



HUNGRY FOR JUSTICE

20 Years of the Voluntary Guidelines on the Right to Food Overshadowed by Increasing Hunger Crises

Twenty years after the adoption of the Voluntary Guidelines on the Right to Food, the global food situation presents a disturbing picture: More food is being produced worldwide than ever before.¹ At the same time, 282 million people suffer from acute hunger² and almost three billion people cannot afford a balanced diet. Nevertheless, progress is being made: Numerous countries have enshrined the Right to Food in laws and programs and the guidelines have become the basis for other international legal instruments. Recently, however, commitment has waned. New priorities absorb resources and implementation remains weak. Just six years before the SDG target date, governments must once again make the Right to Food a top priority and act decisively to achieve SDG2 after all.

THE DUTY OF GOVERNMENTS: FROM GUIDELINES TO ACTION

The adoption of the Voluntary Guidelines on the Right to adequate Food by 170 UN member states in 2004 was a historic breakthrough. For the first time, governments agreed on an interpretation of an economic, social and cultural human right and a catalog of measures for its realization. The guidelines provide states with recommendations on how they can implement the Right to Food through laws, policies and programs. This requires measures in various areas, such as securing access to land, seeds, water and other natural resources, promoting sustainable agriculture, nutrition education and consumer protection. The creation or reform of institutions and mechanisms for coordination, citizen participation and control of government action is also essential.

The guidelines call on governments to place groups such as smallholder farmers, Indigenous Peoples, women and children, who are most affected by hunger and malnutrition, at the center of their strategies. If people do not have access to food due to armed conflicts, extreme

weather events or other reasons beyond their control, states are obliged to provide them with sufficient food. To this end, social security programs should be set up, for example. The international community also has a duty to support low-income countries in implementing such measures within the framework of international cooperation, through fair trade relations and debt relief measures. In the event of crises and conflicts, states are obliged to ensure that civilians have access to food.

WHAT DOES THE RIGHT TO ADEQUATE FOOD ENTAIL?

The Right to adequate Food is a fundamental human right. It is realized "when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement" (UN Committee on Economic, Social and Cultural Rights, CESCR, General Comment 12, 1999). It comprises two aspects: firstly, the right to be free from hunger as a minimum core obligation of states and secondly, the right to be able to feed oneself in a balanced way through one's own efforts.

WHERE IS PROGRESS BEING MADE?

In the first ten years after the adoption of the guidelines, the focus was on national implementation. The Food and Agriculture Organization of the United Nations (FAO) created a unit on the Right to Food, which supports governments, parliaments and the judiciary with extensive material and advice on implementation in laws, policies and programs. The German Federal Government also promotes the Right to Food politically and programmatically. It played a key role in drafting the guidelines, continues to advocate for their implementation in international forums and strengthens the

1 <https://www.fao.org/faostat/en/#data/FBS/visualize>, accessed 13.08.2024

2 [Global Report on Food Crisis 2024](#), accessed 14.08.2024

Committee on World Food Security (CFS) as the guardian of this right. In the meantime, 42 countries have explicitly or implicitly enshrined the Right to Food in their constitutions. Numerous countries have adopted laws, policies, and strategies to implement the Right to Food.³

Brazil is still considered a pioneer in the fight against hunger and in progressive political action on the Right to Food. In the 2000s, the Brazilian government set new standards with its 'zero hunger' strategy. Cross-sectoral programs improved access to adequate food for disadvantaged groups, promoted smallholder agriculture, created income opportunities and social participation in political decision making. The National Council for Food Security enables civil society participation and control down to the municipal level. With success. Brazil disappeared from the FAO's hunger map in 2014 and continues to inspire food policy in many other countries.

Court cases also contributed to the implementation of the Right to Food, especially for food insecure population groups. In India, a Supreme Court ruling led to the passing of the National Food Security Act, which now legally entitles two-thirds of the Indian population to subsidized food and pregnant women and breastfeeding mothers to cash transfers. In addition, grievance redressal mechanisms have been enshrined in law to claim these rights if they are denied.

INNOVATION IN THE UN SYSTEM

Civil society actors have been instrumental in driving this progress. As an instrument of international law, the guidelines were and are an important reference for demanding and monitoring government action.

The innovative negotiation process of the guidelines, which enabled the effective participation of rights holders at United Nations level for the first time, was also a model for the reform of the Committee on World Food Security in 2009. Prompted by the global food, financial and economic crises of 2007/2008, the CFS was to become more relevant and capable of taking action. The realization of the Right to Food

was declared the basis of its work and the multilateral governance structure was changed so that solutions to world food problems are discussed with those affected rather than in isolation. A first within the UN system.

The guidelines on the Right to Food became fertile ground for other international legal instruments adopted by states within the UN framework. Milestones include the [Voluntary Guidelines on Tenure of Land, Fisheries and Forests \(VGGT\)](#), the [policy recommendations on linking smallholder farmers to markets](#), the [Right to Water](#) enshrined in international law, as well as the rights of Indigenous Peoples ([UNDRIP](#)) and peasants ([UNDROP](#)). These instruments and legal interpretations have concretized and further developed the guidelines and recommendations on the Right to Food and are now regarded as an 'advanced normative framework'.⁴ They are both testimony to the tireless struggle of the groups most affected by human rights violations and indispensable instruments for demanding the Right to Food.

LACK OF POLITICAL WILL

The standards by which state action to realize the Right to Food must be measured are thus defined under international law. State actors have a guideline as to what measures need to be taken in different areas and at different levels in order to enable millions of people to have a more dignified future. What is missing is the political will to implement them. Nepal, for example, is considered a model of implementation in normative legislation after the Right to Food was enshrined in the new constitution in 2015 and subsequently defined in a separate law - in accordance with international standards. However, the legal requirements remained obligations on paper for a long time. Only recently was a corresponding administrative regulation passed after years of delay, which had prevented the implementation of important measures such as the identification of food-insecure households and the creation of an implementation plan.

3 FAO: [The Right to Food around the Globe](#), accessed 21.08.2024

4 CFS 2024: [BurAG/2024/07/29/02b](#), accessed 14.08.2024

DEMANDING THE RIGHT TO FOOD ON THE GROUND

As part of its program 'Strengthening Rural Governance for the Right to adequate Food', Welthungerhilfe is working with partner organizations in Kenya, Malawi, India and Burkina Faso to demand progress on the Right to Food from their governments. Excluded population groups such as smallholder families, women and people with disabilities are advised on how to gain access to state social security programs or agricultural support, how to organize themselves and how to participate in local development planning. Civil society actors at regional and national level join forces in communication and advocacy to promote the anchoring and implementation of transparent and inclusive food policies in laws, institutions, and programs.



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**Mary Njeri Karanu,
Program Manager at Rural Outreach Africa, Kenya:**

It is people's responsibility to hold duty bearers accountable for the Right to Food. Advocacy is a marathon, it needs a lot of persistence. This succeeds when civil society organizations are not elite groups, but inclusive and representative of the most affected groups.

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[Here](#) you will find further case studies on the Right to Food from the work of Welthungerhilfe.

MULTIPLE CRISES AND POOR GOVERNANCE SLOW DOWN IMPLEMENTATION

In the meantime, low-income countries in particular are facing even greater challenges due to mutually reinforcing crises, above all armed conflicts, the climate crisis, the loss of soil fertility and biodiversity and the effects of the Russian war on Ukraine. The slump in growth as a result of the COVID-19 pandemic is still having an impact. People who are already living in poverty are feeling the consequences disproportionately.⁵ In addition, the debt burden has become unsustainable for many countries, leaving little leeway to cushion the drastic rise in prices for fertilizer, fuel, and food. Investments in adapting to the consequences of climate change, in more sustainable agriculture and in social security programs have had to be put on hold.⁶ Recent protests against planned tax increases in Kenya demonstrate the desperation of people who can no longer afford basic necessities such as food and fuel. At 42% of the national budget, the Kenyan state had to spend almost twice as much public money on debt servicing in the 2022/23 financial year as on investments in health, education, social security, and water/sanitation combined.⁷ However, governments in many highly indebted countries are also responsible for mismanagement, inefficient use of funds or corruption, for example in awarding of public contracts. They must therefore step up their efforts to use public funds transparently and be accountable to citizens.

NOT ONLY STATES HAVE A DUTY

States bear the main responsibility for implementing the Right to Food. However, private sector actors must also comply with human rights due diligence obligations in production, processing, trade, and marketing. Good agricultural practices and fair working conditions in agricultural production, both for export and local markets, can safeguard the living conditions of food-insecure groups in rural areas and create added value for local communities. Many companies source raw materials from food insecure regions, but do not take sufficient account of the Right to Food guidelines in their business activities. Violations of the Right to Food by companies are and remain an increasing threat, for example through the expropriation of land for large-scale plantations, the contamination of drinking water or large-scale reforestation projects for CO₂ reduction, which drive farmers off their land or cut them off from their traditional food sources.⁸ For companies based in the EU, compliance with human rights due diligence obligations in supply chains has at least been regulated by law at EU level since 2024. A comprehensive UN treaty on the human rights obligations of companies has also been available in draft form since 2023.

BLUEPRINT FOR THE TRANSFORMATION OF OUR FOOD SYSTEMS

The sustainable transformation of our food systems is an important lever for accelerating the realization of the Right to Food. At the same time, the Right to adequate Food emphasizes the importance of inclusive and participatory decision-making processes. It serves as a

5 Development Initiatives 2023: Inequality. Global trends. Factsheet, accessed 19.08.2024

6 UN Global Report on Food Crises 2023, accessed 14.08.2024

7 OHCHR 2023: Human Rights Based Analysis of Kenya Budget 2022-2023, accessed 14.08.2024

8 UN General Assembly 2019: Report of the Special Rapporteur on the human



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“I was marginalized and denied access to my father’s land because I’m a woman. All hopes were gone for me. It was only with the passage of the Traditional Land Rights Act that I regained my dignity and my right to my land. I’m glad I was able to fight in court for my right to own and use the land.”

Marie Olimbo Sesay, Land Owner, Port Lobo District, Sierra Leone

guideline to ensure that those directly affected by food insecurity and malnutrition have an effective voice in shaping policies and strategies. Only when they have access to relevant information and mechanisms can they hold governments accountable and demand food policies that respect and protect their Right to Food. However, such inclusive governance processes are still wishful thinking in many countries.

GEOPOLITICS BEFORE HUMAN RIGHTS?

In conflicts, the Right to Food is violated in many ways and is increasingly being ignored in favor of other geopolitical interests. The hunger crises in Gaza and Sudan show that the international community is not even succeeding in fulfilling its minimum obligation, namely, to ensure that people do not suffer from hunger. People are being forcibly displaced and access to humanitarian aid is limited or non-existent. Vital infrastructure such as water and energy supplies, hospitals and schools are being destroyed. Economic infrastructure and fields are rendered unusable, livestock is killed, and livelihoods are destroyed for decades to come. The return of forcibly displaced people is made more difficult by land being confiscated in the interim. The consequences of destruction are therefore felt far beyond the end of the conflict. People in conflict areas must be more involved in humanitarian measures as actors in forward-looking policies for peace and reconstruction, instead of just being passive recipients of aid.⁹



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“The government support program for agricultural inputs is very important for our fight against hunger. The accountability work has made us aware of our legal rights and the grievance mechanism we have set up gives us the opportunity to voice our concerns. This has helped us a lot to ensure that the authorities are aware of the issues and provide the necessary support.”

Joshua Mambo, chairman of a village development committee in Mangochi District, Malawi

rights to safe drinking water and sanitation, accessed 26.08.2024; Business&Human Rights Resource Centre 2023: Kenya: Ogiek community allegedly evicted to the benefit of planned carbon projects in the Mau Forest, accessed 26.08.2024

9 HLPF 2024: New Issues paper: Conflict-induced acute food crises: Potential policy responses in light of current emergencies, accessed 14.08.2024

WHAT NEEDS TO BE DONE?

The State of Food Security and Nutrition Report (SOFI) 2024 published in July shows that figures on hunger have been stalled at an elevated level for three years. This is a sign of the global community's repeated failure to realize the Right to Food. At the plenary session of the Committee on World Food Security next October, the progress and obstacles in implementing the guidelines will be discussed and assessed. It is already clear that twenty years after the adoption of the Voluntary Guidelines and only six years before the SDG target date, states and multilateral actors must once again prioritize the Right to Food and pursue a determined agenda for its implementation.

Governments must put the Right to Food back at the center of their political action by integrating the advanced normative framework into laws, regulations and institutions. This also includes the establishment of transparent monitoring systems and accountability mechanisms. This is the only way to monitor and remedy violations of the Right to Food, including those caused by poor governance.

Governments must resolutely promote the implementation of policies and programs on the Right to Food. Public investment decisions should be guided by the Right to Food by prioritizing measures such as the promotion of sustainable, regionally and locally based food systems for the benefit of smallholder farmers or social safety nets to protect poor consumers. The Brazilian G20 initiative 'Global Alliance against Hunger and Poverty' offers a promising platform for cross-country exchange and the scaling up of successful approaches.¹⁰ National strategies for transforming food systems, such as the National Pathways, must be based on the Right to Food and thus on the needs of marginalized groups and be equipped with clear goals, timetables and monitoring mechanisms.

Donor countries and UN organizations should make the Right to Food a focus of their cooperation. With financial resources and expertise, they can support states in enshrining this right in national laws and implementing programs. At the same time, civil society actors must be strengthened in order to exert political influence and hold governments accountable. The FAO should expand its human rights-based approach, adequately and more robustly staff its Right to Food Unit and strengthen expertise in regional offices. FAO member states should support these efforts with sufficient core funding. In line with the progressive approach in the guidelines, Germany should consolidate its commitment to the Right to Food and not let up in the next legislative period.

¹⁰ A comprehensive assessment of Welthungerhilfe on the 'Global Alliance against Hunger and Poverty' can be found in our [statement](#).

Governments should adopt and enforce a comprehensive and binding legal framework for private sector actors at global level to ensure that companies comply with their human rights due diligence obligations along their entire value chain and implement improvements. Germany should advocate for the implementation of strong legislation on corporate human rights due diligence at EU level as part of the Green Deal and at UN level and ensure that the Right to Food is explicitly included. In order to promote the Right to Food in agricultural value chains, companies should apply the Food Security Standard in addition to other sustainability certifications.

International financial institutions, governments and donors must urgently address the debt crisis, which is robbing poorer countries of the financial leeway to realize the Right to Food. Germany should advocate a swift reform of debt management mechanisms so that critically indebted countries see an easing of their debt burden quickly and in a coordinated manner. This could include debt restructuring, debt swaps and debt relief.

Governments should strengthen inclusive and participatory food policies at all levels - from local to international. Legislative structures with inclusive and equitable participation mechanisms have proven to be a success factor in implementing effective food policies. Governments should promote participatory platforms such as citizens' councils and provide them with clear mandates, decision-making powers, and budgets to ensure meaningful participation of rights holders.

States must strengthen the enforceability of the Right to Food at all levels in order to counteract impunity for violations. To this end, all actors in the legal system should be sensitized to the Right to Food and related legal entitlements. National human rights institutions must be institutionally strengthened and equipped with resources and expertise so that they can effectively review and enforce entitlements. Civil society actors need support to coordinate their work and build their capacities so that they can effectively use national and international review mechanisms and claim the Right to Food in the public interest.

All states are obliged to respect and protect the Right to Food and international humanitarian law, even in conflict situations. Governments and UN organizations should initiate measures to strengthen the link between international humanitarian law and the Right to Food and exchange between the respective actors. All parties involved, including the German government, must exert pressure on conflict parties to comply with their obligations under international law and not use hunger as a method of warfare. Germany must fulfill its extraterritorial state obligations and ensure that political decisions (e.g. the supply of weapons to conflict parties) do not violate people's Right to Food.

Bonn/Berlin, September 2024

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