Introduction

Worldwide, FAO estimates that 852 million people were undernourished in 2000–02: 815 million in developing countries, 28 million in the countries in transition and 9 million in the industrialized countries. In the wording of the FAO’s Constitution, the Organization’s purpose is to ensure humanity’s freedom from hunger. The Organization views the right to food as central to its mandate. This chapter focuses attention initially on the right to food as a fundamental human right: historical background and legal foundation. Thereafter, the meaning and content of ‘the right to adequate food’ is examined. While the right to food is widely recognized at the international level, its implementation still remains weak. Primarily responsible in this regard are those states that are parties to the Covenant on Economic, Social and Cultural Rights. This chapter will look at states’ obligations under international law and, by contrast, at the responsibilities of international organizations.

The central part of the chapter is devoted to the role of FAO with regard to the right to food. The Organization’s position in relation to this right, as well as its contribution to the realization of this right, is examined. The process of elaborating the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (or Right to Food Guidelines for short) which were adopted by the FAO Council in November 2004 is described, and finally future challenges and plans to implement the Guidelines are addressed.

The right to food as a fundamental human right

Legal background

Origins

The recognition of the right to food as a fundamental human right dates back to the early years of the UN. Sensitivity to the problem was visible
Box 11.1 Article 25 Universal Declaration of Human Rights

Everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including food...

Adopted by GA Res.217 A(III), 10 December 1948

even prior to the establishment of the United Nations when, in January 1941, American President Franklin D. Roosevelt, in his State of the Union address, since known as the Four Freedoms speech, coined the notion of ‘freedom from want’. Roosevelt’s vision provided an important basis for the drawing up of the Universal Declaration of Human Rights (UDHR), through which the right to food achieved formal recognition in international law (see Box 11.1).

From a juridical standpoint, declarations of principle are considered as soft-law acts that can provide the basis for customary norms, suggest the content of new treaties or simply assume a declarative value pre-existing conventional or customary regulations. With regard to the UDHR, in particular, one train of thought (see Saulle 1998) considers that this declaration determined the creation of ius cogens norms,1 which prevail over that contained in Article 2.7 of the UN Charter regarding domestic jurisdiction.

The International Covenant on Economic, Social and Cultural Rights

Twenty or so years after the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by 156 states, marked a significant positive step by making the right to food the object of a stated regulation with binding value for the states parties. The ICESCR did more than recognize human rights principles, it transformed them into agreed norms. The ICESCR deepened the right to food concept. Article 11 (see Box 11.2), which can be considered the core provision with regard to the right to food and its protection under international law, confirms ‘the right to . . . adequate food’, adding ‘the right of everyone to be free from hunger’. Referring to ‘freedom from hunger’ meant that the state would commit itself to ensuring that its people did not starve, at the very least. In this way, the right to be free from hunger was closely related to the right to life as spelled out in other relevant international instruments.2