant groups and American Indians are attempting to recover traditional foods because of their health benefits. For example, the Tohono O'odham in Arizona are re-introducing traditional tepary beans, mesquite beans, cholla (cactus) buds, and chia seeds to prevent adult-onset diabetes, which was unknown in the tribe before 1960 but afflicts half of the population now (Lopez et al. 2002).

Consequences for farmers

The primary rights abuses of US farmers are: (1) the failure of the US food system to provide remuneration for their labor sufficient to meet family needs and maintain an adequate standard of living, including access to health care and social security; and (2) failure to benefit from scientific progress and its applications, so that livelihoods are not undermined. At a time of record-high crop prices, suggesting the first instance of rights abuse may seem perplexing. In 2006, the median income from farm households was 14% higher and the average was 17% higher than all US households. But in the US today, only the 8% of farmers with large farms (those with sales of \$250,000 or more per year) can live on farm income alone; all others must support their farming with off-farm employment, even if farming is their principal occupation. Family farmers who list farming as their principal occupation and sell between \$100,000 and \$250,000 per year (27% of farms) receive only 13% of their household income from farming (Covey et al. 2007), an average figure below the official poverty threshold. Off-farm income is especially important to provide health insurance: only about 6% of farmers received their health insurance through the farm businesses they operated in 2006 (Covey et al. 2007). Farm households dependent on off-farm employment are vulnerable to local nonfarm economic conditions, and off-farm jobs are sparse in many rural areas dependent on agriculture (Kusmin and Parker 2006). The failure of the US food system to remunerate farmers operating at diverse scales adequately for full-time farming is a failure of policy determining how profits are allocated, not inherent low profits in the food system.

Businesses that make the most money from commodity crops, whether prices are high or low, are not farmers but companies that have integrated and formed alliances to create global value chains operating across national boundaries. They now control a globalized food system and increasingly mandate each step from how crops and livestock will be raised to how food will be sold. Rising profits have been allocated more to pad executive salaries at the top than to lift the wage floor of the lowest-paid workers, to share with farmers, or to lower prices for consumers (Crook 2006). The overall trend over the last decades is that food prices have dropped relative to average household income, but farmers and farmworkers have borne more of the costs of lower food prices than other sectors of the food system. Contrary to the assumption that food prices have gone down because of greater economies of scale realized by concentration of food businesses, retail costs have gone up, rather than down, in most sectors of food industry with increased consolidation (IANR News Service 2002). Wal-Mart, the largest grocery retailer in the US, topped the Fortune 500 list by revenue in 2007. Other food and feed companies in the top 100 are the Altria Group, Kroger, Safeway, Archer-Daniels-Midland, PepsiCo, Sysco, Tyson Foods and Coca-Cola. While profits of major food companies and CEO salaries rose dramatically over the past few decades, prices paid to farmers worldwide for commodity crops dropped over the same time-period (FAO 2004a), despite occasional upward surges due to weather conditions and the recent spike in corn price due to increased demand for corn for ethanol, droughts, and trade barriers on more cost-efficient sources of ethanol. And at the same time that commodity prices have gone up over the past few years, input prices have also risen to record-high levels (Covey et al. 2007), cutting into farm profits.

US policy allowed agribusiness domination of the food system by omission and commission: anti-trust regulations have not been applied consistently to agricultural companies; large companies have gotten a break from taxes (McIntyre and Nguyen 2004); and almost all forms of supply control for commodity crops have been dismantled. The lack of supply control helps agribusiness because it



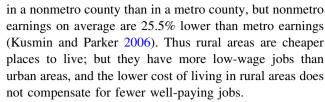
maintains a steady supply of raw materials for value-adding at very low cost, but it hurts farmers in the aggregate. Without supply controls, farmers tend to overproduce because raising the maximum possible is usually in the individual farmer's interest (Ray et al. 2003), so they earn the same amount of money for more work.

Government payments to farmers allow farmers to keep producing, even when farm income is insufficient to cover household expenses. But farmers simply serve as a conduit for crop subsidies to agribusinesses, which receive numerous other subsidies as well, including publicly financed water and roads (Wise 2005). Companies operating across transnational boundaries are subject to government regulations within each country where they operate, but they are large enough to set prices and to choose which farmers in which countries they will patronize. They are not obligated to share risks with farmers: if bad weather destroys crops for a few years in a row, an agribusiness can buy from another region or country.

In addition to its failure to provide adequate livelihoods from full-time farming for most farmers, US public policy has also violated farmers' rights to benefit fairly from scientific advances. This is because public money for agricultural research and technology over the last few decades has favored concentration into large-scale farming operations, rather than focusing on the much larger numbers of smaller-scale farmers and wageworkers (NRC 2002). While investment in agricultural research has been a powerful factor driving increases in productivity of commodity crops, it has helped to drive depopulation of rural areas because its results have been most easily adopted by largescale and well-capitalized farmers, thus helping to increase inequity in income and access to land and other resources among farmers. Agricultural research has focused on relatively low-value commodity crops that can be exported, shipped long distances, or fed to livestock, rather than diverse high-value crops and technology that would help small-scale farmers make a higher income. Most agricultural research through land-grant universities is now privately funded (Caswell and Day-Rubenstein 2006). By leveraging relatively small investments in research against substantial previous public investments in labs, personnel, and research, private companies receive additional public subsidies.

Consequences for rural communities

The primary rights abuses in rural communities associated with food systems are failures to meet the rights to food, decent livelihoods, health, and environmental hygiene. According to the Bureau of Economic Affairs' American Communities Census, 225 of the 250 lowest income counties in the nation in 2004 were non-metropolitan. ERS has estimated that it costs about 16% less on average to live



Not surprisingly, poverty and associated problems with food access are more severe in rural areas than in urban areas. About 22% of Americans but 31% of food stamp recipients lived in rural areas in 2001. Overall, 7.5% (4.6 million) of all rural residents received food stamps, compared to 4.8% of residents of urban areas. Children were one-fourth of rural residents, but they made up 43% of the rural population depending on food stamps (Smith and Salant 2005).

Farming accounts for relatively few rural jobs at present because public policy and technology have favored the replacement of human labor with chemicals and machinery (NRC 2002), and federal subsidies have gone mainly to less labor-intensive crops that are suitable for export. Farm jobs fell from 12.4% of nonmetro jobs in 1976 to 6.2% by 2004. Along with this drop has been a relative decline in overall employment in areas that depend the most on farming. While counties currently classified as farming dependent accounted for more than 8% of nonmetro employment in 1976, these same counties accounted for 6.6% of nonmetro employment by 2005. Overall employment growth in these counties was slow, as substantial drops in farm employment largely offset moderate growth in nonfarm employment (Kusmin and Parker 2006).

These trends resulted in a "hollowing out" of rural America through poverty, aging, and depopulation over the last few decades: once-thriving centers of commerce have become ghost towns, and the average age of American farmers has inched up. The proportion of farmers aged 55 and over rose from 37% in 1954 to 61% in 1997, and stood at 56% in the 2002 Agricultural Census. The proportion of farmers younger than 35 declined from 15% (1954) to 8% (1997) to 6% (2002) (ERS 2002; NASS 2007). The erosion of many rural areas that have historically depended on agriculture is not inevitable. Federal, state, and local policies have supported land consolidation, commodity cropping, large-scale intensive livestock production, and replacement of farming by other industries, rather than the fulfillment of human rights through food systems. Many of the new rural industries that are encouraged by local policies, such as private prisons, call centers, hazardous waste disposal, and confined animal feeding operations (CAFOs), do not appeal to the children of present-day farmers. Neither do they support tourism that could inject needed cash into rural economies. The externalization of environmental costs by farmers, food processors, and other agribusinesses has created pollution havens in rural areas, which detract



from opportunities for tourism and moreover detract from environmental hygiene, land values, and quality of life for rural residents.

Consequences for wageworkers in the food system

Growth in the meat processing industry in rural areas and the influx of Hispanic people to take jobs there are two countervailing trends to the hollowing-out of rural counties dependent on agriculture. Meat processing firms have increasingly relocated plants to rural areas to reduce livestock transportation and feed costs, ensure more consistent quantities of animals, and thereby use processing plants around the clock and throughout the year because of fewer interruptions in livestock supply. Economic incentives offered by rural communities, along with the greater likelihood that rural-based plants are not unionized, also have induced firms to relocate plants. Between 1981 and 2000, the total number of US meat processing employees in rural areas doubled from 147,000 or 46% of the US total to 294,000 or 60% of the US total (Kandel 2006).

Between 1980 and 2000, the Hispanic share of meat processing workers increased from under 10% to almost 30%, while the Hispanic workforce itself became mostly foreign born. The rapid growth of the US Hispanic population—exceeding 100% in about half of all states over the past decade—has significant implications for rural communities. During the 1990s, Hispanic population growth actually stemmed overall population decline in over 100 nonmetro counties (Kandel 2006). However, immigrants who have moved to rural areas for jobs in food processing industries find few social services and little opportunity to climb out of poverty (Hoppe and Wiebe 2002).

The main human rights abuses affecting wageworkers in the food system (including those who work in fields, processing plants, restaurants, and retail) are unsafe and unhealthy working conditions, low wages (inadequate to provide food and shelter for a household), restrictions on forming unions, and-at the worst-forced labor. Labor conditions for food processing workers are poor because of knives and moving equipment, speeded-up production lines, and inadequate safety training and precautions. Meat processing wages exceed those of low-skilled workers in other manufacturing sectors; but meat processing work is among the most dangerous jobs in the US (Bureau of Labor Standards 2007). Employees in rural plants may face greater challenges than urban-based workers, such as a lack of conveniently located housing, limited public and retail services, and longer, more costly commutes. Immigrants face particular challenges. A recent exposé accused Nebraska Beef Limited, Tyson Foods, and Smithfield of using intimidation, reprisals, threats, and fear of deportation to take advantage of immigrant workers (Human Rights Watch 2004). Conditions for meatpacking workers have deteriorated significantly over the last few decades due to the growth strategies that meatpacking companies have followed (Broadway 1995). Kandel (2006, p. 16) explained how changes in the meat processing industry affected ESCR for workers:

...[W]hat had been an urban-based, unionized, and often skilled workforce employed in production plants, supermarkets, and butcher shops in the 1950s gradually changed into a rural-based, mostly non-unionized, and low-skilled workforce concentrated within manufacturing plants by the end of the 1980s, as it remains today.

Food service employed over 10.5 million people in the US in 2006 as chefs, cooks, food preparation workers, food and beverage service workers, and in related occupations. Their working conditions are safer overall than in food processing; but working conditions are stressful and wages are low, except for a handful of executive chefs, head cooks, and research chefs. Many food-service workers must withstand the pressure and strain of standing for hours at a time, lifting heavy pots and kettles, and working near hot ovens and grills. Job hazards include slips and falls, cuts, and burns, although injuries are seldom serious. Work hours in restaurants may include early mornings, late evenings, holidays, and weekends (Bureau of Labor Statistics 2007). The number of employees and median incomes among food service occupations with at least 500,000 employees in 2006 are listed in Table 1.

To put these wages in perspective, the poverty threshold for a household of three in 2006 was \$16,600, and the federal minimum wage was \$5.15/h (since raised to \$5.85/h). A full-time worker (working 2,080 h a year) would earn \$14,851 at the median wage for waiters and waitresses, and slightly more for the other occupations in the table below. However, not all food workers can find full-time work or balance full-time work with family responsibilities. On the other hand, federal programs such as the Earned Income Tax

Table 1 Largest food service occupations and wages in 2006

Job	Employees	Median wage
Waiters and waitresses	2,361,000	\$7.14/h (inc. tips)
Combined food preparation and serving workers, inc. fast food	2,503,000	\$7.25/h
Food preparation workers	902,000	\$17,410/year
Restaurant cooks	850,000	\$20,340/year
Fast food cooks	629,000	\$15,410/year
Counter attendants	533,000	\$7.76/h
Dishwashers	517,000	\$7.57/h

Source: Bureau of Labor Statistics 2007



Credit (EITC) and Food Stamps boost the reported incomes of working families. Taking into account the EITC, wages of \$7.25/h would allow a family income for a family of three of \$18,326, which is above the 2006 poverty threshold but still much lower than the income needed to support a family as calculated by "family budget" measures of poverty, which ranges from \$23,000 to \$46,000 for a family of three, depending on where the family lives (Economic Policy Institute 2007).

The 1935 National Labor Relations Act gave most American workers the right to join unions and bargain collectively; but farmworkers and other agricultural workers were excluded from its protection. The right of agricultural workers and others in food businesses to form unions has been contested repeatedly since then, although most food system workers remain non-unionized. Wal-Mart, the largest volume grocery seller in the US, does not allow its employees to form unions (Johansson 2007).

Farmworkers are at the bottom of the pecking order for wageworkers in the food system. They suffer from low and stagnant wages, job instability, inability to organize for better wages, dangerous and unhealthy working conditions, and substandard accommodations (Oxfam America 2004). In the most egregious abuse of human rights, US farmworkers have been kept in conditions of slavery: three labor contractors in Lake Placid, Florida, pled guilty to forcing 700 people into slavery in 2002, which was the sixth modern anti-slavery case in Florida. The Coalition of Immokalee Workers received a Robert F. Kennedy Human Rights Award for exposing practices including smuggling workers into the country, confining them in labor camps, keeping them under constant surveillance, pistol-whipping, cramming them into substandard housing, and underpaying them (Bowe 2007; Department of Justice 2002; Rondeaux 2002). Undocumented farmworkers are the most vulnerable of all people in the food system, yet they have little recourse in the current political and legal environment. The large number of undocumented workers in the US-estimated at 9.3 million, with about 57% from Mexico (Passel et al. 2004)—is closely related to US trade policy. The North American Free Trade Agreement (NAFTA) has undermined markets throughout Mexico to the extent that 1.5 million small farmers have been forced off their land (Papademetriou et al. 2003). Many of these farmers have ended up in the US as workers in other farmers' fields.

Summary of impacts on ESCR of current trends

Focusing on ESCR that one might reasonably expect from the food system, the following conditions stand out:

 Working conditions of many farmworkers and foodprocessing workers are dangerous and unhealthy, and

- their abilities to form unions and bargain collectively are restricted.
- Sustainable livelihoods through income from food system jobs (hourly wages for wageworkers, and prices for crops received by farmers) are not possible for most farmers or food system workers, with the exception of large-scale farmers and some farmers raising highvalue crops. Farmworkers, waiters and waitresses, fast food cooks, and combined food preparation and serving workers earn wages below the official poverty threshold for a household of three.
- The right to food (which is not recognized in the US) was not met for the 12.6 million households characterized by food insecurity in 2006 (Nord et al. 2007), with disproportionately high numbers in rural areas dependent on agriculture and in agriculture-related jobs. Food security is achieved in the US as a whole with steadily increasing amounts of imported food (ERS FATUS data set).
- Public investment in research and technology has contributed to growing concentration in agriculture. It has not focused on improving human rights for agriculture-related occupations that employ the most people, or improving the viability of livelihoods through agriculture for the majority of farmers.
- The right to a clean, health-promoting environment is violated by food industries that contaminate water and soil in rural areas.
- Advertising and massive promotion of unhealthy food interfere with the right to maintain traditional foodways, as a part of cultural participation.

Acceptance of the continuation of current trends in the US is an affirmation that people who grow food, maintain working landscapes, process food, and sell it do not deserve full ESCR. But many citizens are bucking these trends with their purchasing decisions and political activities. How would a food system look, if protecting, respecting, and fulfilling ESCR were a priority? And does current interest in localization and sustainability move the US food system in that direction? These questions are addressed in the next sections.

Criteria of rights-based food systems

This section sets forth six criteria of rights-based food systems, or food systems that can address ESCR comprehensively:

- Absence of human exploitation.
- Democratic decision-making on food system choices that have impacts on people in more than one sector of



the system (e.g., consumers and producers, or distributors and producers).

- Fair, transparent access by producers to all necessary resources for food production, including knowledge.
- Multiple independent buyers.
- Absence of resource exploitation.
- No impingement on the ability of people in other locales to meet these criteria (e.g., through trade relationships that undermine decent wages, fair prices, environmental quality, and transparency of access to information in other countries).

Each of these characteristics is important alone, but also supports the others. The criterion prohibiting human exploitation (which would result in living wages, fair prices, decent working conditions for farmers and wage-earners in other sectors of the food system, and the ability to form unions and bargain collectively) needs no further explanation because it is a direct transfer from human rights declarations. Meeting this criterion requires a combination of defensive strategies against actors and institutions that exploit workers, and proactive efforts to set up meaningful social justice standards, with mechanisms in place to implement decisions made by food system stakeholders. Democratic decision making across sectors of the food system contributes to meeting this criterion, as each person tries to protect his or her rights.

Access for producers to the necessary resources for food production is essential to allow freely chosen work for those who wish to farm. It also allows a population to avoid dependence for food on food systems that are not rights-based. Meeting this criterion might involve legal strategies to obtain clear rights to land or water, to save farmland and give priority to farming over other potential land uses, or to allow farmers to acquire seeds and other inputs cheaply. It would involve reconsideration of Intellectual Property Rights law and company retention of proprietary information to ensure that producers can access necessary resources. It also would involve policies to make access to credit and other financial services more equitable.

The criterion of multiple independent buyers protects independent producers, processors, packers, and distributors (i.e., those that are not vertically integrated into global value chains) by preventing an imbalance of power between sectors. This requires transparent access to information, systematic enforcement of existing anti-trust legislation, and stronger legal strategies to break open concentrated power in the food system.

The criterion of no resource exploitation (i.e., no use of resources beyond their capacity to regenerate) is essential to allow the locale to endure. If community resources are being mined faster than they can renew, the people who live there will not be able to sustain their livelihoods over

time and will be forced to emigrate. Meeting this criterion requires incentives and rewards for environmentally sound methods and the absence of toxic waste generation throughout the food system, from manufacture of farming inputs to waste disposal, and penalties for violating these constraints. If the criterion were interpreted strictly, it would require massive public investment in research on energy technology to allow farming, ranching, and fishing to replace current use of fossil fuels with renewable energy-efficient fuel sources. It would also remove all subsidies for transportation and infrastructure serving the petroleum and automotive industries, and replace them with incentives for a rapid transition to a fossil-fuel-free food system. The global food system is completely dependent on non-renewable petroleum supplies at present for almost every phase of production and processing, including fertilizer needed to grow modern seed varieties, diesel fuel to run tractors and trailer trucks, and plastic packaging materials.

The criterion of no impingement on meeting these criteria in other locales prevents the people in one place from externalizing their social and environmental costs onto other people or other places. This criterion might be met through regulations that prohibit dumping crops below the cost of production, shipping garbage to other countries, buying food from companies or countries that allow workers to be exploited, and importing food or other agroecosystem goods produced in ways that degrade environmental quality. The RBFS concept recognizes that food system boundaries are porous and food system paths link different locales; attention to human rights fulfillment therefore must transcend country borders and follow each value chain back to its source.

The rights-based approach to human development focuses on people as rights bearers, entitled to demand accountability of their governments and other powerful entities for their policies and actions. This entails meaningful political voice and ability to participate in decisionmaking, which require in turn that the public understands impacts of their choices through education and full access to information about those choices. Broad public participation allows vital concerns such as public health, access for people who cannot afford to buy food, ability to exercise choice over food production methods and technologies, and environmental quality to be debated and for results to become part of public food policy. In the absence of participation by citizens and residents beyond a passive consumer role, economic factors drive food system choices and these qualities tend to be externalized. This is one drawback to market-based solutions to food system problems (another important drawback being exclusion of all people who cannot afford to participate in the market).



The right to food underpins RBFS, since food production is the main purpose of food systems, and reinforces the importance of public participation in food system decisions. This right is best implemented through food democracy because food is more than just nutrients. By claiming a right to food, people claim the right to control over how that food reaches them, or food sovereignty. The first of the guidelines to support the progressive realization of the right to adequate food, endorsed by the United Nations' Food and Agriculture Organization in November of 2004 (FAO 2004b), addresses democracy and good governance. It stresses that States must "empower individuals and civil society to make demands on their governments... and ensure the accountability and transparency of governments and state decision-making processes." In the rights-based framework, social relationships must be reframed so that there is distributive equity of resources; participatory equity in determining how distributive rights will be claimed; and equity of ownership by workers of the means of production, the conditions under which they work, and the distribution of proceeds (Fields 2003). These three kinds of redistribution are interconnected and mutually supportive, and decisions about redistribution must be made through public participation. Providing food aid in emergency situations in ways that do not incapacitate local food production is the most extreme form of food redistribution, and is both humane and politically expedient. However, the right to food cannot be met long-term through external donations. It requires local control over practices and policies to reinforce the ability to grow or buy stable amounts of nutritious food for one's household and community.

Putting food in the category of universal rights, rather than privileges available to those able to pay for them, is a radical notion in the US. Recognizing and implementing this right would require a turnaround in the ethos of individual responsibility that prevails in government messages about food access, diet and related health problems, and environmental harm caused by food production and distribution. In the US at present, choices about food—and therefore accountability for those choices—are deemed to be up to the individual. However,

... individual retail consumers are diverse and usually unconscious of their collective influence: they can be badly organized and they carry most of the health costs of current food supply, yet they are made responsible for their own diet-related (ill) health since they are ultimately accountable for what they eat...(Lang and Heasmann 2004, p. 15)

Framing dietary choices as the ultimate responsibility of the individual is congruent with the larger neoliberal agenda to downplay governmental obligation for the public good. Making individuals responsible for their own diets and problems arising from eating unhealthy food removes the government's obligation to respect, protect, promote, and fulfill citizens' rights to food. This shift in responsibility has been perversely construed as a "right" itself. The Center for Consumer Freedom defends "the right of adults and parents to choose what they eat, drink, and how they enjoy themselves" by fighting the "growing cabal of 'food cops,' health care enforcers, militant activists, meddling bureaucrats, and violent radicals who think they know 'what's best for you'" (Center for Consumer Freedom nd 2008). "Consumer freedom" may be a convenient justification for continuing to promote unhealthy food, but it is hardly a recognized ESCR.

Localization and sustainability as goals of food system reform

"Local," "community-based," and "sustainable" describe food systems that overcome some of the consequences of failures to meet ESCR, described above. These terms are related to RBFS but not synonymous. This section describes how each of these other aims supports yet differs from RBFS.

Several approaches to food system reform strengthen existing links between different sectors of the food chain, or create new links within a relatively small geographic area (multi-community to multi-state). "Local" and "community-based" are sometimes used as if they mean the same thing, but there are important differences. I use "communitybased" to refer to control over the food system by residents of a community, while "local" refers simply to its geographic scope. A community-based food system might source food from outside the geographic region, if community actors decide to do this. In practice, when communities choose to exert more control over their food systems, they usually opt for more local sourcing because of multiple benefits to the environment, the community, and farmers from increasing the amount of food consumed that is produced locally (Anderson 2007). Enhanced control allows communities to shorten supply chains, demand greater accountability from others in the food system, and maintain multiple independent buyers. These characteristics contrast with the global food system in which supply chains are long and profits are extracted at each stage, there is low transparency overall and little accountability enforced upon the actors who have the greatest control, and a single buyer or small number of buyers can set the price. In essence, localization short-circuits agribusinesses' fundamental strategy of increasing profits from the food system by concentrating buyer power in each sector and forcing lower prices down the value chain, whether in the US or internationally.

Localization is important in the context of the criteria of RBFS primarily because it helps to make democratic



decision making understandable and achievable, particularly for people who have little experience with active political participation in food system choices. Although democratic control of the food system could happen at the national level in the US, it is more likely to happen at a smaller geographical scale that allows face-to-face interaction and immediate awareness of impacts of the food system on people in various sectors. A host of factors, ranging from campaign finance corruption to biased media, prevents democratic control of the food system at the national level. When industries attempt to sway public opinion at the local level, they are sometimes successful; but people can see through distorted arguments more easily when their own homes and livelihoods are at stake. Consequences of their actions or failure to act are not displaced onto workers and environments that are out of sight and easy to ignore. In addition, localization allows greater food system diversity because each locale can support unique foodways and a unique set of relationships between producers and buyers, helping to facilitate access to the market for producers and a diversity of buyers for their products. These aspects are especially important for populations that have strong cultural ties with their food (e.g., American Indians and recent immigrants), whose health has been compromised by poor nutrition and producers who suffer discrimination in market access.

An advantage of localization that is likely to become more significant with increasing energy costs and concern about global warming is that it can significantly reduce the environmental costs of food systems due to transportation and associated carbon emissions. A recent study in the UK of externalities of typical food purchases estimates that 38% of the total was due to transportation from farms to retail outlets and 21% from consumers traveling to and from retail outlets. Agrifood products account for about 28% of all freight transport in the UK. If food production were to stop in the UK and Europe and all food were transported by air from global sources, the food bill would rise by 19.7 billion pounds (approximately \$36.29 billion) per year (Pretty et al. 2005). A study at Iowa State University of the impacts of food miles showed that "conventional systems," in which food travels about 1500 miles on average from farm to consumer, used 4-17 times more fuel than regional and local systems (Pirog et al. 2001). Thus localization can also reduce resource exploitation.

Localization has a real role to play in helping people to understand the food system, what current trends are doing to people and places, and alternatives that are possible. Allen (2004, p. 169) notes that the turn to localism in alternative food systems

provides a defensive position against the disempowering and homogenizing effects of globalization.

People turn to local issues and local activism as a way in which they can experience empowerment, as an antidote to despair... To an extent, all social movements are local or at least have local manifestations. General efforts at social change are always made up of particular, local efforts. Things are "done" in concrete spaces that can only be local.

In contrast, food system changes with health or environmental benefits but without explicit attention to local circumstances may actually hurt communities where they are being enacted. For example, large corporate-owned farms in California, Hawai'i and Mexico have adopted organic farming methods, with the result that smaller-scale organic farmers are squeezed out of markets they previously accessed. Whole Foods, Inc. has become the largest natural foods retailer in the US and owns several other previously independent natural foods chains. It has been able to capture and profit from customers' trust that goods for sale in a Whole Foods store are produced in environmentally responsible ways and contain no harmful ingredients. But the impact of a Whole Foods, Inc. store moving into a town is similar to that of Wal-Mart: smaller retailers selling comparable goods, including cooperatives and locally owned groceries, often go out of business.

Localization is associated with a cascade of environmental and social benefits, but it is not the full rejoinder to concerns about violations of the human rights of farmers and people working in the food system. Born and Purcell (2006) coined the term "the local trap" to refer to the assumption that localization per se brings social, health, and environmental benefits. Community control can result in bigotry and exclusion, if the community itself is not very diverse or some people within it are disenfranchised and marginalized in other ways. Historic discrepancies in power due to race, gender, class, and wealth will continue to be manifest (Winter 2003). This is a particularly important concern when the objective is to promote equity for people who are at the margins or excluded from opportunities and legal protections that apply to other people—as is the case for rural minority populations that have especially high poverty rates, such as African Americans in the South, migrant farmworkers, and American Indians. Valuing local foods

may be less about the radical affirmation of an ethic of community or care, and more to do with the production of less positive parochialism and nationalism, a conservative celebration of the local as the supposed repository of specific meanings and values (Holloway and Kneafsey 2000, p. 294).

Working only at the local level therefore is insufficient to rectify inequality: localization may actually aggravate inequalities by further isolating those who are being treated

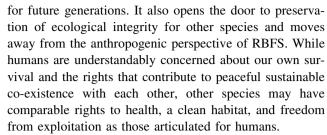


unfairly. People suffering from abuse and disempowerment may need to seek redress from state or federal government, or at the multilateral level. This is clear from the smallest unit of social cohesion—the family—to interrelationships between countries.

Global power inequities that result in the externalization of social and environmental rights violations onto other countries are perhaps the most difficult injustices to reconcile with the turn toward localization. Among the ESCR in the 1966 United Nations Covenant is "equitable distribution of world's food supplies in relation to need." But how can localization help more than one-quarter of the world's population that lives in chronic poverty? And when local foods become a fetish, people may stop buying imported products that augment incomes of desperately poor producers in other countries (MacGregor and Vorley 2006). Some development agencies promote trade as the way out of poverty, pointing to unfair trade rules that prevent developing countries from gaining sufficient income to feed their people and create sustainable livelihoods. But some communities are too resource-poor to produce enough to feed themselves, let alone produce things that other locales need; and global trade is dominated by the very businesses that have undermined sustainable livelihoods in the food system around the world.

Like local, "sustainable" has become popular as a descriptor and goal of agricultural and food systems reform. By itself, sustainability is an empty concept: what matters is what is to be sustained and how it is sustained, and over what time frame (Kates et al. 2005). What is to be sustained is the subject of an immense body of literature on agricultural sustainability and a smaller body on food systems sustainability (e.g., Becker 1997; Gliessman 2007; Häni et al. 2007; Pretty 2008). In most of this literature, sustainability is considered to have economic, environmental, and social dimensions. The environmental and economic dimensions have received more attention and been better operationalized than the social dimension (Thomson 2007). These dimensions map onto ESCR, but they are not duplicative. The failure to link these dimensions with human rights has hindered the articulation of the social dimension in particular, since human rights embody social justice demands. Without grounding in human rights, the social dimension of sustainability tends to be a catchall of everything that might be considered desirable but does not fit into either the economic or environmental dimension.

The strongest contribution of RBFS to discussions of sustainability for agriculture and food systems is its premise that fulfillment of human rights, and the conditions that make this possible, are what must be sustained. RBFS specify the contents of each dimension of sustainability. In turn, sustainability contributes the time dimension to RBFS and therefore deepens the concept of resource conservation



RBFS are not inherently sustainable, although they may reduce political tensions because those who rely on them can trust that their basic needs will be met and their rights will be respected. Also, since they internalize environmental and social costs that the dominant global food system tends to externalize, they are less likely to hit a threshold at which those externalities cannot be continued because of internal or external political pressure or environmental constraints. Localization appears to be a promising tactic for both RBFS and sustainability because it facilitates meeting some of the criteria of RBFS over extended time periods. But there is nothing inherent to a local food system that makes it sustainable, other than its potential use of fewer nonrenewable resources (if fossil fuel use is minimized) and its potential for greater food democracy.

Summary and conclusion

The US food system falls short of respecting, protecting, promoting, and fulfilling ESCR without discrimination, by all means possible. This might be dismissed as a quixotic goal that no complex system comprising state and private actors could ever achieve, but the consequences of failure are severe in terms of human suffering, inequity, and damage to the environment. The number and extent of violations of ESCR in the US food system, and the absence of discourse about rights related to the food system, indicate that the US public and actors with responsibility for food system decisions do not seem to connect ESCR with the food system as yet. Even those who are dedicated to reforming US food systems are only beginning to consider human rights, most often the right to food, the right to food sovereignty, or workers' rights. Although thinking about food, health, and a clean environment as basic inalienable rights is not yet standard in the US and jars with the idea of individual responsibility for one's diet and health, this shift in perception is happening in other countries. The concept of RBFS can help to fill this gap in the US, and advance food system advocacy and analysis.

Human rights are the conceptual "glue" to connect food system alternatives that otherwise seem to strive for different goals. Rather than fighting independently for wins identified and adopted unilaterally, the concept of RBFS can help advocates to find common ground among



themselves and a coherent unified goal. RBFS can encompass demands for social, environmental and economic justice, and greater participation in decision making by stakeholders. Consolidated demands from a diversity of constituents can build political power and attract new US constituents to a social movement for RBFS. In addition, there is great potential for solidarity with farmers and workers across national boundaries in a shared belief in, and advocacy for, shared rights that food systems should provide.

Beyond coherence around the idea of human rights, the concept of RBFS helps provide focus on what is most in need of reform and a set of priorities for action. Putting the right to food and achievement of ESCR through food democracy at the center of the social movement driving alternative food systems for social justice clarifies the strategic priorities for those who want to improve the livelihoods of farmers and wageworkers in the food system. Building the capacity for democratic decision making about food system choices that have effects across sectors, and giving people opportunities to practice these skills, is a first step toward promoting RBFS. The focus for immediate action is justifiably on those whose rights are being violated most egregiously.

Connecting ESCR with the US food system also provides analytical depth to critiques of different aspects of agriculture and food system activities. The scholarship on ESCR and how they can best be promoted is expanding; much of this work has relevance to food systems. Part of this literature is the development of specific tools for advancing human rights, such as the FAO's "Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security" (FAO 2004b) and legal arguments. As a scholarly contribution, the concept of RBFS is a hypothetical framework of the conditions necessary to advance ESCR through food systems. Testing the hypothesis will help to clarify how ESCR through food systems can be achieved.

RBFS transcend market goals for food systems, but can work through markets and form a conceptual bridge between market goals and non-market goods and services that make life possible and worth living. Agreeing on the ends to be achieved through market exchanges is surely the first step in clarifying how to structure trade, and meeting ESCR for all people involved is a worthy aim. Perhaps more sustainable remedies to poverty can be achieved not by promoting agricultural trade per se, but by promoting trade between RBFS. Again, this framework provides a hypothesis for comparing trade regimes for their ability to advance human well-being and environmental sustainability.

Enthusiasm for localization, community-based food systems, and sustainability in the US are complementary to RBFS. Work on sustainability has enriched the concept of ecological integrity beyond its contributions to supporting human health through a clean environment. To maintain ecological integrity indefinitely, sustainable food systems must internalize all of their environmental as well as social costs. This, perhaps, is the most succinct definition of a truly sustainable food system: one that is accountable not only to all current stakeholders and the natural environment, but also to future generations that otherwise will bear the formidable costs of present-day exploitation and resource extraction from communities and their spaces. Contributing to sustainability, the RBFS concept deepens the analysis of the social dimension by articulating the specific elements of social justice.

Localization and a community base can help to achieve both sustainability and RBFS as they contribute to awareness of the environmental and social costs of current food system practices. Food democracy requires awareness of alternative options and their consequences, and awareness requires that people care enough to take the trouble to learn. Localization facilitates care because people who have an immediate connection with their food system can see its impacts "close to home," affecting people and places they know. But local food systems do not necessarily become RBFS, unless there is a prior commitment to ESCR or the awareness of food system impacts on people and place grows into care for their well-being and sustenance.

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