

WHAT IS THE RIGHT TO FOOD?

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ABSTRACT: On October 28, 2022 Michael Fakhri, the United Nations Special Rapporteur on the Right to Food presented a report to the United Nations General Assembly, the highest level of governance in the world (Fakhri, Michael 2022). He called on the United Nations system to strengthen its efforts to ensure fulfillment of the right to food. These Special Rapporteurs have led the efforts for many years. In 2005 I published a book titled *Freedom From Want: The Human Right to Adequate food*. (Kent 2005). Its preface was written by Jean Zeigler, the first United Nations Special Rapporteur on the Right to Food, starting in 2000. He summarized my book, with a conclusion that in effect introduces this commentary: “Human rights are not only unashamedly utopian, but also eminently practical. Human rights can make a difference. It is time to make the right to food a reality.” This commentary discusses how the goal of making the right to food a reality could be expedited by developing a clear and widely shared understanding of what it means.

KEYWORDS: human rights, right to food, Special Rapporteur, rights holders, duty bearers, dignity, empowerment

DEFINITIONS

In 1999 THE United Nations Committee on Economic, Social, and Cultural Rights published a detailed explanation of the right to food, and summarized it with this definition in paragraph 6:

“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.” (United Nations Committee on Economic, Social, and Cultural Rights. 1999)

The website of the Food and Agriculture Organization of the United Nations says the right to food is . . .

Generally understood as the right to feed oneself in dignity, the right to adequate food is a long-standing international human right to which many countries are committed. Over the last decades, a number of countries have developed and

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implemented constitutional amendments, national laws, strategies, policies and programmes that aim at the fulfilment for all of the right to food. (FAO 2022)

Many statements about the right to food speak about goals, not about rights and how they are supposed to work. I first made that distinction when I divided one manuscript into two World Nutrition commentaries, one on goal-seeking and one on how rights systems can be useful tools in goal-seeking (Kent 2021; Kent 2022). I now believe it is important to recognize the differences between goals and rights.

WHAT ARE RIGHTS?

Rights imply entitlements, claims to specific goods or services. Rights are—or are supposed to be—*enforceable claims*. Well-functioning rights systems are based on three major components:

- A. *Rights holders* and their rights;
- B. *Duty bearers* and their obligations (duties) corresponding to the rights of the rights holders. Duty bearers are obligated to do what they are supposed to do to ensure fulfilment of the rights;
- C. *Methods of accountability* designed to ensure that the duty bearers meet their obligations to the rights holders;

Rights holders should know their rights and know how to use them. Good accountability systems empower rights holders and their representatives, giving them a way to be heard (Kent 2019). Duty bearers should know their duties, accept them, and carry them out. There must be some institutional accountability arrangement through which rights holders whose claims are not satisfied can appeal to have the situation corrected. If local accountability arrangements do not function properly, rights holders should have access to higher level accountability systems such as courts.

LOCAL RIGHTS AND AND GLOBAL HUMAN RIGHTS

There are many different rights systems, in nations, prisons, schools, homeowners' associations, and other bodies. There can be rights systems with no direct government involvement. For example, a private school could set up a school lunch program with clear rights, duties, and accountability that never involve any governance body beyond the school's owners and managers (Kent 2006; Kent 2010a). Clubs can have their own rights systems, perhaps saying that members in different categories have different rights and duties.

The global human rights system is based on global human rights treaties (FAO 2022; Teklu 2019; Ziegler et al. 2011). The local systems are designed to address the concerns of specific rights holders. The primary function of the global system is to help in the development of local systems that focus on rights in the global treaties. Some local rights are based on national law, not global law. Some have no basis in any existing law.

RIGHTS CAN BE HELPFUL IN GOAL SEEKING

The meaning of the right to food has been understood in many different ways (Full Measure Staff 2022; Teklu 2019; Ziegler et al 2011). It is open to diverse interpretations, but rights systems should share a common core, based on cogent answers to the question, what does “rights,” mean?

Rights-based strategies for achieving goals should include active engagement of those who are supposed to benefit. They should know their rights and know how to ensure their fulfillment. They should have a role in relevant policymaking. When UN and other agencies develop guidelines, they should communicate with those who are supposed to benefit as well as high-level policymakers. The guidelines should be reviewed and improved periodically.

On the basis of the global human rights system, the right to food is supposed to recognize not only the rights holders’ biological needs, but also the need to support their dignity. To the extent feasible, strategies for dealing with food problems should be based on empowerment of rights holders, rather than simple charity (Kent 1988; Kent 2010b).

United Nations agencies could take a leading role in articulating widely shared understandings of “rights” and “rights systems.” This work would help us understand that goals are mainly about destinations, and well-designed rights systems can help in getting there (Kent 2022).

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