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REALIZATION OF THE RIGHT TO FOOD – POLICY INTERVENTIONS

To begin with, war, poverty, and structural inequalities negatively influencing the right to food and nutrition in times of multiple crises are one of the root causes of food insecurity in the world. It is explicitly proven by statistics of the increasing number of those struggling to feed themselves. FAO estimates that hunger affected between 691 and 783 million people in the world in 2022 [1]. Therefore, more and more countries are starting to pay more attention to the rights-based food system transformation.

The human rights perspective received prominent attention of global leaders since the establishment of the UN and the adoption of the Universal Declaration of Human Rights (UDHR). Initially included in Article 25 of the UDHR as part of the right to an adequate standard of living, the right to adequate food has since been legally guaranteed in a number of international instruments. The International Covenant on Economic, Social and Cultural Rights (ICESCR), as adopted in 1966 and ratified in 1976 guarantees the right to feed oneself in dignity and to be free from hunger. [3] Until now, the UDHR and the ICESCR together with the International Covenant on Civil and Political Rights form the International Bill of Human Rights.

At 1974 World Food Conference, governments examined the global problem of food production and consumption, and solemnly proclaimed that everyone has the right ‘to be free from hunger and malnutrition in order to develop their physical and mental faculties’. The Committee on World Food Security (CFS) was also established that year, being further reformed in 2009.

Table 1

Legislation for the right to food

Food security and nutrition laws	
Guatemala, 2005	India, 2013
Latin American and Caribbean Parliament, 2011	Cabo Verde, 2018
Sectoral laws	
<i>School feeding laws</i>	
Brazil, 2009	India, 2015
Latin American and Caribbean Parliament, 2013	Bulgaria, 2016
Cabo Verde, 2015	
<i>Family farming laws</i>	
Argentina, 2015	Burkina Faso, 2018
Latin American and Caribbean Parliament, 2016	Philippines, 2018
<i>Labelling and marketing laws</i>	
Chile, 2015	Nigeria, 2019
Thailand, 2017	
<i>Food loss and waste laws</i>	
France, 2016	Dominican Republic, 2016
Italy, 2016	Japan, 2019

Source: [2]

In 1996, the World Food Summit reaffirmed the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger and the Rome Declaration was adopted. The food sovereignty movement as represented by La Via Campesina was first introduced to the global community. Until these days, they advocate that individual producers and consumers should have the ability to define their agriculture and food policies.

According to General Comment 12, as issued by UN Committee on Economic, Social and Cultural Rights in 1999, the right to adequate food is realized ‘when every man, woman and child, alone or in community with others, has the physical and economic access at all times to adequate food or means for its procurement [4].

In 2000, the Human Rights Council (HRC) established the mandate of the UN Special Rapporteur on the Right to Food in order to respond fully to the need for an integrated and coordinated approach to the promotion and protection of the right to food and supporting a greater understanding of what Article 11 of the ICESCR entails [5].

The Special Rapporteur is to promote the full realization of the right by recommending policies to States for better implementation and by drafting thematic reports that help develop the normative framework. For example, in the latest report ‘Conflict and the right to food’, the Special Rapporteur, Michael Fakhri, outlines the destructive impact of different forms of violence (wars, conflicts) on food systems and human rights, specifically in relation to Russia’s war against Ukraine.

At the 2002 World Food Summit: five years later, the Intergovernmental Working Group was established and the following negotiations that were headed by FAO, as UN specialized agency mandated with the achievement of food security and nutrition. This resulted in the publication of 2004 Right to Food Guidelines that aim to guide FAO Member States on how to support the realization of the right to food through national policies, legislations and programmes on food security and nutrition through a human rights-based approach (HRBA) [6]. For instance, the Guideline 3 recommends that country’s strategies (i.e. policy interventions) to realize the right to food should:

- relate to poverty reduction strategies;
- address the needs of vulnerable and disadvantaged groups, as well as special situations (natural disasters and emergencies);
- integrate human rights perspective based on the principle of non-discrimination;
- increase productivity in a sustainable manner and revitalize the agriculture sector including livestock, forestry and fisheries targeting small-scale and traditional fishers and farmers in rural areas, and creating enabling conditions for private sector participation, with emphasis on human capacity development and the removal of constraints to agricultural production, marketing and distribution;
- consult with civil society organizations and other key stakeholders at national and regional levels, including small-scale and traditional farmers, the private sector, women and youth associations.

The year 2024 marks 20 years since Guidelines inception, and as of now we see that the right to food has been explicitly and implicitly enshrined in more than 30 countries in the world, invoking the ICESCR provisions [5]. Below we compare the position on the right to food of US, Brazil and India.

Table 2

Comparison of countries against Right to food attitude

Country	US	Brazil	India
Right to Food position	<p>The US “does not recognize any change in the current state of conventional or customary international law regarding the rights related to food. The US has signed the ICESCR in 1977 but has not yet become a State party.</p>	<p>Art.6 of Constitution: “Education, health, food, work, housing, transportation, leisure, security, social security, protection of motherhood and childhood, and assistance to the destitute are social rights, as set forth by this Constitution.” Brazil is a party to ICESCR in 1992 by way of accession.</p>	<p>The National Food Security Act, 2013 provides for ‘food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food grains at affordable prices to people to live a life with dignity’ India is a party to ICESCR in 1979 by way of accession.</p>

Source: made by author on the basis of [1; 7]

Amongst three countries, only **Brazil** has explicitly enshrined the right to food in its Constitution, **India** – has implicit references, but developed a set of national legislation (see Table 1), whereas the **US** Constitution does not contain any provisions related to the right to food. The US also opposes certain provisions of 2004 Guidelines citing that ‘actions against private actors are not provided for in the ICESCR or otherwise in international law’ [8]. As we see the position of US towards right to food approach is quite negative, nevertheless, the efforts have continued at the state-level to advance this right. For example, in 2021 Maine approved the first ‘right to food’ constitutional amendment that guarantees a “natural, inherent and unalienable right” to food [9].

With new challenges ahead and renewed public attention towards food security, the HLPE-FSN 18th report presents a new conceptual framework of the engine of equity for food security and nutrition (FSN) that includes the following parameters [10].

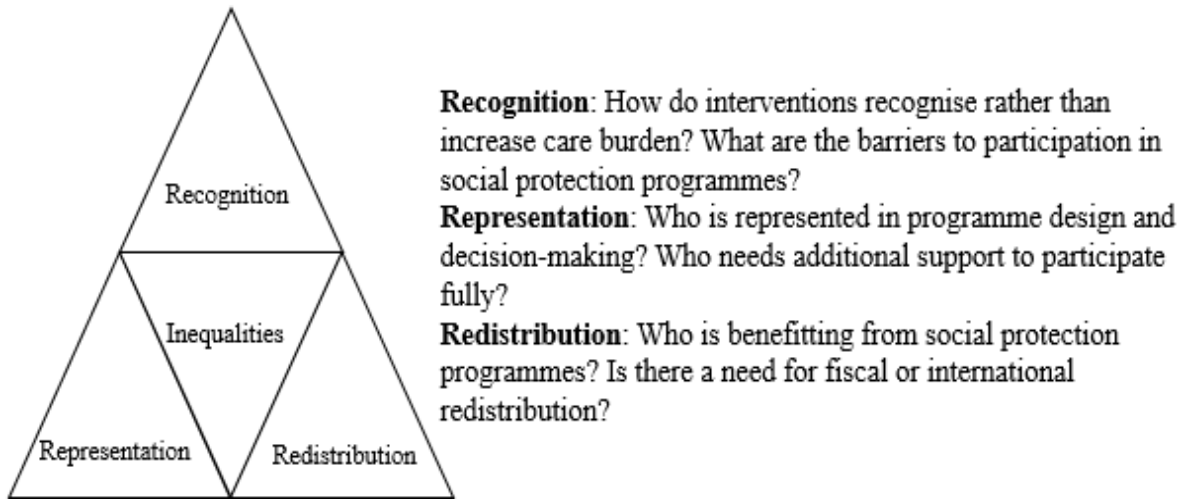


Figure 1. Engine of Equity for FSN

Source: made by author on the basis of [10]

In practice, these ideas should be reflected in the **policy interventions of the countries.** that are focused on the realization of the right of food. These interventions remain rather traditional and are grouped by Food and Agriculture Policy Decision Analysis (FAPDA) into three broad categories: consumer-, producer- and trade-oriented.

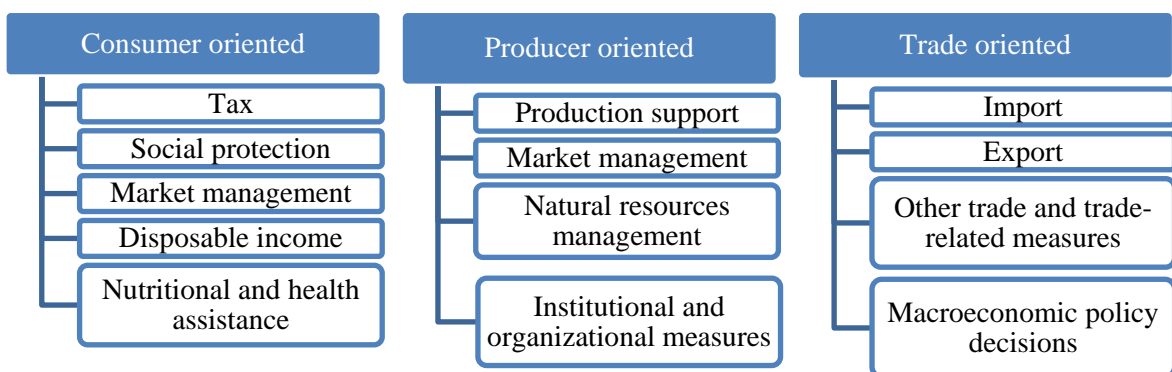


Figure 2. Food and Agriculture Policy Classification

Source: [11]

To conclude, for more than 75 years the international community have drawn particular attention to the right of food problem. However, the

problem of hunger can only be solved through the collective effort of national governments. And the countries themselves remain responsible for national food security through the application of the adequate policy measures.

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