

20 Global Food Systems in Crisis

A Human Rights Approach

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Introduction

The global governance of food systems is a highly complex, multilevel and multidimensional structure involving numerous sectors, players and policy domains (McKeon 2021: 48–55). Although food security and ending hunger are important global goals, the current structure of global governance is not capable of solving those problems. Hunger and malnutrition have been gradually rising since 2014, and the COVID-19 crisis has pushed those rising rates to even higher levels while also exacerbating all forms of malnutrition, particularly in children (McKeon 2021). The 2022 annual report of the United Nations Food and Agriculture Organization (FAO), entitled *The State of Food and Nutrition Security in the World*, indicated that the number of hungry people had reached 828 million (FAO 2022). Currently, the war in Ukraine is further disrupting global food supply chains and creating the most severe global food crisis since World War II. Given this adverse impact of recent multiple crises to reach target No. 2 of the UN Sustainable Development Goals, ‘Zero Hunger’ does not seem to be viable until 2030.¹

At the same time, the world’s agriculture already produces food to feed more than seven billion people. In other words, while the world population doubled between 1961 and 2003, global food production increased by 2.5 times, increasing the average per capita availability of food (Sage 2022: 11). Nevertheless, over a billion are chronically hungry, and three billion face all forms of malnutrition—namely, undernutrition (wasting and stunting in children), micronutrient deficiencies and obesity (Global Nutrition Report 2022). This stark reality makes it obvious that the availability of food in and of itself does not provide accessibility and does not necessarily reduce hunger or increase nutritional health. To correct such a mismatch, the international community searches for an effective food governance system (McKeon 2015a: 89).

Food insecurity is not mainly a technical problem but presents multiple challenges and requires comprehensive remedies. Many recent reports point out those challenges as increasing pressure on natural resources, economic shocks, conflicts, climate change-induced extreme weather events and natural disasters, as well as population increase, poverty and inequality. Ironically, most people who suffer from hunger, malnutrition and poverty are concentrated in rural areas and work in the food and agriculture sector, producing much of the locally consumed food.

At the same time, a few powerful corporations control globalised food production and trade (Clapp 2023: 2). Industrial agriculture boosts production in the short run, but in the long run, it not only creates serious environmental problems but does not solve

hunger and malnutrition. This approach has also resulted in hurting local food systems and ignoring small-scale farmers and producers. Additionally, these small-scale food producers have not always been welcomed as full participants in the discussions about reforming food systems (Global Governance Institute 2022).

In the processes of globalised food systems, the public sector is gradually losing its regulatory power against global trade rules, and activists are also losing ground in defending the right to food and promoting local food systems (Global Governance Institute 2022). These trends indicate that current global food governance most often excludes large groups of traditional players in favour of a few powerful ones. As a result, food security has become highly politicised both at the national and international levels by the involvement of multiple actors and ideologies. Building a common understanding about achieving food security for all is urgently needed yet hotly contested.

In September 2021, UN Secretary-General Antonio Guterres organised the Food Systems Summit (FSS) to discuss the ‘broken food systems’, a common term used by many in the field. He demanded transformational changes to reach the Zero Hunger goal by 2030. However, instead of arriving at a common understanding and reaching a solution, the Summit exposed significant ideological differences in policy domains. This controversy around the FSS reveals the difficulties of achieving democratic global food governance, given the increased food insecurity of our time and deeply contradictory views about how to transform the food system.

The right to food is an important part of this debate. After seven decades, the international human rights system, especially the *Covenant of Economic, Social and Cultural Rights* (ECHR) has still to be fully implemented. Furthermore, it is much neglected, as compared to the protection accorded to civil and political rights (Courtis 2007: 317–37; Elver 2016: 27). Undermining the human rights system, specifically the right to food and other relevant rights, presents a major obstacle to eliminating hunger and malnutrition and serves to destabilise the pursuit of overall human security as well.

There are two dominant views to respond to how to transform these current multilayers, multi-actors and multi-ideological features of global food governance. One dominant view is a production-oriented, neo-liberal market model that supports globalised food systems. This view is promoted by powerful states, the private sector, industrial-scale producers and global food trade promoters. The second is a human rights-based approach to food security and nutrition that promotes the right to food and nutrition, including women’s rights, food workers and peasants’ rights. This latter approach supports small-scale farmers and producers, prioritises self-sufficiency and local markets, defends agroecology and food sovereignty.

These conflicting views recently surfaced during the 2021 UN Food System Summit and still continue to plague various global food governance platforms. There is an urgent necessity to discuss these two views in a democratic setting and find complementarities and trade-offs to find solutions that are acceptable to all.

This chapter argues that transformation of global food systems will not be achieved unless the substantive and procedural principles of the human rights system are integrated into global food governance. The chapter begins with an overview of the history of global food governance since World War II, highlighting the roles of the Rome-based institutions of the United Nations, such as the FAO, the World Food Programme (WFP), the International Fund for Agricultural Development (IFAD), and the Committee on World Food Security (CFS)—the major players in food policy governance—as well as new actors, such as the private sector, civil society and philanthropic organisations.

Following this initial exploration, the chapter will examine several global food crises which expose their impact on the institutional structure of global governance. Next, the chapter will discuss the legal and political developments of the right to food and their influence on food security over the years. The challenges and opportunities implicit in the human rights-based approach to global food governance will be highlighted, given the role of small-scale farmers and global social movements which have responded to the imperatives of justice and equality. Finally, the chapter concludes with key recommendations for the transformation of food systems to become sustainable, resilient, just, and equitable.

A Short History of Global Food Governance

At present, there is no global governing body that takes into account the entire spectrum of food systems. Food security crosses paths with other areas of governance, such as human rights, health, environment, climate, gender, social protection, development, and trade policies. As a result, 'global food governance is a contested regulatory space composed of competing institutions, actors and bodies that have been layered one on top of the other over time, in order to promote various ideologies and agendas'. (de Haen and MacMillan 2010: 7). There are key institutions and players that shape and play a role following their own points of view in this complex system. For instance, financial organisations (World Bank and the International Monetary Fund) support market-oriented agricultural and rural development projects. The Rome-based institutions (FAO, WFP and IFAD) in general emphasise food security in the Global South, food aid and support smallholder farmers. Human rights institutions, such as the Office of the High Commissioner of Human Rights (OHCHR) and UN Special Rapporteur on the Right to Food focus on human rights prioritising vulnerable groups among the various food system players. In recent years, supranational entities, such as the European Union, the G-7 and G-20 intergovernmental platforms, have included food policies in their agendas, especially during crises.

The Creation of the UN FAO and Multiple Food Crises

The first attempt was made in the aftermath of World War II, with the establishment of a permanent international institution to respond to hunger and famine in Europe, which threatened both national and international security (Philips 1981: 3).

The tasks of the FAO were initially very broad in scope and the agency was given significant power and authority to influence national and regional food production policies, to pioneer technical assistance and scientific research and to coordinate intergovernmental food aid (International Panel of Experts on Sustainable Food Systems 2020). Over the years, however, those responsibilities were gradually removed from the FAO's domain by powerful state actors and given to various other institutions. The United States was unwilling to allow such an effective institution to dominate global food policy and trade singlehandedly (*ibid.*).

The decade of the 1970s was characterised by the debate between the developed and developing countries concerning various global issues, and the United Nations opened its doors to public participation and more democratic discussion.

The early 1970s also witnessed a multi-year global food crisis caused by widespread drought, massive Russian grain purchases, rising oil prices, low harvest yields, low grain

stocks, high food and fertiliser prices, and food export restrictions. There were repeated food riots in Bangladesh and India. In response to the crisis, the UN *World Food Conference* was convened in 1974 to boost production and agricultural inputs in developing countries, support food trade, and protect the poor through food aid (Horton 2009: 31). The conference also established new institutions: Finance and investment work was removed from the FAO and given to the IFAD agency; responsibility for humanitarian aid and assistance went to the WFP. As a result, the FAO's role as a dominant institution for food security and agriculture was dramatically diminished, and these initiatives led to the fragmentation of multilateral food and agricultural systems with overlapping bureaucracies (IPES Food 2020).

There was a sharp disagreement about the reasons behind the food security between developed and developing countries. The former framed the crises as a technical problem, with the solution being food aid, while the latter insisted that the problem was overconsumption on the part of the Global North, colonial underdevelopment and a new international economic order, supposedly based on more equitable relations of trade (Canfield 2022: 163).

In the 1980s and 1990s, the neo-liberal economic order gained in strength, and export-oriented agricultural policies dominated global food markets. In addition, structural adjustment programmes and market-oriented reform policies—eliminating price controls, deregulating capital markets, lowering trade barriers, privatisation, and austerity measures—were favoured by the international financial organisations.

In the process, the corporate world gradually gained influence over global food systems, while hunger and malnutrition continued to increase. These developments led to increased global and civil society activism in reaction to the institutionalisation of economic globalisation. This environment of conflict led to the convening of the World Food Summit (WFS) in 1996. This was one of the several global UN conferences which followed the end of the Cold War in which social policies, including human rights, gained prominence. At the Summit, a powerful international agrarian movement, *La Vía Campesina*² prominently represented rural communities against powerful global players and demanded food sovereignty.³ The Summit ended with a declaration favouring the right to food.⁴ In the 2000s, two developments occurred simultaneously: on the one hand, the civil society was working to institutionalise the right to food by developing inclusive, universal voluntary regulations; on the other, states were starting to favour market-based neo-liberal policies for production-oriented food security policies.

In 2007–08, a second food crisis occurred, and as a result, problems similar to those of 1974. The only significant difference between the two was the increased production of biofuel in response to commitments made to reduce greenhouse gas emissions in developed countries. The second crisis showed that the market-based approach did not eliminate hunger and did not bring about food security, especially in the net food-importing countries. It was the first alarming sign that financialisation and global trade-based food systems were a real danger in developing countries. Many governments became net food importers, and when global food prices began to spike alarmingly, disaster ensued. From Africa to Asia to the Middle East, the crisis spawned major political uprisings in many developing countries (McMichael 2009: 2). For many, including World Bank, this crisis was not only a learning experience but demonstrated that agriculture was of critical importance for development and not a 'backward' sector to be abandoned. Moreover, food security was the major driving force for peace and national security.

2009 Reform of the CFS

As had occurred an earlier crisis, the international community suggested a governance model rather than adequately address the structural issues (McKeon 2015a: 105). In 2009, the CFS was reformed and renewed as a progressive, but this time as an inclusive, multi-stakeholder global policy platform (UN Committee on World Food Security 2009). The reformed CFS went beyond the usual protocol of UN institutions featuring government representatives to include both civil society and the private sector in the decision-making process. Featuring the two principles of evidence-based decision-making and inclusivity, the new CFS was the first—and still is the only—intergovernmental body in the UN structure (Canfield 2022: 158). However, power imbalances between transnational civil society and private sector mechanisms continue to create controversy (Clapp and Cohen 2009: 3).

Producing and adopting various voluntary guidelines and guiding principles on food security and nutrition, the CFS made an important contribution to global food governance.⁵ Those guidelines enhanced the democratic and participatory structure of the CFS and gave it greater legitimacy. Nevertheless, it is still the responsibility of governments to implement such principles, as all the guidelines are voluntary, and there is no global governing body to monitor implementation and enforcement. However, the CFS suffers from important limitation, namely the lack of capacity to legislate at the global level to promote food security (McKeon 2015b: 329). Given the multiple crises and strong ideological differences among the various players in the food system, the CFS must be equipped with the power, authority and resources to act effectively on critical issues in order to solve hunger and malnutrition crises.

UN Food Systems Summit (UNFSS) 2021

Over the years, the United Nations has played an important role in shaping global food governance. The Summits of 1974, 1996, 2002, and 2009 each had their own momentum but shared one feature: ‘intense clashes over power’ (Canfield, Duncan and Claeys 2021: 155). The structures and outcomes of each Summit were shaped by the dominant themes of the historical period, such as globalisation, deregulation, market liberalisation, and competing interests among countries, as well as those between transnational corporations and civil society actors. Throughout the past four decades, corporate power became more concentrated, increasingly dominated global food markets, supported neo-liberal trade regimes and boosted production, while civil society movements managed to establish a solid global network focusing on the structural causes of hunger and malnutrition and supported human rights and food sovereignty as a solution. This controversy was very evident at the onset of the 2021 UN Food Security Summit.

Unlike the earlier ones, UNFSS was organised by the UN Secretariat and the World Economic Forum (WEF). This had been seen as a sign of the close relationship between the United Nations and transnational corporations and designed to promote market-oriented forms of governance, and technology-driven approaches to food systems, as exemplified such powerful philanthropic organisations as the Bill & Melinda Gates Foundation and the Rockefeller Foundation. It was also interpreted as a sign of competition between the UN headquarters in New York and Rome-based institutions concerning global food governance (Fakhri, Elver and de Schutter 2021).

The FSS prioritised innovations and technological solutions, instead of including diverse knowledge sources, and gave little space to the right to food, which had been a dominant principle of the previous UN Summits since the FAO's endorsement of the Voluntary Guidelines on the Right to Food in 2004 and one of the primary principles in the CFS reform document in 2009.⁶

Transforming the Global Food Governance Through the Human Rights Approach

Eliminating hunger and malnutrition is the fundamental aim of global food governance. However, hunger and malnutrition have no single, monolithic cause. A complex range of factors influence a society's ability to have food security. A right-based approach is one of the tools that emphasises a state's legal obligations under international law to eliminate hunger while protecting future generations and the health of the planet. The following section highlights the development of the 'right to food' in the UN system and the steps that must be taken to advance global food governance through a right-based approach.

Development of the Right to Food in the UN System

The right to food was first recognised in the 1948 Universal Declaration of Human Rights (UDHR) Art.25, which referred to 'an adequate standard of living'.⁷ Without being legally binding, and purely aspirational, the Declaration achieved the status of customary international law. Then, the UN Commission on Human Rights was tasked with developing a new legally binding agreement that would elaborate on the rights enumerated in the Declaration.

Adopted in 1966 and entered into force in 1976, the International Covenant on Economic, Social and Cultural Rights (ICESCR) was signed and ratified by 170 states that agreed to take steps to maximise available resources in order to progressively achieve the full realisation of the right to adequate food, both nationally and internationally.⁸ Article 11 of the ICESCR obligated states to ensure that everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and guaranteeing the right to be free from hunger (Elver 2016: 12). The right to food was also recognised in the major human rights conventions and a number of national constitutions, a clear recognition that states are duty bound to regard all persons as rights holders, and not as passive recipients of charity.⁹ There is a fundamental difference between a legal entitlement and a generalised affirmation of a charitable or moral responsibility. Accordingly, states must ensure that adequate institutions and avenues exist so that rights holders can hold them accountable for rights violations and secure remedial relief for themselves.

Nevertheless, the right to food is frequently subject to criticism because of its indefinable, undeliverable and non-justiciable nature. However, there is no doubt that the right to food is undeniably a fundamental human right. Starting from two years after the ICESCR entered into force, in the 1980s, efforts surrounding the right to food slowed down, leaving the issue dormant for much of the decade. States were reluctant to implement the right to food at the domestic level, even in conditions of an imminent threat of hunger and food insecurity, as well as the 1984–85 drought and famine in Ethiopia.¹⁰

This inaction changed in the November 1996 WFS. As mentioned earlier, this was a watershed moment for the right to food. The Rome Declaration of the WFS, which

formally adopted the concept of the ‘right to adequate food’, recognised the ethical and human rights dimensions of food security and reflected the emerging ‘right to food’ approach in social and political agendas (FAO 2002). Unlike the 1974 First Food Conference, which was focused only on production and consumption, the 1996 WFS tackled the multidimensional nature of food security by addressing the accessibility, availability, stability, and utilisation of food (FAO 1996).

One of the critical outcomes of the WFS was the invitation of the newly established UN High Commissioner for Human Rights to ‘propose ways to implement and realise these rights’. In 1999, the UN Committee on Economic, Social and Cultural Rights formulated the normative content of the right to food in *General Comment No. 12*. It defined three sets of state obligations:

- Respect: No interference with the enjoyment of the right to food for those who are able to feed themselves or have access to food by some means or another.
- Protect: Governments should control private actors to prevent their actions from violating the right to food.
- Fulfil: States must proactively engage in activities to strengthen peoples’ access to and utilisation of resources.¹¹

This was considered a response to the complaints of member states on how to interpret and apply Article 11’s seemingly abstract principles to real-life situations.

The year 2000 was another turning point for the right to food, as it marked the establishment by the UN Commission of Human Rights of the position of UN Special Rapporteur on the Right to Food and also the creation of a Right to Food Unit at FAO. These two efforts for institutionalising the right to food at the global level not only motivated actions by like-minded countries and UN institutions but strengthened the basis for an alliance between the right to food and food sovereignty movements.

As mentioned earlier, a third positive step was taken in 2004 with the adoption by an Intergovernmental Working Group under the auspices of the FAO Council of the Voluntary Guidelines to Progressive Realization of the Right to Adequate Food in the Context of National Food Security.¹²

Although neither document is legally binding, both carry authoritative commentary and guidelines endorsed by member states with consensus linking food security and nutrition with the right to food. They constitute the most comprehensive human rights documents that bring clarity to normative and procedural human rights standards for the elaboration and implementation of a rights-based approach to food security policies and programmes. These are participation, accountability, non-discrimination, transparency, human dignity, empowerment and equality, and the rule of law (Golay and Buschi 2012: 15).

After these developments, over 30 countries *explicitly* and some 54 countries *implicitly* recognised the right to food in their constitution.¹³ However, there is a significant gap between law and implementation and states continue to neglect economic, social and cultural rights, particularly the right to food.¹⁴

While a human rights-based approach is a vital policy tool for eliminating hunger and malnutrition, institutions which are ineffective, inefficient or corrupt cannot deliver this result. It is widely agreed that the quality of institutions has a significant impact on a state’s economy and the level of food security enjoyed by its population (Ramanujam, Caivano and Abebe 2015: 13–14). Moreover, institutions cannot be effective without

corresponding mechanisms for monitoring and accountability at both the domestic and international levels. Therefore, the UN human rights system provides several mechanisms for monitoring state compliance, as does the Special Procedures of the Human Rights Council (HRC), including universal periodic reviews, Special Rapporteurs and individual complaint procedures. Special Rapporteurs as human rights experts serve a unique role as monitors of compliance and accountability. Appointed by the HRC, Special Rapporteurs are independent of any institutional affiliation or government and work pro bono. But their reports carry the same legal weight as those of other UN reports. The first Special Rapporteur on the Right to Food was appointed in 2000. Since then, four others have been appointed by the HRC, and each has had a six-year term and published multiple reports covering a wide range of specific themes, including country mission reports. As of October 2022, there are 45 thematic and 14 specific country human rights experts.¹⁵

Although all human rights are universal, equally protected, interdependent, and interconnected, there is still a wide gap between civil and political rights and economic, social and cultural rights regarding justiciability and complaint mechanisms. In 2013, the long-awaited Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) entered into force, bringing complaints to the international level from those who experience violations of their economic, social and cultural rights (UN General Assembly 2008). Unfortunately, state parties have been reluctant to implement the complaint mechanism, and thus, the protocol remains mostly dormant.

Challenges of Implementing a Human Rights Approach

As mentioned earlier, there is a big gap between two sets of rights in favour of civil and political rights concerning justiciability and implementation. During the Cold War, the two sets of human rights were the main disagreement between the East and the West. The legacy of the Cold War, unfortunately, is still alive and continues to this day. This is partly due to the fact that the United States insists on making a distinction between civil and political rights on the one hand and economic, social and cultural rights on the other. For instance, the United States did not ratify the ICESCR and formally recognises only negative rights. In every international platform, when the right to food came to the agenda, the United States representatives made reservations about why the United States voted ‘no’ for the Resolution on the Right to Food in the HRC. The rejection of the United States’ Right to Food Resolutions of the HRC is indicative of why the human rights-based approach is not easily applicable to solving many food security issues.¹⁶

Over the years, this argument became even more powerful as economic, social and cultural rights placed additional financial and practical burdens on developing countries. However, the ICESCR recognises ‘progressive realization of economic, social and cultural rights’, meaning that states are only responsible if they have available resources to achieve the right to food.¹⁷

Ethics philosopher Henry Shue rejects making an oppositional dichotomy of negative and positive rights, arguing that *basic rights*, such as the right to food, are ‘an essential and necessary condition to the enjoyment of all other rights’ (Payne 2008: 2). Similarly, Amartya Sen argues that ‘there is strong evidence that economic and political freedoms help to reinforce one another, rather than being hostile to one another’ (Sen: 5). Using international human rights law in the case of the right to food still remains contentious

in countries such as Canada, the European Union and the United States, which claim that the right to food is not justiciable and that international mechanisms for expressing individual grievances are limited. Some states also are reluctant to bring interdependency of all human rights. For instance, during the CFS discussions in Rome, representatives of the Russian Federation were consistently against bringing women's rights to food security, insisting that women's rights have no place in food security institutions. Such state behaviour indicates that despite the spirit of the Sustainable Development Goals 2030, which emphasise breaking the silos among various issues, fragmentation of global governance in UN institutions still exists. Institutional fragmentation and silos within and between the Rome-Based Institutions and Geneva-based human rights organisations and their mechanisms have further weakened efforts to mainstream human rights into the food policy agenda.

In recent years, human rights have been under attack due to emerging nationalism, populism and predatory global capitalism. Unfortunately, world powers are retreating in their historical commitment to human rights. Consequently, United Nations institutions are experiencing extreme financial shortfalls, especially the HRC and regional human rights mechanisms, such as the Inter-American Human Rights System.¹⁸

Ultimately, powerful states, together with a few transnational corporations, control food and agriculture trade under free market rules, blocking the right-to-food approach in every global platform. Moreover, regardless of the existence of a right to food in international law, even mainstream human rights organisations such as Amnesty International and Human Rights Watch do not perceive hunger as a human rights violation, in part because of justiciability discussions in international human rights law, and also because these organisations are reluctant to challenge directly the existing economic system (Monsalve 2021:13–18). In other words, the 'right to food' is accepted as a moral and rhetorical principle, but it should not go beyond that and implicate legal entitlement for states (Jurkovich 2020: 169).

Another shortcoming of traditional anthropocentric principles of human rights is undermining the right of nature. Right to food cannot be sustainably realised without paying due regard to the protection of natural resources and nature itself. The indigenous peoples are among the first to have challenged the limited conceptual framework of human rights. Peasants, family farmers, fisherfolk, pastoralists, and other rural people joined the indigenous peoples in support of the idea of including in the human rights-based approach the right to food, land, water, and seeds (Monsalve 2021: 14). Finally, as a result of an effective campaign from civil society the UN Declarations on the Rights of Indigenous Peoples (2007) and the Declaration on the Rights of Peasants (2018) were recognised by the United Nations General Assembly.

Whether developing or developed, some states, for different reasons, are reluctant to implement human rights-based approaches to food security policies because it constrains them, as a mandatory obligation, to be 'duty bearers'. Corporations are also reluctant to be held accountable for their human rights violations, except 'voluntary corporate social responsibility'. Such a weak regulation simply reinforces the philosophy of the food production industry that enables corporations to profit from the do-good motto 'feeding the world' while simultaneously undermining any unintended—or even in some cases intended—consequences of the violations of human rights and right of nature. This limited approach leaves no room for normative considerations. It exacerbates inequality and poverty and undermines self-sufficiency, sustainability and agroecology, as well as many other policies that are part and parcel of a human rights-based approach.

Current Multiple Crises and Suggestions to Improve Global Food Governance

Besides increasing food insecurity, the world is currently facing complex and interdependent challenges, such as health crises, protracted conflicts, migration flows, high inflation, economic recession, deep inequalities, energy shortages, depletion of natural resources, environmental pollution, and climate change. Since the war in Ukraine, the international community has paid greater attention to avoiding catastrophic consequences of food insecurity in several countries. UN organisations, including IMF (Georgieva 2022), World Bank,¹⁹ as well as the WEF are issuing warnings to the international community of the prospect of rising food, fuel, and fertiliser prices to historic highs and extreme weather events and heat waves hindering efforts to develop alternative modes of production and search for new markets. The FAO is reminding the international community of the 2007–08 food crisis and advises countries to maintain open trade, support vulnerable households, ensure sufficient agricultural supply, and diversify the production (Torero 2022). Similarly, international financial institutions and global leaders convened an action plan to address financing pressures.²⁰

The FAO urged global leaders to halt stockpiling and export restrictions on food and to provide financial assistance to countries and people struggling with food insecurity. Some countries tried to create regional food hubs and prioritised local markets rather than relying on global food systems. Especially long-term dependency on Russia for grain and fertilisers made the business community think about alternative methods to avoid future problems.

The UN Secretary-General and other high-level UN officials constantly remind world leaders to act decisively and effectively to stop such a spiral of crises. Antonio Guterres has warned the world about a coming ‘hunger hurricane’ (Clapp and Elver 2022). The potential collapse of already fragile states and human suffering would require immediate attention from global leaders. In March 2022, the UN Secretary-General launched the Global Crises Response Group on Food, Energy, and Finance mandated to provide analysis and policy recommendations from the UN system (UN Global Crisis Response Group 2022). The group is periodically publishing briefs. At the same time, the UN General Assembly adopted resolution 76/264, ‘The State of Global Food Insecurity’, without a vote but urged the international community to jointly support countries affected by the food security crisis (UN General Assembly 2022). Then, on July 18, 2022, a high-level event held at the UN General Assembly in New York urged coordinated action to tackle the global food crisis, and all the factors, including the COVID-19 pandemic, climate change and ongoing conflicts, which have resulted in nearly a billion people going hungry (Shahid and de Lomo-Osario 2022). The President of the United Nations General Assembly highlighted the need to prioritise food security in the world’s least developed countries, in landlocked developing countries and in small island developing states, whose citizens ‘are typically forced to spend a larger share of their income on basic necessities, including food, and are thus disproportionately affected by rising food prices’ (ibid.).

Although such crises are more strongly felt in developing countries than developed ones, it is also a concern for the developed countries that are not immune from their consequences. Nevertheless, many of the crises disproportionately affect low-income countries, making life very difficult for their citizens.

There is growing recognition that present institutions are unable to effectively handle the challenges of the 21st century, with potentially dire consequences for human development and security, including planetary disasters (Smeds 2014: 1). There are structural limitations

plaguing the current global governance systems which prevent adequate and appropriate responses to such multiple, interconnected challenges. There is a significant power imbalance among countries, as well as various participants in their ability to access and control the global governing of food systems, especially to gain access to the mechanisms of decision-making. Those who are excluded from the process are reluctant to recognise and implement those rules, preferring to ignore the winds of globalisation, to focus on their own domestic interests and to concentrate on recovering self-sufficiency, especially in times of crises.

Moreover, the global system is limited in its capacity to control and regulate the emerging power of corporations, while corporations are successfully lobbying to ensure that the global regulatory system protects their interests. At the same time fragmentation, bureaucracy, budgetary problems and competition for power and influence among institutions at every level make the governing system slower, less effective and dysfunctional.

Despite all existing institutions, seemingly cooperative actions and efforts to call for solidarity among the world's leaders, hunger and malnutrition, recurrent food crises and food insecurity have largely persisted. Existing platforms on food security, especially the CFS with its broadened mandates and inclusive structure through participation of the non-governmental organisations, actual outcomes and practice remain ineffective at the national level in the absence of strong accountability frameworks.

Even though 'the food systems are inherently interconnected' (Hawkes 2022), the significant power imbalances among the various food systems players do not allow them to work together to consider the ideas of others and be willing to work out compromises. Greater solidarity and cooperation at every level is necessary. However, solidarity starts when there is equitable distribution, just access to and distribution of resources, and meaningful participation in governing and decision-making processes.

This brings us to the issue of how to connect a human rights-based approach with effective global food governance. One of the major procedural rules of the human rights-based approach is to include all concerned parties in an effective and meaningful decision-making process. As explained earlier, in the area of food governance, effective decision-making is painfully difficult. The players in the food systems are too numerous, from small- and large-scale farmers, farm workers, indigenous people, and women; from local to national governments and international organisations; from huge commercial supermarkets to local village markets; and down to the individual consumers themselves. And each of them may play multiple roles in the process. Different roles and expectations make food governance challenging, to say nothing of the challenge of transforming the food system itself to one that is sustainable, resilient, just, and equitable. Food governance suffers from constant conflict and requires constant dialogue.

In this complex system, whatever decision is taken will affect others, often in not very positive ways. Corinna Hawkes proposes a formula for rebalancing decision-making in food systems rather than the current battlefield. To do that, decisions should 'optimise not maximise' trade-offs, craft co-benefits and find a shared agenda among the various interests; manage conflict among all parties; and always listen to the voices of those most affected (Hawkes 2022).

Implementing the human rights-based approach would be the effective and appropriate policy tool for building democratic, just and equitable global food governance. This implies the following important policy changes:

- Strong political commitment and allocation of public resources.
- Democratic institutional structure to reach meaningful participation, strong partnership and dialogue.

- Emphasis on the most vulnerable populations, communities, groups, and individuals, including women, youth and indigenous peoples, who can help solve immediate crises.
- Dedicated attention to raising awareness, access to information and education.
- Understanding of evidence-based analysis, information and monitoring to increase accountability.

(FAO 2019: 26)

To revitalise legal, institutional and technical transformation in food systems for achieving democratic, global food governance, the following concrete elements are essential:

- Reliable financial support for national and international food security institutions, as well as human rights institutions.
- An enforceable global food security agreement founded on human rights principles instead of voluntary guidelines or soft law principles (i.e., without binding force).
- An effective monitoring system to avoid inadequate implementation of regulations at every level.
- Accountability and monitoring mechanisms to prevent unrestrained corporate actors who cannot be controlled with soft law principles and ensure that businesses go beyond mere claims of implementing ‘corporate social responsibility’.
- An enforceable international agreement to ensure the extra-territorial responsibility of corporations and prevent ongoing impunity against grave human rights violations by transnational corporations.
- Ensuring that small-scale farmers, women and youth, indigenous peoples, and local communities are a key part of global governance debate and decision-making at every level.
- Affirmative action policies and market incentives to support small-scale food producers and farmers, especially women and youth.
- Adoption and implementation of International Labour Organization conventions to guarantee decent working conditions for food systems workers.
- Regulation and monitoring of the hybrid mechanisms (such as public-private partnerships) which reinforce power asymmetries, exacerbate conflicts between public and private interests and unduly influence decision-making and policies in the global food system.
- The transformation of food production from the dominant industrial model to alternative methods in harmony with nature, such as agro-ecology.
- Coordination of local and regional food systems with global food governance, to ensure resilience against food crises and natural disasters.
- Encouragement of wide-ranging social protection systems to support fragile groups against food crises and keep them in the food production system.
- The regulation of investors to prevent large-scale land and water resources domination to prevent human rights violations and environmental destruction.
- Review and reform of trade rules to ensure the stability and transparency of the food commodity market.
- Eliminating the large-scale agriculture subsidies in developed countries to prevent adverse impacts on the livelihood of local farmers and markets, as well as the health of consumers and the environment.

Eliminating hunger and malnutrition and realising the right to food is a substantial undertaking. It is a particularly difficult goal to achieve given the legal, political, economic, and environmental conditions of the current world order. However, with political will, solidarity and compassion at every level and the transformation of aspirations into action, it is not unachievable. States must implement those human rights instruments which ensure that all players, not only the powerful ones, are included in the decision-making process. Those who disproportionately suffer from hunger must be represented and afforded the opportunity to advocate for their rights.

It is important to bear in mind that the human right to food is not unattainable; rather, it is as yet *unrealised*. Solving hunger and malnutrition is not only a commitment to realise fundamental human rights but also the elimination of the current crisis of inequality, bringing justice and political stability to every part of both the human and natural world. Failure to address inefficiencies, inequities and injustices in global food governance, especially at a time of accelerating climate change, increasing social unrest and political instability, is unconscionable. Radical transformation of food governance is essential if we want to enhance the resilience of our food systems at a time when other global catastrophic risks could interact in toxic ways with food insecurity.

Notes

- 1 To follow the most recent figures on the Sustainable Development Goals indicators, see SDG Tracker (n.d).
- 2 La Vía Campesina (2023), Spanish for ‘the peasants’ way’, is an international farmers organisation founded in 1993, formed by 182 organisations in 81 countries and describing itself as an international movement coordinating peasant organisations of small- and middle-scale producers, agricultural workers, rural women, and indigenous communities in Asia, Africa, America, and Europe.
- 3 Food sovereignty is the peoples’ or countries right to define their own agriculture and food policy without any interference from outside. It prioritises local production; defends land rights of farmers, peasants and workers; and protects their food system against imported low-priced food from outside. For more information, see La Vía Campesina (2023).
- 4 ‘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’.
- 5 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012, revised version 2022); Principles for Responsible Investment in Agriculture and Food Systems (2014); Framework for Action for Food Security and Nutrition in Protracted Crises (2015); Voluntary Guidelines on Food Systems and Nutrition (2021). See Committee on World Food Security (2022).
- 6 Over 500 civil society organisations organised an alternative summit and issued their own declaration. See Civil Society and Indigenous Peoples’ Mechanism for relations with the UN Committee on World Food Security (2021): Opening Declaration of the People’s counter-mobilisation to transform corporate food systems, <https://www.csm4cfs.org/thousands-mobilize-to-call-for-food-systems-that-empower-people-not-companies/>.
- 7 Article 25(1) of the UDHR states that ‘[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control’.
- 8 See United Nations Treaty Collection, International Covenant on Economic, Social and Cultural Rights.
- 9 For the most recent list of states about national constitutional and legal recognition of the right to food, see FAO (2019).
- 10 For the development of the right to food since 1948, see Elver (forthcoming).
- 11 ‘The right to adequate food 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’; see UN Committee of Economic, Social and Cultural Rights (1999).

- 12 The ‘Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security’ were adopted by the 127th Session of the FAO Council in November 2004.
- 13 Recently Brazil, Egypt, Cuba, Nepal, Zimbabwe, Mexico, Fiji, Maldives, Equator, Bolivia, Dominican Republic, Kenya, Panama, Democratic Republic of Congo, and Niger were included right to food their constitutions in various modes. A comprehensive list in national level is available at FAO (2019).
- 14 To promote the implementation of the right to food at the national level, the FAO Right to Food Office produced a series of handbooks and newsletters to assist regulatory developments and legal actions. See FAO (2023b).
- 15 For the entire list see, <https://www.ohchr.org/en/special-procedures-human-rights-council>.
- 16 For instance, hunger in the United States skyrocketed during the COVID-19 pandemic, and the government’s Supplemental Nutrition Assistance Program (SNAP) and school feeding programmes were basically run on a charity basis—that is, they were time bound and could be stopped at any time. Thus, they were not seen as an entitlement, as is the right to food (see Jurkovich 2021).
- 17 For more comprehensive information about progressive development of the economic, social and cultural rights, see Elver (2016).
- 18 For critical perspective on food systems, food crises and the future of the right to food, see UN General Assembly (2020).
- 19 The UN President of the UNGA Abdulla Shahid (Shahid and de Lomo-Osario 2022) said, ‘The World Bank has warned that the conflict in Ukraine will plunge an additional 95 million people into extreme poverty, and 50 million into severe hunger in 2022’.
- 20 According to a joint action plan (US Department of the Treasury 2022), there are six priority goals: (1) Support vulnerable people. (2) Promote open trade. (3) Mitigate fertiliser shortages. (4) Support food production now. (5) Invest in climate resilient agriculture for the future. (6) Coordinate for maximum impact.

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