

# Putting the Right to Adequate Food into practice – concepts and lessons

*The Voluntary Guidelines to support the Progressive Realization of the Right to Food have served the very useful purpose of placing the right to food squarely on the international development policy agenda. To avoid practice lagging behind theory, concerted efforts are required by governments, development agencies and donors to implement these Guidelines to accelerate the realization of the right to food at country level. Lessons learned from such learning by doing will help show how to put the right to food into practice.*

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The right to food has been recognized since the Universal Declaration of Human Rights in 1948 in a number of binding and non-binding legal instruments. However, practical guidance on its implementation was not available until November 2004 when, after two years of inter-governmental negotiations under the umbrella of FAO, the «Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security», were adopted by Governments.

Attention should now turn to realizing this right for which the Voluntary Guidelines will hopefully be a useful tool. However, because little has been done to apply the right to food in practice, only limited information is available on how to implement it. Guidance on how to put the right to food into practice has thus to be derived from key concepts which underpin it, and from experience in a limited number of countries where the right to food has been at least partially implemented.

## Key concepts

We consider four key concepts to be central to the progressive realization of the right to adequate food, namely:

- Recognition of rights and obligations;
- Empowerment and assistance;
- Emphasis on the hungry and poor;
- Universality.

Understanding the rationale behind and the practical implication of these concepts is a useful start to putting the right to food into practice.

**Recognition of rights and obligations.** Prevailing paradigms for economic policies and poverty reduction strategies assume benevolent governments responding to the needs of citizens by means of economic and social policies. The limitations of this approach-borne out by slow progress towards hunger and poverty reduction on a global basis-are widely recognized.

There is a clear need for innovative approaches in which political and legal frameworks allow people to articulate their needs and enforce the recognition and fulfilment of these needs by the state. Human rights based approaches to government policy and action provide such an alternative. They recognize the existence of legal entitlements of citizens, and of legal obligations of the State as duty bearer towards the former.

The added value of such approaches lies in enabling people to hold their governments accountable for policies and programmes conducive to recognized goals. In the case of the human right to adequate food, the obligations of the state to «respect», «protect» and «fulfil» this right provide a basis for holding those in public office accountable for what they have or have not done to ensure that all people have sufficient food of adequate quality and safety to live in dignity as active and healthy members of society.

Policies based on a human rights approach foresee that the socio-political system must enable the hungry and the poor to participate in the process of human development, rather than being passive recipients of benevolent action.

The constitutional and legal frameworks of many developed countries recognize state obligations which enable citizens to

## The Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food

The Voluntary Guidelines represent the first attempt by governments to interpret an economic, social and cultural right and to recommend actions to be undertaken for its realization. The objective of the Guidelines is to provide practical guidance to States in their progressive realization of the right to adequate food in the context of national food security. They cover the full range of actions to be considered at the national level in order to build an enabling environment for people to feed themselves in dignity and to establish appropriate safety nets for those who are unable to do so. The Guidelines can be used to strengthen and improve current development frameworks, particularly with regard to social and human dimensions, putting the entitlements of people more firmly at the centre of development.



Photo: FAO

The Voluntary Guidelines emphasize among others the right to everyone to provide for their own and their families' needs including food through own production or purchasing on the market.

meet their basic needs through access to some sort of safety net. Further legislation to realize the right to food may not be necessary in such cases.

Any state obligation to ensure the realization of the right to food through appropriate allocation of resources, programmes and projects finds its limits in the level of resources that can realistically be made

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available. The recognition of such constraints is implied in the obligation to realize the right to food «progressively». Moreover, tolerating the existence of hunger is very costly.

Clarification of the term «voluntary», as used in the Voluntary Guidelines, is required. The term voluntary means that the Guidelines as such «do not establish legally binding obligations for States or international organizations», i.e. that no state is obliged to implement them ( see also Preface of the Voluntary Guidelines, paragraph 9, FAO, Rome, 2005). However, a number of international treaties, notably the International Covenant on Economic,

Social and Cultural Rights – ICESCR – (151 State parties), recognize the right to food and make its realization an obligation. The Voluntary Guidelines are a useful source of recommendations about how the right to food can be realized through appropriate political, economic and social policies, ranging from good governance and institutions to measures to ensure access to productive resources, education and social safety nets, to name just a few.

**Empowerment and assistance.** It is important to correct the often held misconception that the right to food is essentially about the right to be fed. The Voluntary Guidelines instead place emphasis on the rights of individuals to an

enabling environment which empowers them to provide for their own and their families' needs, including food through own production or purchasing on the market. Thus, governments are obliged to ensure such an enabling environment by means of appropriate policies and programmes.

In addition, the Voluntary Guidelines recognize that people unable to provide for their minimum needs, such as victims of natural and man-made emergencies, and the economically marginalized, deserve special assistance. Assistance by means of food or other social safety nets is particularly important for such groups.

**Emphasis on the hungry and poor.** A right to food approach focuses on the hungry and poor who are unable to work to their full potential and thus cannot take advantage of income-earning opportunities. It also caters for those unable to provide for their minimum needs due to age, illness or emergencies. Such an approach recognizes that the hungry and poor are often excluded from policy decision making at all levels.

The Voluntary Guidelines recommend measures to overcome social and economic exclusion. Analysis that disaggregates data by geographic area, gender, or

### **The moral imperative of reducing hunger and poverty is undeniable**

From a political and social point of view, it has repeatedly been highlighted how alleviation of hunger and poverty manifested by too many people without perceived opportunity or hope in their lives, can contribute to reduction of social unrest and conflict. From an economic perspective, it is widely recognized that reducing hunger and malnutrition is an investment that can have significant economic returns as it leads to healthier and more productive individuals, in this way reducing the need for social expenditure and contributing to increased national output.

different livelihood groups, provides detailed knowledge of who the poor are, where they are located and why they are poor. Such information is essential to design effective hunger and poverty reduction policies and programmes, and to monitor their implementation and impact on the poor and food insecure.

**Universality.** The right to food, as addressed in the Voluntary Guidelines, applies to all people, rich and poor, and addresses all forms of inadequate and/or inappropriate nutrition, including under-nourishment, micronutrient deficiencies (hidden hunger) and over-nourishment as another manifestation of malnutrition.

There can be no doubt that a right to food approach should primarily focus on reducing all forms of hunger and thus contribute to reducing poverty. However, governments should be aware that the right to food could also apply to the challenge of over-nourishment. The latter, and the resulting spread of non-communicable diseases, is by no means limited to high-income countries with high average levels of calorie intake. It occurs also in poorer countries where hunger and over-nourishment are increasingly components of a double burden of malnutrition. In many cases, overcoming the cause of both forms of malnutrition is beyond the power of the individuals concerned and requires government action.

### Practical lessons

Political, economic and social constraints hamper many developing countries from realizing the right to food. It is thus encouraging that several developing countries display a clear willingness to undertake measures to accelerate progress towards realizing the right to food. These measures are mostly based on the key concepts already described and provide examples of steps required to put the right to adequate food into practice. We highlight positive experiences in three areas:

- legal protection,
- strategy, co-ordination and accountability, and
- awareness raising and capacity building.

**Legal protection.** Legal protection of the right to food is essential. Such protection can take different forms as long as individuals can claim access to adequate food as a right rather than as an act of benevolence. Countries' legislation protecting the right to food differs and there are various legal mechanisms by which individuals

can claim their rights. For example, in South Africa, the right to food is enshrined in the constitution, while in India the courts have interpreted the constitutionally protected right to life as encompassing a right to food.

Legal recognition of the right to food is not enough on its own. It needs to be complemented by other preconditions such as the rule of law, good governance and accountability. Efficient, accessible and affordable mechanisms for claiming the right to adequate food are also needed as well as an independent judiciary capable of exercising its responsibility.

Bold political will is a prerequisite to mobilize and inspire parliaments, administrations and civil society to protect the right to food. Presidents Lula of Brazil and Kabbah of Sierra Leone provide examples of inspirational leadership that has catalyzed action against hunger and poverty through a right to food approach.

However, political will does not flow from a vacuum. Politicians need to be convinced of the benefits of the right to food. The legal recognition of the right to food can itself help mobilize political will by creating political capital for national leaders. Indeed, legal recognition of this right enables leaders to entrench anti-hunger policies and programmes and place them outside the vagaries of day-to-day politics, thereby bequeathing a legacy of lasting insurance against hunger and unjust policies to their countries.

**Strategy, coordination and accountability.** Realizing the right to adequate food at country level can be greatly assisted by the existence of an overarching and integrated strategy that targets the hungry and poor through appropriate economic and social policies, at the same time, taking into account fundamental human rights principles such as non-discrimination, participation and inclusion, accountability and rule of law. Such a strategy would also recognize the interrelatedness and interdependence of all human rights, and ensure that efforts to combat hunger are integrated with measures to improve health, sanitation, education, etc. of the poor.

The principal elements of a right to food strategy would include:

- Identifying who and where the hungry are as well as the causes of their hunger.
- Assessing existing policies and legislative and institutional frameworks to ascertain their compliance with right to food obligations and principles and to identify problem areas. The causes rather than the symptoms of hunger should be addressed.
- Outlining food security policies and programmes directed at the four components of food security: availability of sufficient food in terms of quantity, quality and safety; regular access of all to this food; stability of supplies and of access; and adequacy of utilization of

Citizens must be aware of their rights. Education policies are needed to encourage people to use their rights.

Photo: FAO



the available food at household and individual level through adequate hygiene conditions and good care for those who cannot help themselves.

- Defining obligations of duty bearers at national, sub-national and local levels. Duty bearers should know about their obligations and be equipped to meet them.
- Establishing recourse procedures to enable victims of violations to claim their rights and to ensure that violations are adequately addressed.
- Putting into place effective monitoring to assess progress in implementing the right to food.

The implementation of such a strategy requires coordination across government ministries and offices at the national, sub-national and local levels. Clarifying the allocation of roles and responsibilities between the different sectors and levels of government leads to better accountability and more effective action.

While no country has yet put into place all these elements, progress made in Brazil shows what can be achieved. The government is promoting food and nutritional security by means of a multi-sectoral Zero Hunger Programme in which eight ministries are involved. Coordination of this programme which is housed in the Ministry of Social Development and Combating Hunger is facilitated by the National Food Security Council (CONSEA) made up of government and civil society representatives. Through the CONSEA, government and civil society are submitting a draft «National Food and Nutritional Security Framework Law» to the President of the Republic.

#### **Awareness raising and capacity building.**

Awareness raising is key to operationalizing the right to food. Citizens must be aware of their rights while public servants must be instilled with a clear consciousness of obligation. This is possible only through appropriate information and education policies that also encourage people to utilize their rights.

One of the functions of the South African Human Rights Commission is to develop an awareness of human rights among South African citizens. In Brazil the National Rapporteur's Office for the Right to Food, Water, and Rural Land conducts research on the implementation of the different rights, and reports on alleged violations. The right to food movement in India has organized a number of events, including public hearings, to raise awareness of the right to food.

Duty bearers and rights holders often lack the capacity to use the instruments available for the realization of the right to ade-

## Poverty and hunger are highly interrelated

A right-to-food strategy must recognize that hunger and poverty are closely interrelated. We tend to think of hunger mainly as a consequence of poverty, while in reality, the causality often applies in reverse. Poverty deprives people of the means to buy or produce food. Hunger and malnutrition cause enormous human and economic costs by adversely affecting the health and productivity of populations. Hungry children cannot learn and hungry adults cannot be productive and earn their living; they are trapped in a vicious cycle of hunger and malnutrition, illness and poverty. Measures to combat hunger directly are therefore needed.

To achieve the double objective of promoting longer term sustainable economic growth and immediate alleviation of poverty and hunger, FAO propagates a twin-track approach to food security. This approach combines investment in productivity growth for the poor, especially focusing on small holder agriculture and rural infrastructure, with the creation of social safety nets that provide the neediest with direct and immediate access to food (FAO, 2002: *Anti-Hunger Programme : Reducing hunger through sustainable agricultural and rural development and wider access to food*. Second draft, FAO, Rome 2002).

quate food. Capacity development using a rights framework requires that both rights holders and duty bearers are better informed and that institutions are established or reformed to enable communities and households as well as those in public and private spheres to realize the right to food effectively.

## Conclusions

Legal recognition of the right to food and empowering people to claim that right is vital. It can lead to a paradigm shift in the way policies are formulated and adjusted to the needs of people. It can in particular lead to more effective policies and people-centred programmes to combat hunger and poverty. This is the main conclusion from recent experience with implementing the right to food.

This experience highlights the importance of ensuring legal protection of the right to food within the context of comprehensive development and food securi-

ty policies and programmes that lead to the progressive realization of the right. Such an approach reinforces current development wisdom which emphasizes the importance of ensuring that the poor have a say in how services are provided, and for poor communities to be empowered to control the way money set aside for them is spent.

Strong political will and leadership is required to gain and maintain support for integrating the right to food into national policies and programmes. Politicians need to be convinced of the benefits of the right to food. The challenge facing all is to help mobilize this will by emphasizing the wide range of moral, political, social and economic arguments in favour of reducing hunger, and by showing how legal recognition of the right to food can provide lasting insurance, beyond political instability, against inappropriate and unjust policies that cause hunger and poverty.

The Voluntary Guidelines have served the very useful purpose of placing the right to food squarely on the international development policy agenda. To avoid practice lagging behind theory, concerted efforts are required by governments, development agencies and donors to implement the Voluntary Guidelines to accelerate the realization of the right to food at country level. Lessons learned from such learning by doing will help show how to put the right to food into practice and hopefully demonstrate the benefits of doing this.

### Literature on the legal and conceptual background of the Right to Food

For a good overview and relevant discussion see: Wenche Barth Eide and Uwe Kracht (eds), (2005); *Food and Human Rights in Development*: Vol. 1 Legal and Institutional Dimensions and Selected Topics. Intersentia, Antwerp-Oxford. See also K. Mechlem (2004); *Food Security and the Right to Food in the Discourse of the United Nations*. European Law Journal. Vol.10 No. 5, pp631–648. Blackwell Publishing Ltd. Oxford, UK.

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