

SDG 2: ZERO HUNGER



A LEGAL GUIDE



This Legal Guide to the Sustainable Development Goals (SDGs) was first published by Advocates for International Development (A4ID).

Disclaimer

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About A4ID

Advocates for International Development (A4ID) was founded in 2006 to see the law and lawyers play their full part in the global eradication of poverty. Today, A4ID is the leading international charity that channels legal expertise globally toward the achievement of the UN Sustainable Development Goals. Through A4ID, the world's top lawyers are able to offer high-quality, free legal support to NGOs, social enterprises, community-based organisations, and developing country governments that are working to advance human dignity, equality, and justice. A4ID also operates as a knowledge and resource hub, exploring how the law can be better used to help achieve the SDGs through a range of courses, publications, and events.



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Foreword



The SDG Legal Initiative

There are now less than ten years left to realise the achievement of the UN Sustainable Development Goals (SDGs). Aware of the challenge, Advocates for International Development (A4ID) has been continuing its innovative work towards meeting these targets by harnessing the power of the law and the work of lawyers. A4ID's SDG Legal Initiative has been developed because it is now more important than ever that the global legal community comes together to use their skills to advance positive global change.

The SDG Legal Initiative is a call to action to the global legal profession to work towards the achievement of the SDG Agenda and we have until 2030 to do so. By sharing knowledge and providing opportunities to take practical action to end poverty, protect the planet, and ensure that all people enjoy peace and prosperity, A4ID will continue its work with the legal sector to enhance this impact. The SDG Legal Initiative aims to create communities of practice, and to amplify the role of the legal sector in achieving the SDGs.

Legal Guide to the SDGs

As part of its SDG Legal Initiative, A4ID has developed the world's first Legal Guide to the SDGs. The Legal Guide has been developed as a unique resource, providing a foundational analysis of the role that law can and should play in the achievement of the SDGs. Developed in collaboration with lawyers, academics, and development practitioners, the Guide is made up of 17 distinct chapters, each focussed on one of the 17 goals. Each chapter provides an overview of the relevant regional, national, and international legal frameworks, highlighting how the law can be applied to promote the implementation of the SDGs. The Guide also offers key insights into the legal challenges and opportunities that lawyers may encounter, presenting clear examples of the actions that lawyers can take to help achieve each goal.

Role of law in achieving zero hunger

Food and nutrition are fundamental to every aspect of life and directly underpin our health and well-being. Adequate nutrition is essential to life and all possibilities for human development. The right to food is enshrined by international law, but it is far from universally realised. While global food production is sufficient to feed the world's population, not everyone has enough to eat. Limited access to food, malnutrition, and hunger remain widespread and devastating challenges for around 11% of people across the globe.

It is the responsibility of governments globally to provide a backstop for food security. States should play a role in regulating food markets, production and access. In times of crisis, when food systems are under strain or fail, governments need to be ready to step in and provide for

their citizens. In recent years, there has been a renewed emphasis on agriculture and production in many countries' development policies. This shift has emerged as the economic benefits of a successful food system and the links between reduced hunger, improved nutrition and good health have been increasingly recognised. There has been a greater policy focus on protecting women and children, who are particularly at risk and vulnerable to food insecurity and hunger. SDG 2, which focuses on ending hunger, achieving food security, improving nutrition and promoting sustainable agriculture, consolidates and focuses this policy progress towards the universal realisation of the right to food.

Food systems are made up of many different players, from small producers, to large multi-national conglomerates, which exert varying levels of control and influence over how easily food can be accessed. Achieving sustained food security depends on the careful management of a multitude of market and governance systems. In our increasingly globalised world, international trade agreements applying to food and inputs often benefit wealthier states and corporations more, rather than small producers. The targets of SDG 2, namely 2.3, 2.5, 2a and 2b, emphasise the need to protect smaller producers, and the value of traditional knowledge. They also call for a reverse in systemic market distortion. There are a multitude of global challenges that

are increasing the strain on food systems. The risk of these impacts is often greater for lower income countries. The impacts of climate change, including the rising frequency of extreme weather events, are placing increased pressure on production systems. As a result, food prices continue to rise throughout the world. The COVID-19 pandemic has disrupted livelihoods, especially for women, and negatively impacted food value chains. It is likely to result in reduced food and nutrition security globally, with the poorest being most at risk. Additionally, since 2019, the desert locus upsurge in East Africa and Yemen has devastated millions of hectares of cropland and pasture in a region already battered by conflicts and climate shocks.

The targets of SDG 2 aim to tackle the most pressing issues concerning food systems, food security and malnutrition, prioritising the protection of those most at risk. Due to the complexity of the systems that these issues are embedded within, there is limitless potential for the law and lawyers to help address the challenges outlined under SDG 2. Lawyers can influence the development of national and international law and policy, and advocate on behalf of those confronted by rights infringement. Lawyers also have a key role in improving the accountability of corporate entities directly or indirectly involved in food markets, supply chains, and production.

Yasmin Batliwala, MBE

Chief Executive



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The Sustainable Development Goals

The UN Sustainable Development Goals (SDGs) are a universal call to action to end poverty, protect the planet, and ensure that all people can enjoy peace and prosperity.

Also known as the Agenda 2030, the SDGs were agreed in 2015 by the UN General Assembly (Resolution 70/1). They were adopted by all UN Member States, and 2030 was set as the deadline for achieving them.

Compared to the Millennium Development Goals (MDGs),



which they succeed, the SDGs cover more ground, with wider ambitions to address inequalities, climate change, economic growth, decent jobs, cities, industrialization, oceans, ecosystems, energy, sustainable consumption and production, peace, and justice. The SDGs are also universal, applying to all countries, whereas the MDGs had only been intended for action in developing countries.

The 17 interdependent goals are broken down into 169 targets. At the global level, progress is monitored and reviewed using a set of 232 indicators. The Addis Ababa Action Agenda provides concrete policies and actions to further support the implementation of the 2030 Agenda. Each year, the UN Secretary General also publishes a report documenting progress towards the targets. In addition, the annual meetings of the High-level Political Forum on Sustainable Development (HLPF) continues to play a central role in reviewing global progress towards the SDGs.

At the national level, even though the SDGs are not legally binding, governments are expected to implement country-led sustainable development strategies, including resource mobilisation and financing strategies, and to develop their own national indicators to assist in monitoring progress made on the goals and targets.

SDG 17 stresses the importance of multi-stakeholder partnerships to achieve the goals. The mobilisation of governments, local authorities, civil society, and the private sector is needed to achieve this aim. Today, progress is being made in many places, but, overall, action to meet the SDGs is not yet advancing at the speed or scale required. This decade must therefore deliver rapid and ambitious action to meet the SDGs by 2030.

Key terms



SDG 2: End hunger, achieve food security, improved nutrition and promote sustainable agriculture

In the context of SDG 2, the following terms are defined as follows:

‘Food security’: At the 1996 World Food Summit, food security was defined as existing ‘when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life.’¹ The working concept utilised by the UN Food and Agriculture Organization (FAO) integrates four

main dimensions to food security. These are, food *availability* in terms of overall production; a person’s *access* to food as determined by economic and/or physical factors; food *utilisation*, such as preparation, eating and dietary practices; and the *stability of access* across time, for example, individuals or communities having access to food all year around.²

1 Food and Agriculture Organization (1996). *Rome Declaration on World Food Security*. FAO [online]. Available at: <http://www.fao.org/docrep/003/w3613e/w3613e00.HTM>

2 FAO (2008). *An Introduction to the Basic Concepts of Food Security*. [online]. Available at: <http://www.fao.org/3/a-al936e.pdf>

'Food sovereignty': This term refers to a policy and ideological agenda concerning the right of people, communities and nations to democratically determine their own policies relating to food production, placing small family producers at the centre of policy decisions. It was first presented by the international peasants' movement '*La Via Campesina*' at the World Food Summit in 1996. The movement has re-framed the term 'peasant', to refer to rurally based producers working in small-scale or family production, as set apart from larger industrial scale producers. The term has since been recognised and defined within the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) 2018.

'Sustainable agriculture': refers to economically, environmentally, and socially beneficial farming approaches. The FAO defines it as 'the management and conservation of the natural resource base, and the orientation of technological and institutional change in such a manner as to

ensure the attainment and continued satisfaction of human needs for present and future generations. Such development [...] conserves land, water, plant and animal genetic resources, is environmentally non-degrading, technically appropriate, economically viable and socially acceptable.'³

'Malnutrition': as defined by WHO, refers to 'deficiencies, excesses, or imbalances in a person's intake of energy and/or nutrients'. The term malnutrition addresses three broad groups of conditions that are addressed in SDG 2. Firstly, undernutrition, which includes wasting (low weight-for-height), stunting in childhood development (low height-for-age), and individuals who are underweight (low weight-for-age). Secondly, micronutrient-related malnutrition, which is the result of a lack of important vitamins and minerals in a person's diet. Thirdly, overweight conditions, such as obesity and diet-related non-communicable diseases (including heart disease, strokes, type 2 diabetes and some cancers).⁴



3 FAO (1995). *Sustainable Agriculture and Rural Development*. [online]. Available at: <http://www.fao.org/3/u8480e/U8480E01.htm>

4 World Health Organization (2020). *Malnutrition – Health Topics*. [online]. Available at: <http://www.who.int/topics/malnutrition/en/>

Overview of the targets

Globally, hunger and food insecurity have multi-faceted and interconnected causes. The prevalence of these issues is greatly determined by the governance systems that concern food production and markets, legal and socio-economic arrangements, and environmental factors. Increasing the scale of food production alone will not be sufficient to tackle global hunger. An individual's or household's ability to access sufficient food is strongly linked to their economic situation, livelihoods and resilience to overcome crises or shocks to the environmental and socio-economic systems they depend upon.

The increasing occurrence of unpredictable and extreme weather patterns and events, resulting from the effects of climate change, can destroy agricultural systems. Those in a position of poverty or facing livelihood insecurity are more likely to face hunger and food insecurity, with widening income inequality increasing the risks further. Food security can be improved by good governance at local, national and international levels in the systems that support food production and availability. This includes effective management of food markets and the distribution of land and natural resources. Protective safety nets, including protective finance infrastructure, can diminish risks and increase resilience for many of the poorest communities, who face food insecurity and hunger.

For SDG 2 to succeed, other challenges need to be addressed simultaneously, including environmental degradation (SDGs 14 and 15), global climate change (SDG 13), poverty (SDG 1), armed conflicts (SDG 16), volatility in commodity prices (SDG 17) and, in many countries, a lack of the appropriate technology,

investment and capacity-building support (SDG 9). Moreover, sufficient, nutritious and safe food is directly connected to better health (SDG 3) and quality education (SDG 4). In all contexts, hunger and food insecurity disproportionately affects women, and it is widely acknowledged that women's domestic and livelihood circumstances directly impact upon the food situation of children.⁵ The achievement of SDG 5 is also therefore key to the realisation of SDG 2.

Those in a position of poverty or facing livelihood insecurity are more likely to face hunger and food insecurity, with widening income inequality increasing the risks further.

MDG 1 aimed to halve the proportion of people who suffer from hunger in the period between 1990 and 2015. Progress towards this goal was mixed. According to the UN MDG Report, the overall percentage of undernourished people internationally decreased from 23.2% in 1990-1992 to 14.9% in 2010-2012, although this still constituted 870 million people living in hunger.⁶ Since the SDGs were launched, data has shown that in the last few years progress in tackling hunger globally is now reversing. In 2019, FAO reported that 821 million people were still going hungry. Whilst there has been good progress made in Southern Asia since 2015, in other places hunger is on the rise, with the highest rates found in

5 FAO (2019). *The State of Food Security and Nutrition in the World 2019*. [online]. Available at: <http://www.fao.org/state-of-food-security-nutrition/en/>

6 United Nations (2013). *We Can End Poverty: Millennium Development Goals and Beyond 2015*, Factsheet. [online]. Available at: https://www.un.org/millenniumgoals/pdf/Goal_1_fs.pdf

sub-Saharan Africa. Moreover, 2 billion people across the globe face moderate or severe food insecurity, mostly in low- and middle-income countries, although 8% of people in North America and Europe also fall within this group.

Compared with MDG 1, SDG 2 sets a more ambitious objective to end hunger entirely. Furthermore, SDG 2 goes beyond MDG 1 by connecting the eradication of hunger and malnutrition with transforming agriculture and food systems. The targets of SDG 2 also identify the empowerment of women and men in rural areas as key agents for change in driving progress towards the goal.

Global food systems have a strong bearing on every dimension of sustainability. The world faces a major challenge in meeting the increased demand for food at the anticipated rate of population growth, whilst contending with the degradation of natural resources and the increasingly severe impacts of climate change. The modelling of future scenarios has shown that merely scaling-up existing food systems to meet this increased demand would irreversibly undermine the planet's natural, environmental and ecological systems, which provide the resources to sustain food production.⁷ Sustainable food production therefore requires the careful management of natural resources and production methods that lower greenhouse gas (GHG) emissions and pollution, and protect and regenerate the environment.

The current global trend of rising wealth inequality within and between national economies further undermines efforts to eradicate hunger for all. To achieve SDG 2, food systems must ensure access to food is protected and strengthened for

the poorest and most vulnerable people, many of whom are directly involved in food production.

The economies of many countries in sub-Saharan Africa and South Asia are heavily dependent on agriculture and food production. Small-scale agriculture, livestock farming and fisheries directly provide livelihood opportunities for up to two thirds of people in these countries, with the majority of producers being women.⁸ Many NGOs working on food security consider the global trend towards industrialised and globalised food production systems as responsible for diminishing people's access to localised food availability, land and livelihood opportunities. This in turn perpetuates food insecurity and hunger.⁹

Global responses to control COVID-19 will likely interrupt food systems and markets with grave impacts on millions of people's food security and the rate of global hunger.

Today, the world is faced with an ever-growing number of crises, including volatile commodity prices, rising food and energy prices, extreme climatic events and the increased threat of infectious disease. These crises risk reversing progress in eliminating hunger and food insecurity.¹⁰ According to the World Food Programme (WFP), the 2020 outbreak of COVID-19 and global responses to control the virus will likely interrupt food systems and markets with grave impacts on millions of

7 Willett, W. et al. (2019). *Food in the Anthropocene: the EAT–Lancet Commission on healthy diets from sustainable food systems*. Lancet, [online] pp. 393, 447–92. Available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(18\)31788-4/fulltext?utm_campaign=tleat19&utm_source=hub_page](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)31788-4/fulltext?utm_campaign=tleat19&utm_source=hub_page)

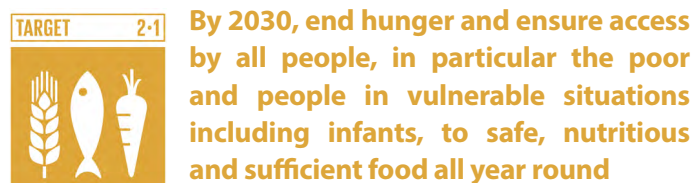
8 World Bank (2019). *Employment in Agriculture*. [online]. Available at: https://data.worldbank.org/indicator/SL.AGR.EMPL.ZS?end=2019&name_desc=false&start=2019&view=map

9 Global Network for the Right to Food and Nutrition (2019). *State of the Right to Food and Nutrition Report*. [online]. Available at: <https://bit.ly/3bhfwCP>

10 High-Level Political Forum on Sustainable Development (2017). *Thematic Review of SDG 2 : End Hunger, Achieve Food Security and Improved Nutrition, and promote Sustainable Agriculture* [online] p. 1. Available at: https://sustainabledevelopment.un.org/content/documents/14371SDG2_format.revised_FINAL_28_04.pdf

people's food security and the rate of global hunger.¹¹ At the current pace of advancement, the world will not achieve the zero hunger target by 2030.¹²

The following breakdown of each of the targets under SDG 2 provides an insight into the current global situation on hunger,



A lot needs to be done for this target to be met by 2030. Overall, the trends show that insufficient progress is being made in respect to ending hunger. Since 2014, there has been an overall reduction in the proportion of the total population facing hunger, although due to population increases, there has not been any significant decrease in the number of people who are hungry. Hunger affects around 11% of the global population. Sub-Saharan Africa remains the worst affected region with trends showing a concerning deterioration in South America too.¹³ The situation in the Middle East and North African regions, where some of the worst conflict-induced humanitarian crises have occurred in recent times, is unclear due to a lack of monitoring data and under-reporting.¹⁴

Progress towards this target is to be measured by two indicators that capture the prevalence of malnourishment:

food security and the sustainability challenges inherent to systems of food production, which reveals some of the pressures and issues relevant to the achievement of each target. The implementation of SDG 2 is centred on five targets linked to nine indicators.

- The level of dietary energy per capita
- The prevalence of moderate-to-severe food insecurity under the Food Insecurity Experience Scale¹⁵

There are strong linkages between outcomes related to poverty, economic insecurity, food insecurity and malnutrition, which will critically affect the most vulnerable. Sustainable solutions in the eradication of hunger will need to effect change and build resilience at both the household level, in respect to livelihoods and income opportunities, and the level of global food systems. Additionally, ensuring people's continuous access to food will require the establishment of adequate safety nets, such as food aid, food for work or cash transfer schemes to increase resilience in times of crisis. Notably, one of the most significant drivers of crises in food availability is price volatility due to adverse weather conditions and prolonged armed conflicts. It is expected that the impact of the global COVID-19 outbreak and the public health response will significantly harm progress towards this target.

11 World Food Programme (2020). *Coronavirus and the 5 Major Threats it Poses to Global Food Security*. [online]. Available at: <https://bit.ly/3mDIKo>

12 United Nations (2017). *The Sustainable Development Goals Report 2017*. [online] p.2. Available at: <https://bit.ly/2ZxpUnM>

13 United Nations (2019). *The Sustainable Development Goals Report 2019*. [online] p. 25. Available at: <https://bit.ly/3vT4Jlq>

14 The Global Network on the Right to Food and Nutrition (2019). *The State of the Right to Food Report* [online]. Available at: <https://bit.ly/3nFUjEx>

15 United Nations (2019). *The Sustainable Development Goals Report 2019*. [online] p 25. Available at: <https://bit.ly/2ZBraWQ>

TARGET 2-2



By 2030, end all forms of malnutrition, including achieving by 2025 the internationally agreed targets on stunting and wasting in children under five years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women, and older persons

More than half of childhood deaths in the world are caused by hunger and malnutrition, whether directly or indirectly. For instance, 45% of global deaths of children under five are attributable to undernutrition and malnutrition related diseases, such as diarrhoea, malaria, pneumonia and measles.¹⁶ Stunting, which is caused by malnutrition in children under five, is a major concern in child development and has life-long implications on human development. Specifically, stunting is linked to increased child mortality, irreversible loss of cognitive

and physical development, and losses in overall national productivity and income.

Over the last 20 years, progress has been made in reducing the number of children affected by stunting. However, we are still far from meeting the target for reducing chronic malnutrition to 100 million by 2025 and 83 million by 2030. In 2018, UNICEF estimates that 149 million children under five (22% of the population of this age range) were chronically undernourished, most of whom live in sub-Saharan Africa and South Asia. Meanwhile, the number of children who are presenting as overweight is a growing concern for almost every region in the world, and affects 40 million children under five years of age.¹⁷

The indicators associated with this target involve a prevalence analysis of deviations from the figures deemed as a healthy height-for-age (stunting) and a healthy weight-for-height (malnutrition) by the WHO.¹⁸

TARGET 2-3



By 2030, double the agricultural productivity and the incomes of small-scale food producers, particularly women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment

Globally, increases in productivity per hectare of land are

needed to meet the increase in demand for food in response to the anticipated population growth. Simultaneously, we need to minimise the expansion of land for agriculture, to limit biodiversity loss through the destruction of ecosystems.¹⁹

Agriculture, livestock and fisheries represent the vast majority of economic contributions to GDP for many of the least developed countries. Smallholder farmers and small-scale food producers provide over 90% of all food and control 75% of all land under production.²⁰ The majority of people engaged in food production are women. Many of these small-scale producers represent the poorest and most food insecure

16 The Lancet (2013). *Maternal and Child Nutrition Series*. [online]. Available at: <http://www.thelancet.com/series/maternal-and-child-nutrition>

17 United Nations (2019). *The Sustainable Development Goals Report 2019*. [online] p. 25-26. Available at: <https://bit.ly/3vT4Jlq>

18 United Nations (2019). *E-book on SDG Indicators*. [online]. Available at: <https://unstats.un.org/wiki/display/SDGeHandbook/Indicator+2.1.2>

19 Rockström, J. et al. (2020). *Planet-proofing the global food system*. *Nature Food* [online]. Available at: <https://www.nature.com/articles/s43016-019-0010-4>

20 Lowder, S. et al. (2016). *The Number, Size, and Distribution of Farms, Smallholder Farms, and Family Farms Worldwide*. [online] pp. 16-29. Available at: <https://bit.ly/3jll0ul>

communities. They face barriers in terms of access to improved inputs (such as drought resistant seeds, irrigation technologies or fertiliser), market access, and price volatility, as well as the challenges created by the impacts of socio-economic and environmental shocks.

Smallholder farmers and small-scale food producers provide over 90% of all food and control 75% of all land under production.

The World Bank estimates that economic growth generated by agricultural development is between two and four times more effective in reducing absolute poverty than growth in other sectors (and up to 11 times more effective in sub-Saharan Africa).²¹ Increasing small-scale food producers' revenues through productivity increases, improved market access, and reduced input costs can lead to technology improvements, positive educational outcomes and diversified livelihood opportunities. This can enable households to escape entrenched cycles of poverty, food insecurity and hunger.

Whilst increasing productivity and revenues in the agricultural, livestock and fisheries sectors is recognised as a strong pathway for macro-economic development, such strategies can sometimes be in tension with supporting smaller-scale producers. External investment to increase productivity often favours large-scale industrial production, at the cost of smaller producers. There are other significant dilemmas and debates

that lie at the heart of increasing food production, including potential trade-offs in respect to environmental, economic and social sustainability.

Large corporations that have a vested interest in government approaches to agricultural development often place pressure on public policy. As a result, food production is often politically contentious. The political debates touch on whether the focus of agricultural development should be on larger vs smaller farms; on the use of higher-tech inputs, such as biotechnologies, genetically modified seeds, chemical fertilisers and pesticides; or, as the FAO has recommended, on pursuing sustainable agroecological approaches that are generally better suited to smaller-scale production.²² Moreover, economic pressures can conflict with policies that support the poorest, most in need and hardest to reach producers, where greater investments in physical and technological infrastructure, education and land are required to drive up productivity.

This target clearly supports a focus on the development of small-scale agriculture, however there is no operational definition for 'small-scale food producers'. This lack of a consistent definition makes it difficult to compare data across different regions and assess the progress that needs to be made to attain this target.²³

21 World Bank (2020). *Agriculture and Food - Overview* [online]. Available at: <http://www.worldbank.org/en/topic/agriculture/overview>

22 High Level Panel of Experts on Food and Nutrition (2019). *Report on Agroecological and other innovative approaches for sustainable agriculture and food systems that enhance food security and nutrition*. Extract from the Report. FAO [online]. Available at: <https://bit.ly/3EISwPg>

23 FAO (2020). *Indicator 2.3.1 – Productivity of small-scale food producers, Sustainable Development Goals*. [online]. Available at: <https://bit.ly/3GoXX21>



By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that maintain eco-systems, that strengthen capacity for adaption to climate change, extreme weather, drought, flooding and other disasters, and that progressively improve land and soil quality

Agriculture is more vulnerable than any other sector to the effects of climate change, with critical implications for food security. The World Bank has estimated that increased climate variability due to climate change could lead to a 25% reduction in crop yields.²⁴ Currently, over 80% of agricultural production is rain-fed and therefore depends on predictable weather patterns for successful yields.

At the same time, agriculture accounts for 19-29% of global GHG emissions, making the sector a major driver of climate change. These emissions can mainly be attributed to livestock farming, fertiliser use, forest clearances to extend agricultural land, and degraded peatlands, as well as the fossil fuel energy used in production.²⁵

There are further challenges to the sustainability of food production, which flow from the use of mainstream production methods. These include the extension of farmland and the intensive use of fertilisers, pesticides, mass irrigation and mechanised traction. Such methods cause degradation and pollution in the immediate and surrounding soil and water sources, and endanger the planet's biodiversity. The impact of these methods often substantively changes the surrounding ecosystems, making them more vulnerable to the effects of extreme weather and undermining the area's production

potential.

The World Bank has estimated that increased climate variability due to climate change could lead to a 25% reduction in crop yields.

Meeting the increasing demand for food will require very careful management of food production activities to minimise GHG emissions, protect the environment, preserve natural resources, and support small-scale producers. It will also require the development of new production methods that are responsive and adaptable to increasingly unpredictable climate and environmental circumstances. Investment in the development of new technologies, producer training and education, and localised financial support is necessary to ensure these new production methods are effective and inclusive. Additionally, other critical aspects of food production systems – from markets and value chains, to international trade agreements and consumer behaviour – will need to be adapted to become more sustainable.

There is vast diversity in food production approaches and ecologies, making it difficult to establish a metric for sustainability. However, there are standardised universal metrics being used to calculate sustainability, based principally on environmental factors. Using these metrics, an indicator that tracks sustainable production as a percentage of total production is used to measure progress towards this target.

²⁴ World Bank (2015). *What the world can learn about sustainable food systems from Ireland's 'Origin Green'*. [online]. Available at: <https://bit.ly/3GxntSA>

²⁵ FAO (2014). *Greenhouse gas emissions from agriculture, forestry and other land use*. [online]. Available at: <https://bit.ly/3vTcGgK>

TARGET 2-5



By 2020, maintain genetic diversity of seeds, cultivated plants, farmed and domesticated animals and their related wild species, including through soundly managed and diversified seed and plant banks at national, regional and international levels, and ensure access to and fair and equitable sharing of benefits arising from the utilisation of genetic resources and associated traditional knowledge as internationally agreed

The world's future ability to produce food is directly dependant on the availability of the plants, fungi and animals that we have domesticated and consume in our diets. The genetic makeup of this food has evolved over billions of years before being adapted, over the last 10,000 years, for wider use. It provides us with the array of species and varieties that we rely on for essential nutrients and fibre, as well as other ecosystem services, such as providing habitats for wildlife.

Trends in commercial production over the last half century have greatly homogenised the pool of plant and crop varieties, and reduced the genetic variability widely in use across the world. This reduction in diversity puts food systems at higher risk of disease and pests. It also reduces the ability of food systems to adapt to changing environmental and ecological conditions. According to FAO, maintaining and protecting biodiversity in the global stock of seeds, plants and animals for food production is an essential foundation to food security and resilience.²⁶

Increasingly unpredictable weather systems and environmental degradation (as a result of modern

intensification approaches to production, such as large-scale mono-cropping) increase the vulnerability of crops and livestock to diseases, pests and environmental maladaptation. This in turn can lead to crises, such as global pandemics and famine. By protecting our ability to access and cultivate food organisms from the widest pool of genetic diversity, we will be better equipped to respond to the changing physical conditions of production and food systems will be more resilient. Biotechnological advances, such as genetically modified organisms (GMOs) or gene editing techniques, have evolved in an attempt to improve the productivity and resilience of food systems. However, this remains a controversial area of development due to uncertainties about the long-term impacts on productivity, as well as environmental, animal and human health.

Maintaining and protecting biodiversity in the global stock of seeds, crops and livestock is essential for food security and resilience.

Small farmers have been recognised as integral to the protection of seed biodiversity; however, increased effort needs to be made to support them with this. Beyond the commercialisation of biotechnologies, seed markets and private ownership of genetic patents are hampering small and larger producers' control over the seeds and organisms they can access, as well as their ability to independently produce seed.

By 2016, 602 gene banks in 82 countries and 14 regional

²⁶ FAO (2008). *Diversity of Experiences: Understanding Change in Crop and Seed Diversity*. [online]. Available at: <http://www.fao.org/3/ai502e/ai502e00.pdf>

and international centres had conserved 4.7 million samples of seeds and other genetic plant material. The number of gene banks is used as an indicator to track progress towards this target. However, the rate that gene bank holdings are increasing has slowed down in recent years. Accelerated progress in conserving genetic resources from plants and

animals is therefore required to achieve this target.²⁷

The other indicator that is used to measure progress towards this target is the proportion of 'at-risk' local breeds of livestock, with different classifications of risk.



27 United Nations (2017). *SDG Goals – Goal 2: End Hunger, Achieve Food Security and Improved Nutrition and Promote Sustainable Agriculture*. United Nation Statistic Division, [online] Available at: <https://unstats.un.org/sdgs/report/2017/goal-02/>

Key actions lawyers can take

The final section of this chapter provides more details on how the international legal community can engage in efforts to achieve SDG 2. However, the following short summary

describes some of the key actions lawyers can take to contribute to the sustainable development agenda to realise the right to food for all.

Learn and educate

Lawyers can build their knowledge by exploring resources including research published by international development agencies, especially FAO, the reports of the UN Special Rapporteur on the Right to Food, and OECD-FAO Guidance for Responsible Agricultural Supply Chains. With this

knowledge, lawyers will better understand how they can help to protect the rights of small-scale producers, as well as people on a low income and at high risk of hunger and food insecurity, especially women and children.

Integrate

Law firms can adjust their consumer choices and behaviour to support more sustainable and inclusive food supply chains. They can also ensure that their policies and practices concerning the supply, consumption and utilisation of food

and other products, such as sanitation and cosmetics, are aligned with SDG 2. Furthermore, law firms can ensure that the targets of SDG 2 are integrated into due diligence assessments of their cases and clients.

Act

By aligning their work with the SDGs, lawyers can be confident that they are taking practical steps towards a comprehensive and inclusive roadmap for sustainable development. Developing a pro bono strategy with clearly identified goals enables firms to assess the effectiveness of pro bono work over time and therefore increase its impact.

Pro bono work can contribute to the achievement of SDG 2 through multiple avenues, from protecting women's land rights to facilitating small-scale producers' access to markets. Legal professionals can also provide assistance in developing legal frameworks for implementing country level policies that can protect the right to food.

Elements of the international legal framework

Universal Declaration of Human Rights

Adopted by the UN General Assembly: 10 December 1948

The Universal Declaration on Human Rights (UDHR) is a landmark framework in the articulation and advancement of fundamental human rights and freedoms. In thirty articles, the UDHR sets forth a series of civil, political, economic, social and cultural rights. Although it was not intended to create legally binding obligations, the UDHR presents a common

standard of achievement that is widely regarded as customary international law. Moreover, many of its provisions were later adopted in binding international human rights instruments.

The UDHR lays out the right to a standard of living adequate for the health and well-being of an individual and their family, including the right to food, under Article 25.

International Covenant on Economic, Social and Cultural Rights

Adopted by the UN General Assembly: 16 December 1966

Entered into force: 3 January 1976

Status of ratification (as of September 2021): 171 Parties

Drawing from the UDHR, the International Covenant on Economic, Social and Cultural Rights (ICESCR) affirms a series of human rights and encourages social progress. Legally binding on a large number of States, it indicates a wide consensus on economic, social, and cultural human rights. However, a number of States have not ratified the ICESCR, notably Cuba, Malaysia, Saudi Arabia, and the United States.

Article 2 of the ICESCR reflects a ‘progressive realisation principle’, imposing a duty on a State Party to ‘take steps... to the maximum of its available resources, with a view to achieving progressively the full realization of the rights

recognized in the present Covenant by all appropriate means’.

Article 11 of the Covenant recognises the right of everyone to an adequate standard of living for themselves and their family, including adequate food. However, Article 11(2) goes further than the UDHR and specifically addresses the fundamental right of everyone to be free from hunger. It outlines that States are responsible for improving methods for the production, preservation, and distribution of food in order to ensure an equitable distribution of world food supplies.

In its 1999 General Comment 12, the Committee on Economic, Social and Cultural Rights, reiterated the crucial importance of the right to adequate food for the enjoyment of all rights.²⁸ The Committee also highlighted the importance of sustainable food security, as well as the responsibilities of NGOs and the private sector in realising the right to adequate food.

²⁸ Office of the High Commissioner for Human Rights (1999). *CESCR General Comment No. 12: The Right to Adequate Food (Art. 11)*, 20th Session of the Committee on Economic, Social and Cultural Rights. RefWorld [online]. Available at: <http://www.refworld.org/pdfid/4538838c11.pdf>

Convention on the Rights of the Child

Adopted by the UN General Assembly: 20 November 1989

Entered into force: 2 September 1990

Status of ratification (as of September 2021): 196 Parties

The United Nations Convention on the Rights of the Child (CRC) is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. It defines a child as 'any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation'. Compliance is monitored by the UN Committee on the Rights of the Child. The CRC is the most widely ratified international human rights treaty. Notably, the United States is the only country that has signed, but not ratified, this Convention.

The CRC places much emphasis on the importance of adequate food and nutrition for the child. Article 24 on the right of the child to enjoy the highest attainable standard of health highlights the need to combat malnutrition through the provision of adequate nutritious foods, and the requirement of education and guidance on child health and nutrition to support this.

The Convention then emphasises the right of every child to a standard of living adequate for the child's physical and mental development through Article 27. Although it places primary responsibility on parents to secure the necessary conditions for living, governments are also required to provide assistance in implementing child rights, particularly in regard to nutrition.

The Food Assistance Convention

Adopted: 25 April 2012

Entered into force: 1 January 2013

Status of ratification (as of September 2021): 16 Parties

The Food Assistance Convention (FAC) commits its Member States to contribute to global food security and improve the ability of the international community to react to food related emergencies in developing countries. Its main objectives are to reduce hunger, improve food security and improve the nutritional status of the world's most vulnerable populations.

In emphasising the current crises in food security and the real need for donor States to make serious commitments to assist with this, the Convention requires its Party Members, which include major bilateral aid donors, to provide a minimum level of food assistance as part of their membership.

The Convention lays out key principles for countries in

their provision of food assistance and how to best ensure the effectiveness of such help by encouraging stronger international information sharing, cooperation and coordination.



Convention on the Elimination of all Forms of Discrimination against Women

Adopted by the UN General Assembly: 18 December 1979

Entered into force: 3 September 1981

Status of ratification (as of September 2021): 189 Parties

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) defines discrimination against women and sets forth an agenda to eliminate it.

States must guarantee human rights and fundamental freedoms to women 'on a basis of equality with men' through

the public sphere, with a focus on political life, representation and rights to nationality (Articles 7 to 9); the social and economic sphere, focusing on education, employment and health (Articles 10 to 14); and the private sphere, outlining equality in marriage and family life (Articles 15 and 16).

Article 12.2 establishes States' obligations to provide women with 'appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation'.

The United Nations Framework Convention on Climate Change

Adopted: 9 May 1992

Entered into force: 21 March 1994

Status of ratification (as of September 2021): 197 Parties

Adopted at the Rio Earth Summit in 1992, the United Nations Framework Convention on Climate Change (UNFCCC) is the first internationally negotiated instrument to combat climate change.

The UNFCCC's objective is to 'stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous interference with the climate system' (Article 2). The same Article recognises that implementing measures to prevent catastrophic climate change within the required timeframe is essential to protect food production. The Convention is founded on the principles of equity and 'common but differentiated responsibilities', according to which developed countries have to 'take the lead' in combating climate change (Article 3.1).

All Parties to the Convention commit to implement measures to mitigate the adverse effects of climate change (Article 4.1); only the developed countries (listed in Annex I) are required to limit the anthropogenic emissions of GHGs (Article 4.2.). However, the Convention itself contains no binding targets or enforcement mechanisms.



The Paris Agreement

Adopted: 12 December 2015

Entered into force: 4 November 2016

Status of ratification (as of September 2021): 191 Parties

In December 2015, Parties to the UNFCCC reached a landmark, legally binding agreement in Paris. The Paris Agreement has three objectives (Article 2):

- i. To limit global warming to less than two degrees Celsius above pre-industrial levels and pursue efforts to limit the rise to 1.5 degrees Celsius.
- ii. To improve the ability to adapt to climate change and foster climate resilience.
- iii. To make finance flows consistent with the above objectives.

The Paris Agreement is on the way to universal ratification. In 2020, under the Trump administration, the United States withdrew from the Paris Agreement. However, the

United States re-entered the agreement under the Biden administration on 20 January 2021.

After abandoning the onus on the developed countries to meet quantified targets, all countries are now responsible to meet the targets. Each Party shall determine on a legally binding basis its Nationally Determined Contribution (NDC) to the overarching aim (Article 4). With this system, the Paris Agreement moves away from the 'common but differentiated responsibilities' principle on which the UNFCCC was based, and instead focusses on common commitments for countries of both the Global South and the Global North according to their capacities.

Although agriculture and food production are not specifically mentioned, the preamble to the agreement states an intention of the Agreement to work towards 'safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse impacts of climate change'.

United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

Adopted: 17 June 1994

Entered into force: 26 December 1996

Status of ratification (as of September 2021): 197 Parties

States that have ratified the United Nations Convention to Combat Desertification work to maintain and restore land and soil productivity. The Convention's aim is to counteract the effects of drought in drylands where vulnerable ecosystems and communities live. Contracting Parties have agreed to

work cooperatively to improve the lives of those living in desert affected areas and to improve the land productivity in these regions. The Convention contains provisions promoting measures for the dissemination of environmentally sound technologies to people dependant on such lands to mitigate degradation, as well as measures to strengthen food security systems to be better prepared for the effects of drought.

Convention on Biological Diversity

Adopted: 5 June 1992

Entered into force: 29 December 1993

Status of ratification (as of September 2021): 196 Parties

The Convention on Biological Diversity (CBD) is a multilateral treaty aiming to conserve biodiversity; sustainably use its components; and fairly and equitably share the benefits of genetic resources (Article 1). The Convention is based on the principle that each State has the sovereign right to manage its own resources and the responsibility to ensure that no damage is caused to the environment of other States (Article 2).

The CBD requires each State Party to adopt a national strategy for the conservation and sustainable use of biodiversity (Article 6), which includes measures to:

- i. Identify and monitor components of biological diversity, as well as activities likely to have significant adverse effects on them (Article 7).
- ii. Conserve biodiversity in-situ, for example, by

establishing protected areas and preventing the introduction of invasive species (Article 8).

- iii. Conserve biodiversity ex-situ (away from the natural location), for example, by maintaining facilities for ex-situ conservation and research, and by adopting measures for the reintroduction of threatened species in their natural habitats (Article 9).
- iv. Use components of biological diversity sustainably and avoid or minimise adverse impacts (Article 10).

The CBD also contains provisions promoting international collaboration in research and training (Article 12), public education and awareness (Article 13), and exchange of information (Article 17).

The Articles concerning access to genetic resources and the equitable sharing of benefits arising from their use (Articles 15, 20 and 21), as well as the Article concerning biosafety (Article 19), have been supplemented by the Nagoya Protocol and the Cartagena Protocol, which are outlined below.

Cartagena Protocol on Biosafety to the Convention on Biological Diversity

Adopted: 29 January 2000

Entered into force: 11 September 2003

Status of ratification (as of September 2021): 173 Parties

This protocol to the CBD was designed to protect biological diversity from the potential risks posed by living modified organisms (LMOs), such as genetically modified crops. It aims to contribute towards the safe transfer, handling and use of LMOs. The Protocol establishes a procedure of 'advance

informed agreement' for the transboundary movement of LMOs. This procedure requires the State exporting LMOs to notify the competent national authority of the import State, which may request additional information, reject or approve the import.

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation to the Convention on Biological Diversity

Adopted: 29 October 2010

Entered into force: 12 October 2014

Status of ratification (as of September 2021): 132 Parties

The Nagoya Protocol to the CBD provides a legal framework for the implementation of the third goal of the Convention, ‘the access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation’.

The Protocol requires each Party to take legislative, administrative and policy measures, as appropriate, to ensure that monetary and non-monetary benefits ‘arising from the utilisation of genetic resources’ are shared in a fair and equitable way with the country providing such resources (Article 5). In accordance with the principle of sovereignty over natural resources, access to genetic resources is subject to the prior and informed consent of the State providing such resources (Article 6).

In addition, the Protocol contains specific obligations to ensure that the benefits “arising from the utilisation of traditional knowledge associated with genetic resources” are shared in a fair and equitable way with indigenous and local communities holding such knowledge (Article 5(5)). The Protocol also requires that prior and informed consent to access and use traditional knowledge is obtained from these communities on mutually agreed terms (Article 7). Article 12 requires State Parties to take indigenous and local communities’ customary laws and community protocols and procedures into consideration when implementing their obligations under the Protocol.

The goal of the Nagoya Protocol is to avoid one-sided exploitation of genetic resources, but it has attracted criticism due to vague concepts, a lack of clarity, and a perceived increase in red tape, which complicates international collaboration and biodiversity research.

International Treaty on Plant Genetic Resources for Food and Agriculture

Adopted: 3 November 2001

Entered into force: 29 June 2004

Status of ratification (as of September 2021): 146 Parties

The International Treaty on Plant Genetic Resources for Food and Agriculture focuses on the conservation, sustainable use and equitable benefit sharing of seed biodiversity. The Treaty recognises the important role that local and indigenous communities and farmers play in supporting food security and biodiversity through the protection of genetic resources.

It provides farmers with the right to save seeds and stipulates support for their participation in national decision making about the governance of seeds. The Treaty also establishes the Multilateral System (MLS) of Access and Benefit Sharing. This protects the right for the genetic material of the 64 crops that the world is most heavily dependent on to be shared and accessed between States, when used for research and training purposes. These materials are protected from the claim of exclusive intellectual property.

International Labour Organisation Convention C184 – Safety and Health in Agriculture

Adopted: 21 June 2001

Entered into force: 20 September 2003

Status of ratification (as of September 2021): 21 Parties

This Convention is focused on protecting the health, safety and social protection rights of agricultural workers. It recognises the variety of specific hazards that farmers face in their work.



Soft law and declarations

The Rome Declaration on World Food Security (1996)

The Declaration was adopted by over 180 countries during the 1996 World Food Summit, with the aim to formulate a plan of action in response to the growing levels of undernutrition and food insecurity in the world.²⁹

It lays down seven key commitments by State Parties,

including implementing policies to eradicate poverty, pursuing sustainable food policies, ensuring that food and trade policies work towards food security, that food should not be used as an instrument of political or economic pressure, and that there is better international cooperation in reaching these aims.

UN Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food in the Context of National Food Security (2004)

The Intergovernmental Working Group, set up by the Council of FAO in 2002, was mandated to establish a set of voluntary guidelines to support States in their efforts to achieve the progressive realisation of the right to adequate food.³⁰

The Guidelines emphasise the need for legal structures to ensure the realisation of the right to adequate food.

The Guidelines incorporate all relevant human rights instruments in which the right to adequate food is enshrined, with the aim of providing practical guidance to States on how to implement their existing obligations in relation to the right to adequate food.

The framework is voluntary, so carries no additional legal obligations. However, it provides detailed recommendations on economic development policy approaches to support food security; better agricultural and environmental education; and the need for better resource allocation towards anti-hunger and food security purposes, whilst ensuring transparency and accountability. Emphasis is also placed on the legal structures needed to assist the realisation of the right to adequate food. This includes the need for administrative and judicial mechanisms to provide adequate and effective remedies which are accessible to vulnerable groups, in particular women who are heads of households.

29 United Nations (1996). *World food summit concludes in Rome*, Press Release, FAO/3644. [online]. Available at: <https://www.un.org/press/en/1996/19961119.fao3644.html>

30 FAO (2004). *Voluntary Guidelines to Support the progressive Realisation of the Right to Adequate Food in the Context of National Food Security*, The Right to Food. [online]. Available at: <http://www.fao.org/3/a-y7937e.pdf>

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2013)³¹

Built upon aforementioned Guidelines concerning the right to adequate food, an inter-governmental committee, overseen by the Committee on World Food Security (CFS), produced these Guidelines as a voluntary framework of

governance for land tenure, fishing and forest access rights. The Guidelines propose that States adopt policy and laws to protect these rights for local people and communities.

Principles for Responsible Investment in Agriculture and Food Systems (2014)³²

These voluntary Principles were produced by an inter-governmental committee to promote the sustainable management of land and agricultural systems, and ultimately achieve food and nutrition security. The Principles advocate for transparent governance across the food chain, increased awareness of the impact of unsustainable agricultural

practices, and the introduction of accountability mechanisms. They also emphasise the importance of protecting the rights of smallholder farmers, women and youth. The Principles encourage States to utilise policy and legislative tools to foster responsible investment in agriculture.



31 FAO (2012). *Report of the 38th (Special) Session of the Committee on World Food Security, Document C 2013/20*, Appendix D. [online]. Available at: <https://bit.ly/3EqJd0Q>

32 FAO (2014). *Report of the 41st (Special) Session of the Committee on World Food Security, Document C 2015/20*, Appendix D. [online]. Available at: <https://bit.ly/3mnFEIV>

The Rome Declaration on Nutrition (2014)

Adopted at the second International Conference on Nutrition, the Rome Declaration commits countries to end hunger and prevent all forms of malnutrition internationally and reverse the growth in obesity. This includes addressing undernutrition in children and anaemia in women and children, amongst other forms of micronutrient deficiencies.³³ The Declaration attempts to achieve these aims by increasing investment in food systems to improve people's diets and nutrition. The accompanying technical Framework for Action includes guidelines for effective investment in:

- Pro-poor and smallholder agriculture
- Nutrition education and information
- Social protection
- Strengthened health systems
- Improved water, sanitation and hygiene
- Improved food safety

UN Declaration on the Rights of Peasants and other People Working in Rural Areas (2018)

The UN Declaration on the Rights of Peasants and other People Working in Rural Areas (UNDROP) was adopted with the vote of a large majority of 121 members (eight voted against the Declaration and 52 abstained). The Parties that voted against the Declaration include Australia, Sweden, the UK and the US, and most countries in Europe abstained from the vote.

The Declaration was drafted in recognition of existing treaties that enshrine human rights and the right to food, and the need for small producers, or peasants, to have specific protections. It recognises 'the special relationship and interaction between peasants and other people working in rural areas and the land, water and nature to which they are attached and on which they depend for their livelihood'. The Declaration acknowledges the special position of peasants

(small-scale and family producers), their vulnerabilities to corporate and State pressure, and their contribution to conserving and improving biodiversity and ensuring the right to adequate food and food security. It also recognises the particular vulnerabilities of women and children to poverty, hunger and malnutrition.

The Declaration recognises the special relationship between peasants and other people working in rural areas, and the land, water and nature on which they depend for their livelihood.

³³ WHO (2014). *Rome Declaration on Nutrition*. ICN2 2014/2, [online]. Available at: <http://www.fao.org/3/a-ml542e.pdf>

UN Special Rapporteur on the Right to Food Reports

The mandate of the Special Rapporteur on the Right to Food was originally established by the Commission on Human Rights in April 2000 by Resolution 2000/10. The mandate includes reporting to the Human Rights Council and the UN General Assembly on the status of the right to food throughout the world. The Human Rights Council then endorsed and extended the mandate with its Resolution 6/2 of 27 September 2007. To this date, four experts have

fulfilled this function through examining the existing and emerging obstacles to the right to food and presenting recommendations to overcome these on national, regional and international levels. The Special Rapporteur presents annual reports on the right to food with varying focuses, such as *The Impact of Climate Change on the Right to Food* (2015)³⁴ and *Access to Justice and the Right to Food* (2014).³⁵



34 United Nations (2015). *Impact of climate change on the right to food*, Special Rapporteur Report to the General Assembly on the Right to Food, UNA/70/287 [online]. Available at: <https://www.ohchr.org/Documents/Issues/Food/A-70-287.pdf>

35 United Nations (2014). *Access to justice and the right to food: the way forward*, Special Rapporteur Report to the Human Rights Council, UN A/HRC/28/65. [online]. Available at: <https://bit.ly/3Gz0ypU>

Regional legal and policy frameworks

African Union

African Charter on Human and Peoples' Rights (1981)

The Organisation of African Unity, now replaced by the African Union, adopted the Charter on Human and Peoples' Rights in 1981. The Charter formally entered into force on 21 October 1986. It encompasses civil, political, economic, social and cultural rights.³⁶

The African Commission on Human and Peoples' Rights oversees the implementation of the Charter. The principles and guidelines on the implementation of the Charter, state that 'although the African Charter does not expressly protect the right to food, [...] the right to food is inherent in the Charter's protection of the right to life, health and the right to economic, social and cultural development. The right to food is an individual right [...] and is indispensable for the fulfilment of other human rights, in particular the rights to health, education and political participation'.³⁷



Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)

Food-related rights are addressed specifically with respect to women in the Maputo Protocol.³⁸ The right to food security laid out under Article 15 obliges its 51 signatory States to

ensure that all women have access to clean water and means of producing nutritious food.

³⁶ WHO (2016). *African Charter on Human and Peoples' Rights*, [online] p. 1. Available at: http://www.who.int/hhr/Human_and_Peoples_rights.pdf

³⁷ African Commission on Human and Peoples' Rights (2017). *Resolution on the Right to Food and Food Insecurity in Africa*– ACHPR/Res. 374 (LX), [online]. Available at: <https://www.achpr.org/sessions/resolutions?id=416>

³⁸ African Commission on Human and Peoples' Rights (2003). *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. [online]. Available at: <https://bit.ly/2ZFqzDA>

The African Charter on the Rights and Welfare of the Child (1990)

This Charter recognises that children's physical and mental development, including moral and social development, requires legal protection in terms of freedom, dignity and security. Under Article 14, the right to adequate nutrition is

laid out as part of a child's need for primary healthcare. Article 20 continues to place responsibility for the child's enjoyment of these rights on parents and State Parties.³⁹

Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods (2014)

In 2014, the 55 Member States of the African Union made a commitment to focus policy and investment on agricultural development. The Declaration includes commitments to end hunger, reduce stunting, and bring the rate of children under five who are underweight down to 5% in Africa, as well as halve poverty through agricultural development by 2025. It also outlines targets for reducing post-harvest losses and enhancing rural food producers' resilience to climate-

related shocks. The Declaration builds on a wider policy agenda of the African Union, which focuses on agriculture and development. This includes the Comprehensive African Agricultural Development Programme (CAADP, 2003) and the targets of the African Union's Agenda 2063, which are deemed to coincide with African States' contributions towards the SDGs.⁴⁰

Association of Southeast Asian Nations

ASEAN Human Rights Declaration (2012)

The Association of Southeast Asian Nations adopted its guiding regional human rights instrument in 2012. Principle 28 of the Declaration provides that 'every person has the right to an adequate standard of living for them and their family', which means 'the right to adequate and affordable food, freedom from hunger and access to safe and nutritious food'.

The right to an adequate standard of living includes the right to adequate and affordable food, freedom from hunger and access to safe and nutritious food.

³⁹ UNICEF (1990). *The African Charter on the Rights and Welfare of the Child*. [online]. Available at <https://bit.ly/3pTnQJH>

⁴⁰ Further information on CAADP and the Africa Union's Agenda 2063 can be accessed here: <https://www.fao.org/policy-support/mechanisms/mechanisms-details/en/c/417079/>

The Americas

Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights ‘Protocol of San Salvador’ (1999)

The Protocol covers rights concerning non-discrimination, work, social security, family, health and education, as well as cultural rights. Article 12 under the Protocol provides for the right to ‘adequate nutrition which guarantees the possibility of enjoying the highest level of physical, emotional and intellectual development’. Article 12 also requires Parties to

the Protocol to improve methods for the production, supply and distribution of food, and encourages international cooperation to this end. Several national laws have been enacted in response to the Protocol, including in Mexico and Nicaragua.

Initiative for a Hunger Free Latin America and the Caribbean (2005)

The Initiative for a Hunger Free Latin America and the Caribbean (HFLACI) (2005) is a region-wide commitment by States towards eradicating hunger by 2025. To support the achievement of this Initiative, the Parliamentary Front Against Hunger was formed in 2009. The first of its kind globally, the Front includes representatives from Member States and civil society. It is an active intervention towards tackling issues of hunger and food security, framed by international human rights obligations. The Front promotes the adoption of national laws, with the intention to establish national systems of food and nutrition security across the region. These national systems are intended to implement a policy focus on rural sustainable family farming, food sovereignty, school feeding, malnutrition, and the particular vulnerabilities of women, children and indigenous peoples.

The Parliamentary Front has led to the formation of 17

national level, three sub-national, and four sub-regional level ‘fronts’, focused on legislative and policy integration to reduce hunger.⁴¹ An example is the sub-regional front, PARLATINO, formed of 23 States in 2009. PARLATINO has enacted the Framework Law on the Right to Food, Food Security and Food Sovereignty (2012), the Framework Law on School Feeding (2013), the Declaration of Family Farming (2014), and the Model Law on Family Farming (2016).

The Parliamentary Front has led to the formation of 17 national level ‘fronts’ focused on introducing legislation and policies to reduce hunger.

41 For further information about legislation, see Parliamentary Front Against Hunger (2016). Available at: <https://bit.ly/3BjtsH3>

Examples of relevant national legislation

A 2010 study commissioned by FAO states that 56 national constitutions protect the right to food, either implicitly or

explicitly, as a justiciable right.⁴²

Ecuador

The Constitution of 2008

The Constitution of Ecuador was adopted in 2008. It presents one of the strongest constitutional guarantees of the right to food, which is mentioned throughout the document across a wide range of chapters.

The main provision on the right to food is Article 13. It provides that all people have the right to safe and permanent access to healthy and nutritional food. The Constitution also places further obligations on the Ecuadorian State to promote food sovereignty, which means that policies must be developed to ensure this. Not only is guaranteeing the

right to food expressed as a prime duty of the State, the Constitution also refers to the right to food in relation to specific groups, such as imprisoned persons (Article 51) or displaced persons (Article 42).⁴³

Article 13 provides that all people have the right to safe and permanent access to healthy and nutritious food.

Food Sovereignty Framework Law (2009)

With the Constitution of Ecuador having incorporated food sovereignty as a constitutional right, the *Conferencia Plurinacional e Intercultural de Soberanía Alimentaria* (COPISA) was set up under the Food Sovereignty Framework Law to help establish supplementary laws on food sovereignty.⁴⁴ It

is a very comprehensive framework, which includes many different elements related to food sovereignty and production, such as the provision of financial credit with low interest rates, the promotion of gender equality in the fishing sector, the redistribution of land, and communal property rights.

⁴² Knuth, L., and Vidar, M., (2011). *Constitutional and Legal Protection of the Right to Food around the World*. FAO. [online] p. 32. Available at: <https://bit.ly/3bkN03i>

⁴³ Political Database of the Americas (2008). *Constitution of The Republic of Ecuador*. The Official Register, [online]. Available at: <https://bit.ly/3nxKUma>

⁴⁴ World Intellectual Property Organization (2009). *Ley Orgánica del Régimen de la Soberanía Alimentaria*, [online]. Available in Spanish only at: <https://bit.ly/3bjFw06>

South Africa

The Constitution (1996)

The Constitution of South Africa, which is hailed as one of the most detailed in its provision of rights, states under Section 27 that everyone has the right to access sufficient food and water. The rights of children, as laid out under Section 28, reaffirm the child's right to basic nutrition, as

well as protection from any form of neglect. The Constitution goes further than many other legal frameworks in affirming the rights of prisoners and detainees to adequate nutrition within Section 35.⁴⁵

National Food and Nutrition Security Policy (2013)

The primary goal of South Africa's National Policy is to 'ensure the availability, accessibility and affordability of safe and nutritious food at national and household levels'.⁴⁶ Following the 2002 Integrated Food Security Strategy, this Policy aims to improve coordination, promote stricter alignment and a stronger response to food insecurity. Five pillars guide different initiatives and programmes:

- i. Improved nutritional safety nets, for which the government will run feeding programmes.
- ii. Improved nutrition education.
- iii. Investment in agriculture, through the provision of technical support services, subsidies on inputs, and support with storage and distribution.
- iv. Improved market participation of the agricultural sector by supporting smallholder farmers.
- v. Food and nutrition security risk management, through increased investment in research.



⁴⁵ World Intellectual Property Organization (1996). *The Constitution of the Republic of South Africa*. [online]. Available at: <https://bit.ly/3vWBcOc>

⁴⁶ South Africa National Food and Security Policy, Department of Agriculture, Forestry and Fisheries (2013). *National Policy on Food and Nutrition Security*. Annexure A, [online] p. 6. Available at: <http://www.nda.agric.za/docs/media/NATIONAL%20POLICYon%20food%20and%20nutrition%20security.pdf>

Pakistan

Pakistan Bait-ul-Mal Act (1991)

The Pakistan Bait-ul-Mal Act was passed by the parliament in 1992. It emphasises the State's duty to provide all citizens who are unable to earn their own livelihood with the basic necessities of life, including food, clothing, housing and

education. As part of the Act, the Food Support Programme (FSP) was introduced in 2000 to target the poorest and most in need by providing financial support for food.

National Zero Hunger Plan (2013)

Pakistan's Ministry of National Food Security and Research launched a National Zero Hunger Plan in 2013. This was to further strengthen food security and combat malnourishment in the country. The plan aims to reach 61 million people who are suffering from food insecurity. It includes financial support for food, cash or food support in climate disaster hit areas, expansion of farmers' access to markets, targeted social safety nets, rationalisation of food and commodity market prices, and enhanced coordination of various federal and provincial ministries and public-private-civil society partnerships. The Plan is part of Pakistan's long-term development strategy, in-line with the SDGs, 'Vision 2025'. This Vision aims to address general issues with food security and how this is affected by climate change. Although Pakistan is deemed to be self-sufficient in meeting the food security needs of its growing population, undernutrition remains one of the most pressing challenges it faces. The country has the second highest number of malnourished citizens in South Asia.

In particular, law enforcement operations in the north-west regions of Pakistan continue to hinder progress to establish food and nutrition security for many citizens in the Khyber

Pakhtunkhwa and Federally Administered Tribal Areas (FATA). Health infrastructure in this conflict-affected region has been damaged by military operations and is under increased pressure from the internal displacement of people.



Nepal

Rights to Food Sovereignty Act, 2075 (2018)⁴⁷

In September 2018, the government of Nepal enacted the Rights to Food Sovereignty Act to help address SDG 2 and achieve zero hunger. The Act aims to ensure the fundamental right of Nepalese citizens to food security and food

sovereignty. Whilst this is a positive step, the government still needs to develop accountability and implementation mechanisms to enforce the Act.⁴⁸

Philippines

The Zero Hunger Bill or Right to Adequate Food Framework Act (not yet passed)

The Zero Hunger Bill in the Philippines was presented to the House of Representatives in 2015. It seeks to harmonise all laws related to citizens' right to adequate food and to prohibit violations of the right to food. The Bill includes provisions for the government to purchase food from farmers within the Philippines for distribution. It also aims to increase the amount of land under cultivation for agriculture and

create a budget to support increased agricultural outputs. The passage of the Bill would signal the government's commitment to develop a more coordinated approach to food security in the Philippines. The National Food Coalition (NFC), comprising of various small producer groups, is pushing for the passage of this Bill in the face of increasing challenges in the country.

Mexico

The Constitution (2011)

Under social and political pressure, the Chamber of Deputies approved a reform that enshrined the right to food in Mexico's Constitution in 2011. Article 4 affirms a person's right, including children, to adequate food to maintain their

wellbeing and holistic development. It further outlines that the State must guarantee this right. Article 27 requires the State to guarantee sufficient and timely supply of basic foods.

⁴⁷ Nepal Law Commission (2018). *The Right to Food and Food Sovereignty Act, 2075* [online]. Available at: <https://bit.ly/3pKRx7g>

⁴⁸ The Government of Nepal (2018). *Towards Zero Hunger in Nepal: A Strategic Review of Food Security and Nutrition*. [online]. Available at: <https://bit.ly/2Zwoucu>

Insights for the legal profession

a) Examples of relevant cases and legal proceedings

India

*The People's Union for Civil Liberties v. Union of India & Others (2003)*⁴⁹

This landmark case saw the Indian Supreme Court rule that the government had a duty to ensure no one went hungry. The litigation was brought forward by a human rights organisation, The People's Union for Civil Liberties, following reports that the distribution of government grain supplies was irregular and often absent during periods of extreme drought, which saw many die of starvation. It was on the basis of the State's negligence and failure to provide basic assistance to the poorest in society that the organisation put forward a petition in the Supreme Court, demanding the release of large food stocks to feed the impoverished. The Court held that the right to food was a fundamental part of the right to life under Article 21 of the Constitution and that without sufficient food it would not be possible for any citizen to enjoy their life with human dignity.

Known as 'the right to food case', it placed pressure on the State, which led to the introduction of some new feeding schemes. The case also helps to turn existing programmes, such as school feeding schemes, grain support for the elderly, and mother and child nutrition programmes, into legal entitlements. The Supreme Court assigned two Commissioners of the Court to monitor the enforcement of

the subsidised food prices, ensuring that the benefits were reaching the 800 million Indians living below the poverty line, particularly in exceptionally poor communities like the indigenous Tiwa community.



⁴⁹ Right2Info (2003). *People's Union For Civil Liberties v Union of India & Others*, Supreme Court of India [online]. Available at: <https://bit.ly/3BqrxjZ>

Colombia

The Colombian Constitutional Court has developed an extensive jurisprudence related to internal displacements of rural poor due to armed conflicts.⁵⁰ In this context, the Court has recognised that food security as a right is threatened by

forced displacements and has ordered political authorities to take positive actions to fulfil the right to food. This includes implementing programmes to re-establish the right for food for these communities.

South Africa

South Africa, High Court, Kenneth George and Others v. Minister of Environmental Affairs & Tourism Order (2007)⁵¹

This case was lodged by the Artisanal Fishers Association, Masifundise Development Trust, and the Legal Resources Centre, among others, against the Minister of Environmental Affairs and Tourism. The case was based on the unlawfulness of a post-apartheid policy reform process, which diminished the rights of small-scale artisanal fishers. It had been implemented with the intention to rectify the inequalities of opportunity in fisheries following the apartheid era. However, in practice, the policy deepened the stronghold that large corporate fisheries held over the market and reduced opportunities for the marginalised communities that it had intended to support. The failure of the policy has been attributed to insufficient implementation of finance infrastructure to support artisanal fishers.

well as the Promotion of Equality and Prevention of Unfair Discrimination Act, to bring the demand for equal access rights to fishing quotas. The case was considered in the High Court and filed to the Equality Court to consider an inquiry into the policy. The Ministry resisted the claim to the Equality Court, but their appeal was rejected by the High Court. This set a precedent on the rights of individuals to bring cases to the Equality Court. The High Court ordered the Ministry to form a task team to develop new legislative and policy frameworks to accommodate the needs of the group. Before the inquiry in the Equality Court began, the Ministry agreed to adapt the policy to protect the rights of artisanal fishers and to protect the allocation of fishing quotas for poor and marginalised fishers.

The plaintiffs relied on provisions in the Constitution, as

50 Courtis, C. (2007). *The Right to Food as a Justiciable Right: challenges and strategies*, Max Planck Yearbook of United Nations Law, Colombian Constitutional Court Decisions T-227/1997, SU-1150/2000, T-1635/2000, T-327/2001, T-1346/2001, T-098/2002, T- 215/2002, T-268/2003, T-419/2003, T602/2003, T-721/2003, T-025/2004, T- 078/2004, T-097/2005, T-312/2005, T-563/2005, T-882/2005, T-1076/2005, T-086/2006, T-138/2006 and T-585/2006. [online] 11, pp. 317-337. Available at <https://bit.ly/3GsUwrb>

51 South Africa High Court (2007). *Kenneth George and Others v. Minister of Environmental Affairs & Tourism*, Case No. EC 1/2005, Judgment, cited by Golay, C. (2009). *The Right to Food and Access to Justice*. FAO [online]. Available at: <http://www.fao.org/3/a-k7286e.pdf>

Nigeria

Social and Economic Rights Action Centre (SERAC) and the Centre for Economic and Social Rights (CESR) v. Nigeria (2001)⁵²

SERAC and CESR brought a case against the Nigerian government on behalf of the Ogoni people in regard to the State oil company's environmental degradation of Ogoniland. The case was based on the harm to the local community as a result of the reckless disposal of toxic waste, which resulted in the contamination of water and soil. These harmful oil development practices, including the dumping of oil, left much of the soil and water poisoned. Due to the reliance of the Ogoni people on farming and fishing, these practices amounted to the destruction of their food sources.

The African Commission on Human and Peoples' Rights found the State actors in violation of the Ogoni people's right to food. The right to food is implicitly guaranteed under the African Charter's provisions for the right to life (Article 4), right to health (Article 16) and right to economic, social and cultural development (Article 22). The right to food, the Commission held, is inseparably linked to the dignity of human beings and therefore inherent in the Charter. The Commission ordered the state to take action to clean-up lands and rivers.



52 ESCR-NET (2001). *Social and Economic Rights Action Center and Center for Economic and Social Rights v Nigeria*, 155/96. [online]. Available at: <https://bit.ly/3CBPENK>

b) Legal context and challenges

The ratification of international human rights instruments requires States to ensure conformity between their domestic legal systems and their duties under the human right to food.⁵³ Governments are under a legal obligation to progressively enable all individuals within their borders to not merely be free from hunger, but to produce or procure food that is adequate for an active and healthy life.⁵⁴ Specifically, the human right to food has been interpreted by the ICESCR Committee as ‘the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.’⁵⁵

Although the right to food and the right to be free from hunger are enshrined in numerous international agreements and are recognised in national constitutions across the world, there remain obstacles to considering it as a right that can be the subject of litigation. The idea that economic, social and cultural rights are not justiciable remains stubbornly persistent. The Indian Supreme Court ruling and the Ogoni case are landmark cases that disprove this theory. Other courts throughout the world have dealt with a range of different claims related to the right to food. The UN Special

Rapporteur on the Right to Food and most legal experts consider that arguments against the justiciability of environmental, social and cultural rights in general, and of the right to food in particular, are unfounded.^{56,57} The entry into force in 2013 of the Optional Protocol to the ICESCR, which established complaint and inquiry mechanisms, represents a significant step towards international accountability. However, to this date, only 24 States have ratified it.⁵⁸

Governments are under a legal obligation to progressively enable all individuals within their borders to not merely be free from hunger, but to produce or procure sufficient food for an active and healthy life.

Even when the justiciability of the right to food is recognised, there remain practical obstacles for people to access justice. Such obstacles include a lack of awareness and information about the right to food, particularly among vulnerable and marginalised groups, as well as institutional and structural barriers (including legal fees and the lack of legal assistance;

53 Office of the High Commissioner for Human Rights(1999). *CESCR General Comment 12: The Right to Adequate Food (Art. 11)*.UN E/C.12/1999/5 [online]. Available at: <http://www.refworld.org/pdfid/4538838c11.pdf>

54 FAO (2006). *The Right to Food in Practice – Implementation at the National Level*. [online] p. 7. Available at: <http://www.fao.org/3/a-ah189e.pdf>

55 Office of the High Commissioner for Human Rights(1999). *ICESCR General Comment 12: The Right to Adequate Food (Art. 11)*.UN E/C.12/1999/5 [online]. Available at: <http://www.refworld.org/pdfid/4538838c11.pdf>

56 United Nations (2014). *Rapporteur Report to the Human Rights Council*, UN A/HRC/28/65. [online]. Available at: <https://undocs.org/A/HRC/28/65>

57 Courtis, C. (2007). *The Right to Food as a Justiciable Right: Challenges and Strategies*. Yearbook of United Nations Law, [online] 11, pp. 317-33. Available at: http://www.mpil.de/files/pdf1/mpunyb_12_courtis_11.pdf and Golay, C. (2009). *The Right to Food and Access to Justice*. FAO. Available at: <http://www.fao.org/3/a-k7286e.pdf>

58 United Nations (2008). *Optional Protocol to the ICESCR*, General Assembly A/RES/63/117. [online]. Available at: <https://bit.ly/3bo4f3D>

judicial corruption; and the absence of courts in rural and remote areas).⁵⁹

However, the attainment of SDG 2 cannot be reduced to the judicial protection of the right to food alone. It is also about addressing poverty, inequality, and social exclusion, as well as the challenges linked to climate change and environmental degradation. Regarding targets 2.1 on hunger and access to food, and 2.2 on malnutrition, even when adequate food is available on domestic markets, poor and vulnerable households struggle to access adequate food to maintain a healthy lifestyle. These households spend as much as 80 percent of their income on food and are often in need of targeted measures and safety nets to ensure access to sufficient nutrition.

When conflict or natural disasters strike, the most vulnerable can be pushed to the tipping point, requiring immediate humanitarian support to access food. State efforts to stabilise food prices, rebuild markets and support livelihoods in the aftermath of shocks is essential. In 2015, the UN MDG Report concluded that ‘in a growing number of countries, political instability and civil strife have aggravated the effects of natural disasters, resulting in numerous and significant humanitarian crises. These developments have slowed progress in reducing food insecurity in some of the most vulnerable countries and regions of the world’.⁶⁰

It is important to recognise the tensions between the ability of States to act to protect the right to food and food sovereignty and the growing power of multi-national corporations. Some international laws can help to secure corporations’ control over land and resources, which may directly undermine

public interest agendas to protect the socio-economic rights and livelihoods of the local population. Even where States aim to implement legislation and policies that uphold socio-economic rights, governments may struggle to protect relevant sectors and negotiate the terms by which these corporations operate within their economies. For instance, membership to the World Trade Organization requires States to adhere to standardised international trading terms, which can hinder the implementation of certain protective policies that might otherwise support smaller-scale industries to grow.



59 United Nations (2014). *Access to justice and the right to food: the way forward*, Special Rapporteur Report to the Human Rights Council, UN A/HRC/28/65. [online]. Available at: <https://undocs.org/A/HRC/28/65>

60 United Nations (2015). *The Millennium Development Goals Report 2015*. [online] p. 20. Available at: <https://bit.ly/3ErOTrm>

c) So, what can lawyers do?

Lawyers in all sectors of the legal profession – corporate counsel, private practice, government advisors, parliamentarians, international agencies, civil society, academia – are well-positioned to help implement the UN Sustainable Development Agenda and contribute to the elimination of hunger under SDG 2.

This section highlights several avenues through which the legal community can build its understanding of the SDGs in general, and of SDG 2, in particular. It focuses on how lawyers can use this knowledge to improve their practice and share their learnings with colleagues and clients (learn and

educate). It also examines ways that law firms and lawyers can integrate SDG 2 within their organisations, both in their internal operations and in their daily work (integrate). Finally, this section recognises the broader opportunities for law firms to engage with SDG 2 through pro bono work, positive advocacy and community involvement (act). The ideas put forward here are intended to kick-start a conversation about the role of the legal community in the realisation of the SDGs. A4ID's SDG Legal Initiative will continue to push this global conversation forward and create pathways of opportunity for lawyers, the development community, and academics.



Learn and educate

Lawyers can enhance their ability to support the achievement of the targets of SDG 2 by increasing their understanding of the drivers of hunger, malnutrition, food insecurity, and unsustainable food systems. In particular, lawyers should seek to build their understanding of how the operations of different stakeholders, public and private entities, can impact upon these global challenges. In doing so, they can identify how this relates to regulation and legal work. Some important resources include research published by international development agencies, especially FAO,⁶¹ the reports of the UN Special Rapporteur on the Right to Food,⁶² and OECD-FAO Guidance for Responsible Agricultural Supply

Chains.⁶³

With this knowledge, lawyers will better understand how they can help to protect the rights of small-scale producers, and of those on a low income and at high risk of hunger and food insecurity, especially women and children. It is essential that lawyers receive training to enable them to argue effectively for the upholding of the right to food. At the same time, judges need to acquire the knowledge to grasp and accept such arguments as appropriate.⁶⁴



61 FAO (2019). *Fifteen years implementing the Right to Food Guidelines. Reviewing progress to achieve the 2030 Agenda*. [online]. Available at: <https://bit.ly/3plHzDz>

62 United Nations (2014). *Access to justice and the right to food: the way forward*, Special Rapporteur Report to the Human Rights Council. [online]. Available at: <https://bit.ly/3nCz9em>

63 OECD (2016). *OECD-FAO Guidance for Responsible Agricultural Supply Chains*. [online]. Available at: <https://bit.ly/3pMJ4R3>

64 United Nations (2014). *Access to justice and the right to food: the way forward*, Special Rapporteur Report to the Human Rights Council. [online]. Available at: <https://bit.ly/3nCz9em>

Integrate

The adoption of the UN Sustainable Development Agenda provides impetus for law firms, corporate legal departments, and other law-related organisations to examine and re-align their own policies and practices. There are several ways that law firms, in their everyday operations, or lawyers individually, can make an impact.

First, they can adjust their consumer choices and behaviour to support more sustainable and inclusive food supply chains. Since the market and value chains of agricultural products are highly globalised and demand-driven, responsible consumer choices can positively impact the targets of SDG 2. Law firms can ensure that their policies and practices concerning the supply, consumption and utilisation of food and other products, such as sanitation and cosmetics, are aligned with SDG 2. In particular, such choices can impact targets 2.3, to increase the income of smaller producers, and 2.4, to increase the resilience and sustainability of production systems. Integrating the following measures will enable law firms to proactively contribute to the achievement of SDG 2:

- Implement policies to ensure products purchased by the firm are derived from small-scale producers using sustainable and resilient practices that protect land, water and biodiversity.
- Ensure that the supply chains employed by the firm guarantee beneficial terms of trade for producers.
- Guarantee that food supplied by the firm for employees and clients is healthy and nutritious.
- Take measures to reduce food waste within the operations

of the firm.

- Partner with organisations that support the integration of such measures, for example the business forum of the Food Ethics Council (UK).⁶⁵
- Work towards achieving a certification for the standards of sustainable consumption upheld by the firm.

Furthermore, law firms can ensure that the targets of SDG 2 are integrated into due diligence assessments of their cases and clients. This should enable lawyers to integrate business and human rights frameworks into their advice and advocacy. It will also help firms to make discerning decisions about the risks they face in representing clients who:

- Are involved in producing or use genetically modified organisms.
- Are involved in large-scale monoculture agriculture.
- Have received formal complaints, fines, or sanctions related to SDG 2 – Zero Hunger, such as marketing or recalls.
- Have received formal complaints, allegations, or penalties for infringing on indigenous peoples' rights. For instance, utilising lands owned or used by indigenous peoples without full documented consent of such peoples.
- Are involved in large-scale land acquisition or degradation or have caused the resettlement or economic displacement of people.

⁶⁵ For more information about the Food Ethics Council, visit: <https://www.foodethicscouncil.org/engage/>

Act

Many law firms are working to make their pro bono work more strategic, collaborative and sustainable. By aligning their work with the SDGs, lawyers can be confident that they are taking practical steps towards a comprehensive and inclusive roadmap for sustainable development. This can help firms to establish and develop collaborative, cross-sector partnerships with other organisations that are working towards the same goals. When considering international pro bono, law firms should establish relationships with NGOs and local partners that can provide insight on the context and the national legal environment. Such partnerships will not only help to broaden the impact of the firm's pro bono work, but also ensure that it responds to the local context.

Developing a pro bono strategy with clearly identified goals enables firms to assess the effectiveness of pro bono work over time and therefore increase its impact. There is wide recognition that pro bono work, which is focused on progressing long-term goals and implemented in partnership with relevant organisations will lead to more sustainable results than ad hoc pro bono assistance.

The SDGs thus present a compelling opportunity for law firms, corporate legal departments and other lawyers to expand their pro bono legal activities domestically and abroad.

Facilitate small-scale producers' access to markets

Contract law, codes of conduct on unfair trading practices, and competition law can be used to address issues around bargaining power within food supply chains.⁶⁶ The adoption of regional and national competition law regimes to tackle excessive concentration in such chains could positively impact producers, particularly smallholder farmers.

Intellectual Property law could assist with increasing the value of local products in regional and international markets by registering the brand and origin, by using trademarks or by protecting local and genetic technology using intellectual property rules.

Improve access to timely market information

Many small farmers lack access to market information when deciding which crops to grow and depend on middlemen to dictate the prices. Information and Communication Technology law can support the development of

technological solutions such as online mobile platforms that provide real-time market prices. ICT law can also support the development of mobile platforms to help with compliance with food safety standards for export markets.

⁶⁶ European Commission (2014). Imbalances in the food supply chain: The Commission's approach and recent initiatives at the EU level. Conference on Current Trends in Slovakia and European Competition Law. Available at: <https://slideplayer.com/slide/4112815/#>

Protect women's land rights

Issues with food security, access to food and agricultural productivity are all further intensified by women's unequal access to land. Legal empowerment strategies can be used to

assist marginalised groups such as women to ensure property and inheritance rights, and access to finance and markets.

Strengthen the rule of law

Food production and economic livelihoods can be hindered by insecurity of tenure, and weak institutions for dispute and conflict resolution. There is a consensus that the rule of law, through dispute resolution mechanisms and respect for

property rights, is necessary for agricultural development and therefore food security and nutrition. For instance, land and titling law can improve access to credits by providing collateral.

Improve resilience to external shocks

Insurance law can help develop resilience to climate change variability and related shocks. Small-holder farmers have traditionally been unable to secure multi-peril crop insurance. Index-based insurance has been suggested as a means of supporting them to manage such risks and build financial resilience. Index insurance is not designed to protect farmers against every possible loss, but instead support them against a specific climate risk.

However, insurance could stifle adaptation. Insurance for crops could undermine local diversification, with farmers being incentivised to cultivate cash crops, rather than more climate-resistant varieties. For an index insurance project to be successful, an index must be robustly designed so that it protects a farmer against the targeted risk and correlates

well with losses. Building the required links between insurance companies, reinsurers, scientists and the clients is an important step. Working in partnership with development professionals and local actors to deliver international pro bono legal support is crucial to ensure that the legal assistance is adapted to the local context, responsive to actual community needs and as effective as possible.

Working collaboratively, A4ID has produced resources to guide law firms seeking to align their pro bono practice to the SDGs.

67 Greatrex, H. (2015). *Scaling up Index Insurance for Smallholder Farmers: Recent Evidence and Insights*, Climate Change, Agriculture and Food Security (CCAFS). [online] p. 6. Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/CCAFS_Report14.pdf

68 ROLE UK (2018). *Pro bono and the Sustainable Development Goals: A guide for international law firms working with NGOs*. [online]. Available at: <https://bit.ly/3nDRmYP>



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