

# SDG 2: ZERO HUNGER



# A LEGAL GUIDE

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

## **Disclaimer**

The information contained within this guide is correct at the date of publication.

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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

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## 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 focused 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. With a global food crisis causing rising levels of hunger and food insecurity across the world, it is time that food is put back on the table as a key international priority.

While global food production is sufficient to feed the world's population, not everyone has enough to eat and the cost of accessing nutritious food now threatens to price many out of the market. Although recent years have seen signs of improvement, food insecurity continues to threaten 28% of the global population marking a 6.6% increase from the original 2015 baseline when the SDG Agenda was first adopted.<sup>1</sup>

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These changes are directly attributable to the global polycrisis. For example, the aftermath of wars and conflict are seeing significant challenges to food security within international supply chains, along with risks of famine in conflict affected settings. Extreme weather events and climate disasters are routinely testing the resilience of agriculture and production systems, compromising fertile land, reducing crop yields, threatening livestock and fisheries, and creating market volatility. Meanwhile, an increase in inequalities and cost of living, exacerbated by the COVID-19 pandemic, leaves access to food and nutrition ever limited, with the poorest most at risk. It is clear then that governments need to be ready to step in and provide for their citizens in these times of crisis.

Yet food systems are already well-served. There are many different players, from small producers to large multi-national conglomerates involved in global food supply, all of which exert varying levels of control and influence over how easily food can be accessed. Achieving sustained food security therefore depends on the careful management of a multitude of market and governance systems, with a key responsibility falling on States to regulate food markets, production and access equitably. This is

because in our increasingly globalised world, international trade agreements applying to food and inputs often benefit wealthier states and corporations, rather than small producers.

In challenging this status quo, recent years have seen a range of initiatives dedicated towards food transformation at national and international levels, including billion-dollar commitments to support the food industry in low- and middle-income countries and new financing options such as the IMF Food Shock Window. However, calls remain for greater protections and financing for smaller producers; safe access to humanitarian lifesaving support; national policies rooted in traditional knowledge, and the diversification of food systems (both in terms of biodiversity and in its inclusion of women, youth, indigenous peoples and local communities).<sup>2</sup>

To achieve these changes, countries will need to look towards major reforms and systematic solutions. Herein lies limitless potential for the law and lawyers to help address the challenges outlined under SDG 2 be it through law reform, litigation, or at various points along the international food chain.

**Yasmin Batliwala, MBE**

**Chief Executive**



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## Contents

<b>2</b>	The Sustainable Development Goals	<b>29</b>	Examples of relevant national legislations
<b>3</b>	Key terms	<b>33</b>	Insights for the legal profession
<b>5</b>	Overview of the targets	<b>33</b>	a) Examples of relevant case studies
<b>13</b>	Key actions lawyers can take	<b>36</b>	b) Legal context and challenges
<b>14</b>	Elements of the international legal framework	<b>38</b>	c) So, what can lawyers do?
<b>26</b>	Regional legal and policy frameworks	<b>43</b>	Endnotes

# 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.



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## Key terms

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

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In the context of SDG 2, the following terms mean:

**'Food security'**: at the 1996 World Food Summit, food security was defined as existing "when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life."<sup>3</sup>

The working concept utilised by the UN Food and Agriculture Organization (FAO) integrates four main dimensions to food security, namely, 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, whether an individual or community have access to food all year around.<sup>4</sup>

**'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

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first presented by the international peasant's 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."<sup>5</sup>

**'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).<sup>6</sup>

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## 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.

In recent years geopolitical tensions have culminated in a food crisis now impacting all corners of the globe. For example, at an international level, the Russian invasion of Ukraine has disrupted global food chains;<sup>7</sup> as a conflict between one of the world's largest agricultural exporters (Ukraine) and one of the world's largest fuel exporters (Russia), while simultaneously both major exporters of fertiliser. Meanwhile, at a national level, mass displacement of persons and access blocks to humanitarian life-saving support create famine and starvation in conflict-affected settings including Gaza,<sup>8</sup> Sudan,<sup>9</sup> Yemen<sup>10</sup> and Ethiopia.<sup>11</sup>

At the same time, weak economic resilience for many nations, who are still reeling from the setbacks of COVID-19, have pushed millions back into poverty, while the share of countries with high food prices is now three times pre-pandemic levels.<sup>12</sup>

Outside of these social and economic factors, rising climate emergencies, including severe droughts across Eastern and Southern Africa, have seen more than 90 million people facing extreme hunger.<sup>13</sup> This increasing occurrence of unpredictable and extreme weather patterns risks long-term instability for countries and communities reliant on agriculture, as domestic food systems are destroyed.

It is clear then that increasing the scale of food production alone will not be sufficient to tackle global hunger.

Rather food security must 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, will also be necessary to diminish risks and increase resilience for many of the poorest communities, who face food insecurity and hunger.

**"Hunger is not an emergency confined to certain pockets of the world or periods of time... Hunger and malnutrition are spreading faster than our ability to respond, yet globally, a third of all food produced is lost or wasted." - António Guterres (2025)<sup>14</sup>**

For SDG 2 to succeed therefore other challenges need to be addressed, 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 appropriate technology, investment and capacity-building support (SDG 9).

At the same time, SDG 2 provides international recognition for women and men in rural areas, as key agents for change in driving progress towards this goal. After all, in all contexts, hunger and food insecurity exacerbate inequalities, particularly for women whose domestic and livelihood circumstances directly impact upon the food situation of the family.<sup>15</sup> The achievement of SDGs 5 and 10 are therefore also key to the realisation of SDG 2 and vice versa.

While food security has long been an international priority, including under MDG 1, progress towards this goal was mixed prior to the SDG Agenda. 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, amounting to 870 million people living in hunger.<sup>16</sup> Since then however, data has shown that progress in tackling global hunger has worsened.<sup>17</sup>

To combat these trends, SDG 2 sets an ambitious objective to end hunger entirely, and looks to systemic solutions such as transforming agriculture to do so. 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.<sup>18</sup> 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.<sup>19</sup> Many NGOs working on food security therefore 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.<sup>20</sup> This in turn perpetuates food insecurity and hunger and has created over reliant dependencies on external supply chains contributing to the global food crisis we see today.

The following breakdown of each of the targets under SDG 2 provides an insight into the current global situation on hunger, food security and the sustainability challenges inherent to systems of food production; revealing some of the pressures and issues relevant in achieving zero hunger.



**By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations including infants, to safe, nutritious and sufficient food all year round.**

Global food systems have a strong bearing on every dimension of sustainability. 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.

While overall trends show that global hunger did improve in 2024 (as compared with earlier years) it is still higher than

in 2015 when this target was originally set.<sup>21</sup> In the face of today's global polycrisis, the 2024 High-Level Political Forum on Sustainable Development (HLPF) therefore reiterated the need for all countries to prioritise SDG 2 in the remaining years leading up to 2030.<sup>22</sup>

This is because access to safe and sufficient food is not solely a problem affecting developing countries. For example, it is now thought that as many as one in three people were moderately or severely food insecure in 2021.<sup>23</sup> A large contributing factor to this, alongside growing populations,

was the impact of geopolitical conflicts that have since continued to worsen.

To ensure sustainable and continuous access to food, there is an ongoing need for greater safety nets, such as food aid, food for work or cash transfer schemes to increase resilience in times of crisis. Accordingly, the 2025 UN Food Systems Summit called for more "funding, innovations and global solidarity to build the food-secure and climate-resilient future that every person, everywhere, needs and deserves."<sup>24</sup>



**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.**

The original indicators associated with target 2.2 look at deviations away from healthy height-for-age (stunting) and healthy weight-for-height (malnutrition) by the WHO.<sup>25</sup> At the same time, the prevalence of anaemia in women is also monitored owing to its associated risks with mortality and morbidity in mothers and babies.

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 decade, moderate progress has been made in reducing the number of children affected by stunting, however

trends are now expected to reverse. This is particularly concerning for low- and lower-middle-income countries where 86.8% of the world's 150 million stunted children reside.<sup>26</sup>

The situation is slightly improved with regards to malnutrition. Here despite negligible increases in the prevalence of overweight children globally (from 5.3% to 5.5%), the prevalence of wasting among children has reduced from 7.4% to 6.6%, with notable declines in those regions across the world that are most affected (namely Central and Southern Asia, and sub-Saharan Africa).<sup>27</sup> This is promising to see given that many of the global causes of childhood deaths are directly and indirectly related to wasting, including hunger and malnutrition, as well as related diseases such as diarrhoea, malaria, pneumonia and measles.<sup>28</sup> Unfortunately however, recent findings highlight a concentration of severe malnutrition crises in Sudan, Palestine (Gaza), Yemen and Mali, where conflict and insecurity are a main contributing factor.<sup>29</sup>

Finally, the prevalence of anaemia, affecting almost one third of women worldwide between the ages of 15-49, heightens the risk of miscarriage, stillbirth and low birth weight. Of all the indicators under target 2.2, it is this health need that is most in need of further research given the current lack of

understanding around its contextual causes.<sup>30</sup>

In 2025, an additional indicator was endorsed for target 2.2 to track 'minimum dietary diversity.' This indicator monitors the quality of diet among children and women of a reproductive age, by assessing adequate intake of vitamins and minerals among 10 main food groups.<sup>31</sup> While two thirds of women

aged 15-49 globally are thought to have attained minimum dietary diversity between 2019-2023, only one third of children aged 6-23 months achieved the same for the period 2016-2022. The UN therefore warns that for children, these figures are "critically low" demanding additional attention to improve the diversity of foods that are made available to young children.<sup>32</sup>



**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 anticipated population growth. Simultaneously, it is necessary to minimise the expansion of land for agriculture in an effort to curtail biodiversity loss through the destruction of natural ecosystems.<sup>33</sup>

Agriculture, livestock and fisheries represent the vast majority of economic contributions to GDP for many of the least developed countries. Of 600+ million farms worldwide, family farms produce roughly 80% of the world's food in value terms.<sup>34</sup> The majority of people engaged in food production are women. Many of these small-scale producers represent the poorest and most food insecure 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.<sup>35</sup>

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).<sup>36</sup> Increasing the revenues of small-scale food producers — with productivity increases, improved market access, and reduced input costs — can lead to technology improvements, positive educational outcomes and diversified livelihood opportunities, enabling 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, these strategies can sometimes conflict with efforts to support smaller-scale producers. For example, external investment to increase productivity often favours large-scale industrial production at the cost of smaller producers. Indeed 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

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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 have recommended, on pursuing sustainable agroecological approaches that are generally better suited to smaller-scale production.<sup>37</sup>

To help clarify public policy priorities, the 2025 UN Food Systems Summit explicitly called for greater financing to go towards smallholder farmers along with the “effective and meaningful participation of all relevant stakeholders in policy processes related to food systems, with particular attention to involving family farmers, front-line food workers, women, youth, Indigenous Peoples and local communities.”<sup>38</sup>

Target 2.3 clearly supports a focus on the development of

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TARGET 2-4



**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. It is projected that by 2050, climate change will negatively impact upon many major crop yields including cassava, maize, rice, sorghum, soya bean and wheat.<sup>39</sup>

At the same time, agrifood systems account for approximately one third 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

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.

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**“Agrifood systems, which employ an estimated 1.23 billion people globally, are deeply interconnected, yet all actors do not share equally the burden of hidden costs and the transformation that is needed.” – The State of Food and Agriculture Report (2024)**

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to extend agricultural land, and degraded peatlands, as well as the fossil fuel energy used in production.<sup>40</sup>

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 these methods often have is to substantively change surrounding ecosystems, making them more vulnerable to the effects of extreme weather and undermining the area’s production potential.

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

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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.



**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 dependent on the availability of plants, fungi and animals that we have domesticated to 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 in use across the world. This reduction in diversity puts food systems at higher risk of disease and pests, as well as reduces the resilience

There is vast diversity in food production approaches and ecologies, which makes it complex to establish a metric for sustainability. Despite this difficulty, there are standardised universal metrics that are used to calculate sustainability based principally on environmental factors. Using these metrics, target 2.4 tracks sustainable production as a percentage of total production.

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of food systems to adapt to changing environmental and ecological conditions. According to the 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.<sup>41</sup>

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.<sup>42</sup>

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**“Biodiversity for food and agriculture is indispensable to food security, sustainable development and the supply of many vital ecosystem services.” - Food and Agriculture Organization of the United Nations**

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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. Small-scale farmers have also been recognised as integral to the protection of seed biodiversity; however, increased effort needs to be made to support these providers.

Alongside the commercialisation of biotechnologies, seed markets and private ownership of genetic patents further hamper the control of both small and larger producers over the seeds and organisms they can access, as well as their

ability to independently produce seed.

To measure progress in this area, target 2.5 looks at the number of genetic resources for food and agriculture secured in conservation facilities, as well as the proportion of breeds at risk of extinction. Here two types of conservation are monitored: *in vivo* 'in-situ' (i.e.: living animals used in the production systems) and *in vitro* 'ex-situ' (i.e.: preserved through cryopreservation). According to the most recent data, 71% of local breeds (*in vivo* *in-situ*) were considered at risk of extinction in 2022, with a further 58% unknown; while the genetic material for only 287 out of 7,688 local breeds were sufficiently conserved (*in vitro* *ex-situ*) in the same year.<sup>43</sup>

**TARGET 2·A**



**Increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development and plant and livestock gene banks in order to enhance agricultural productive capacity in developing countries, in particular least developed countries.**

Given the international nature of today's food production systems and supply chains, target 2.a looks to promote international cooperation and finance for the global agriculture industry. Here government expenditure and official development assistance are considered two main ways in which funding can be generated to improve the efficiency, productivity and climate impacts of agricultural industries.

Between 2015 and 2023, public funding in the form of government investments for agriculture increased, surging to

a record-breaking USD 701 billion. However, this represented only 1.85% of total government spending.<sup>44</sup> In fact, when examined in respect of the Agriculture Oriental Index (AOI) — in which government spending is measured relative to the agricultural sector's contribution to GDP — a nominal fall was recorded for this period.<sup>45</sup> Promisingly however, this period also saw a significant rise in overseas development assistance of 43.5%.<sup>46</sup> However concerns now emerge following unprecedented announcements from donor countries of cuts to national aid budgets.





**Correct and prevent trade restrictions and distortions in world agricultural markets, including through the parallel elimination of all forms of agricultural export subsidies and all export measures with equivalent effect, in accordance with the mandate of the Doha Development Round.**

As food production is increasingly industrialised and globalised, the dependencies between countries for the import and export of food stock has also intensified. Given the significant role of agriculture to a large number of developing countries, agricultural trade possesses significant economic and social potential to improve lives and livelihoods. However, despite this potential, the agricultural

sectors in these nations are still relatively under-developed. This is in part due to major distortions on the world market that have historically favoured the agricultural exports of developed nations through protectionist policies and export subsidies.<sup>47</sup>

To level the playing field, the Doha Development Round sought to reduce these distortions and improve market access by gradually withdrawing all forms of agricultural export subsidy, albeit with special and differential treatment granted to developing nations.

Since then there has been a promising downward trend in export subsidy outlays with the total annual outlays (notified to the WTO) falling from US\$ 6.7 billion in 1999 to US\$ 11.6 million in 2020.<sup>48</sup>



**Adopt measures to ensure the proper functioning of food commodity markets and their derivatives and facilitate timely access to market information, including on food reserves, in order to help limit extreme food price volatility.**

Owing firstly to the impacts of the pandemic and secondly to the Russian invasion of Ukraine, 2020 witnessed a major spike in international food prices. While the situation has since improved, food prices are still far from pre-pandemic levels.

From a supply side, price volatility emerged as the cost of fuel and fertilisers increased, and disruptions to supply chains hampered business operations. From a domestic perspective, political instability, weak economic resilience and weather-related challenges also pushed up the price of

food, impacting countries across Africa, East Asia and South America.<sup>49</sup> Across East and South-East Asia, the situation has further worsened due to stockpiling and trade restrictions.<sup>50</sup>

To improve the proper functioning of food commodity markets and limit price volatility, several recommendations are now made by leading intergovernmental and international organisations for essential policy measures. These include the need to:

- Protect vulnerable populations with well-designed fiscal responses,
- Align fiscal and monetary policies to stabilise markets,
- Implement structural and trade-related measures for lasting impact,
- Strengthen data and information flows, and
- Invest in resilient agrifood systems (in line with the ambitions of Target 2.A)<sup>51</sup>

# 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 the FAO, 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 those most at risk of hunger and food insecurity, namely those on a low income, 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 October 2025):** 173 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 signed and/or 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."

Of note is Article 11 which 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 (CESCR), reiterated the crucial importance of the right to adequate food for the enjoyment of all rights.<sup>52</sup> 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.

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**"The human right to adequate food is of crucial importance for the enjoyment of all rights. - CESCR, 1999**

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## 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 October 2025):** 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. The convention 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, with the United States as the only country to have signed, but not ratified, it.

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 October 2025):** 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, including how best to improve the effectiveness of aid by encouraging stronger international information sharing, cooperation and coordination.



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## 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 October 2025):** 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."

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## The United Nations Framework Convention on Climate Change

**Adopted:** 9 May 1992

**Entered into force:** 21 March 1994

**Status of ratification (as of October 2025):** 198 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). As such, while all Parties commit to implement measures to mitigate the adverse effects of climate change (Article 4.1); only 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.



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## The Paris Agreement

**Adopted:** 12 December 2015

**Entered into force:** 4 November 2016

**Status of ratification (as of October 2025):** 195 Parties

In December 2015, Parties to the UNFCCC reached a landmark, legally binding agreement in Paris. The Paris Agreement has three main 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.

One key change introduced by the agreement is that the distinction between developing and developed countries, which alone had quantified reduction targets to meet under

the Kyoto Protocol, has now been abandoned.

Instead each Party now determines 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 focuses 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."

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## 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 October 2025):** 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 therefore agree 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 also 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 October 2025):** 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 October 2025):** 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.

The protocol aims to contribute towards the safe transfer, handling and use of LMOs by establishing a procedure of

'advance informed agreement' for their transboundary movement.

The procedure requires the State exporting LMOs to notify the competent national authority of the import State about the transfer. The import State may then request additional information, reject or approve the import.

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## 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 October 2025):** 142 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). This aligns with the principle of sovereignty over natural resources contained within Article 6, by which access to genetic resources remains subject to the prior and informed consent of the country of origin.

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 from which such knowledge was derived (Article 5(5)). The Protocol also requires that prior and informed consent to access and use of 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.

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## 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 October 2025):** 155 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.

The Treaty 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 therefore protected from the claim of exclusive intellectual property.

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## 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 October 2025):** 23 Parties

This ILO Convention is focused on protecting the health, safety and social protection rights of agricultural workers. This is in recognition of the specific hazards that farmers face in their day-to-day work.



## Soft law and declarations

### The Rome Declaration on World Food Security (1996)

This 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.<sup>53</sup> The declaration lays down seven key commitments by State Parties, including implementing

policies to eradicate poverty, pursue sustainable food policies, ensure 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.<sup>54</sup>

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 this regard.

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 that provide adequate and effective remedies and do so in a manner that is accessible to vulnerable groups, particularly for women who are heads of households.

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

Building on aforementioned Guidelines concerning the right to adequate food, these Guidelines were produced as a voluntary framework of governance for land tenure, fishing and forest access rights.<sup>55</sup> The Guidelines propose that States

adopt policies and laws to protect these rights for local people and communities. The Guidelines were created by an inter-governmental committee, overseen by the Committee on World Food Security (CFS).

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

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.<sup>56</sup> 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.



## 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.<sup>57</sup>

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 a number of areas such as:

- Pro-poor and smallholder agriculture,
- Nutrition education and information,
- Social protection,

- Strengthened health systems,
- Improved water, sanitation and hygiene; and
- Improved food safety.

**"[T]he root causes of and factors leading to malnutrition are complex and multidimensional... [They include] poverty, underdevelopment and low socio-economic status... lack of access at all times to sufficient food... poor infant and young child feeding and care practices... [and] epidemics."**

## 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 (with only eight voting against the Declaration and 52 having abstained).

The Parties that voted against the Declaration included Australia, Sweden, the UK and the US; with most countries in Europe having also 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. This is owing to "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."

Here the special position of peasants (defined as small-scale producers often using family labour and with special links to the land) is acknowledged, along with 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. The Declaration also recognises the particular vulnerabilities that women and children face within this, due to heightened risks of poverty, hunger and malnutrition.

## 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 date, four experts have fulfilled this function, examining 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)<sup>58</sup> and the *Access to Justice and the Right to Food* (2014)<sup>59</sup> reports.



## Global Alliance Against Hunger and Poverty (2024)

This multilateral treaty-based initiative was adopted at the 2024 G20 Leaders' Summit in Rio de Janeiro. Proposed by the Brazilian presidency, the alliance seeks to support and accelerate efforts to eradicate hunger and poverty under SDGs 1 and 2, while reducing inequalities under SDG 10. In doing so, the alliance facilitates collective action and knowledge sharing; pools public and private financial

resources; builds policy implementation partnerships and promotes a 'Policy Basket' of rigorously evaluated public policies towards high-impact outcomes.

The alliance operates on three pillars: national policies, knowledge sharing, and financial mobilization.<sup>60</sup>

## National Pathways for Food Systems Transformation

The UN Food Systems Summit (UNFSS) is a global summit, started in 2021 and convening every two years for a stocktake to assess global food systems, review progress towards SDG 2, and identify what relevant transformations are still needed to make food systems more inclusive, resilient, equitable and sustainable.

As part of its global Call to Action, the UNFSS emphasised the need for targeted transformations at a national level, with UN country teams supporting the creation and integration of National Pathways for Food Systems Transformation. These pathways outline key strategies, priorities and 'game changers' for food systems at a country-specific level, integrating with national policies and promoting multistakeholder collaboration.

In the latest 2025 UNFSS+4 Forum, the successful integration of National Pathways in 130 countries was celebrated. However, it was also emphasised that further investment and collaboration are still needed globally to:

- Reverse trends in the dramatic reduction of lifesaving humanitarian aid funding, which is integral in complex settings;

- Strengthen domestic resource mobilization and investments for food systems, particularly for smallholder farmers;
- Leverage new technologies responsibly, including artificial intelligence and public digital infrastructure, to improve efficiency and connectivity within global food chains; and
- Diversify food systems in terms of both biodiversity in supply, and participation among providers.<sup>61</sup>

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**"The food system does not thrive without all sectors working as one, towards common goals. It involves multiple sectors of government, with the interaction of multiple scientific disciplines, as well as traditional and Indigenous knowledge." - UNFSS (2021)**

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# 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 and is intended to promote and protect all civil, political, economic, social and cultural rights.<sup>62</sup>

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 principles go on to state that "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"<sup>63</sup> As such, the right to food is considered implicit within the Charter's provisions.



### 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.<sup>64</sup> The right to food security laid out under Article 15 obliges signatory States to ensure

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

## 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.<sup>65</sup>

## 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.<sup>66</sup>

## Association of Southeast Asian Nations

### ASEAN Human Rights Declaration (2012)

The Association of Southeast Asian Nations unanimously adopted its guiding regional human rights instrument in 2012, committing to protect the human rights of its 600 million people.

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."<sup>67</sup>

In 2023, ASEAN leaders reiterated their commitment to SDG 2 and ending global hunger. In their declaration on strengthening food security and nutrition in response to the current crisis, solutions were proposed to bolster "sustainable agriculture and food system[s] (agri-food system[s]) to ensure the availability, accessibility, utilisation, affordability and sustainability of food products for all." This includes strengthening regional trade and policy coherence, as well as looking to digital solutions to build the resilience of ASEAN food value chains.<sup>68</sup>

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

This 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.<sup>59</sup>

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).

**"Nowadays, striving to guarantee everyone has a constant access to adequate food is not only considered morally imperative and an investment that returns huge economic benefits, but also the fulfilment of a basic human right." - Framework Law on the Right to Food and Food Sovereignty (2018)**

## Examples of relevant national legislation

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

implicitly or explicitly, as a justiciable right.<sup>70</sup> Below provides a snapshot of some of the countries where this is the case.

### Ecuador

#### The Constitution of 2008 (as amended in 2021)

The Constitution of Ecuador was first 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).<sup>71</sup>

**“Persons and community groups have the right to safe and permanent access to healthy, sufficient and nutritional food, preferably produced locally and in keeping with their various identities and cultural traditions.**

**The Ecuadorian State shall promote food sovereignty.” - Article 13 of the Constitution of Ecuador**

#### 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.<sup>72</sup> 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.

## 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.<sup>73</sup>

### National Food and Nutrition Security Policy (2013)

The primary goal of South Africa's National Policy on food and nutrition is to "ensure the availability, accessibility and affordability of safe and nutritious food at national and household levels."<sup>74</sup>

Following the 2002 Integrated Food Security Strategy, the policy aims to improve coordination, promote stricter alignment and a stronger response to food insecurity.

Five pillars have therefore been developed to guide different initiatives and programmes to this end. These are, namely:

- 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, and
- v. Food and nutrition security risk management, through increased investment in research.



### 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; the 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', and addresses issues with food security including climate resilience. Through initiatives such as these, Pakistan is deemed to be self-sufficient in achieving the food security needs of its growing population. However, a greater challenge lies with undernutrition, which remains one of the country's most pressing challenges.

In addition, 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).

This is because of damage to health infrastructure caused by military operations, alongside pressures from the internal displacement of people.



## Nepal

### Rights to Food Sovereignty Act, 2075 (2018)

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.<sup>75</sup>

## Philippines

### An Act Ensuring Zero Hunger for all Filipinos (2021)

An Act Ensuring Zero Hunger for all Filipinos was proposed in 2021, seeking to harmonise all laws related to citizens' right to adequate food and to prohibit violations of this right.<sup>76</sup> Provisions include requirements on the government to purchase food from farmers within the Philippines for distribution, as well as ambitions to increase the amount of land under cultivation for agriculture and to create a budget to support increased agricultural outputs.

The Act attracted support from local groups including the National Food Coalition (NFC), comprising of small producers.

**"We are facing a problem that gnaws at the bellies of many of our countrymen: hunger and food security... Even though we have already emerged from the pandemic crisis, the health catastrophe continues."<sup>77</sup>**

## 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. Finally, Article 27 requires the State to guarantee sufficient and timely supply of basic foods.

## 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)**

This landmark case saw the Indian Supreme Court rule that the government had a duty to ensure no one went hungry.<sup>78</sup> 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', the proceeding placed pressure on the State, which led to the introduction of new feeding schemes. The case also helped 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 reached the 800 million Indians living below the poverty line, particularly in exceptionally poor communities like the indigenous Tiwa community.



## Colombia

The Colombian Constitutional Court has developed an extensive jurisprudence related to internal displacements of rural poor due to armed conflicts.<sup>79</sup> 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 to food for these communities.

## South Africa

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

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.<sup>80</sup>

The case was based on the unlawfulness of a post-apartheid policy reform process, which diminished the rights of small-scale artisanal fishers. The reform 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.

The plaintiffs relied on provisions in the Constitution, as 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 then filed to the Equality Court to consider an inquiry into the policy.

The Ministry resisted the claim to the Equality Court on the grounds of non-justiciability, 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 establishing that “the jurisdiction and powers that statute confers on equality courts is wide.”

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, confirming that their rights had indeed been negatively impacted by the new policies.

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.

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

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.<sup>81</sup>

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. Here it was iterated that 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 Commission therefore ordered the state to take action to clean-up lands and rivers.

**"The right to food is inseparably linked to the dignity of human beings and is therefore essential for the enjoyment and fulfilment of such other rights as health..." - African Commission on Human and Peoples' Rights**



## 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.<sup>82</sup> 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.<sup>83</sup>

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.”<sup>84</sup>

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.

Similarly, 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<sup>85</sup> and most legal experts<sup>86</sup> consider that arguments against the justiciability of environmental, social and cultural rights in general, and of the right to food in particular, are unfounded.

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 31 States have ratified it.<sup>87</sup>

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; judicial corruption; and the absence of courts in rural and remote areas).<sup>88</sup>

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

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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.”<sup>89</sup>

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 standardise international trading terms, which can hinder the implementation of certain protective policies that might otherwise support smaller-scale industries to grow.

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## 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 and 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. 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.

At the same time, 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 to become an active part of the sustainability solution.



## 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,<sup>90</sup> the reports of the UN Special Rapporteur on the Right to Food,<sup>91</sup>

and OECD-FAO Guidance for Responsible Agricultural Supply Chains.<sup>92</sup>

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 a 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 consider arguments concerning the right to food and its interlinkages with wider human rights as appropriate.<sup>93</sup>

## 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, legal professionals 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).<sup>94</sup>
- 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 legal advice and advocacy.

Law firms, can for example, identify potential risks that their activities pose to achieving SDG 2, and make discerning decisions, especially when 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.
- Are involved in large-scale land acquisition or degradation or have caused the resettlement or economic displacement of people.

## 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 enable 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.

With respect to SDG 2, there are a number of key areas in which legal professionals can act to support the goal of zero hunger worldwide. This includes contributions made through pro bono initiatives as well as in the day-to-day services provided to clients.

## 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. The adoption of regional and national competition law regimes to tackle excessive concentration in such chains could positively impact producers, particularly smallholder farmers.

In a similar vein, intellectual property law can assist with increasing the value of local products in regional and international markets by registering the brand and origin, trademarks or 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.

## 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, including women, to ensure property and inheritance rights, and access to finance and markets. In addition, women's access to irrigation and water resource management is critical for overcoming water scarcity.

**"Despite the importance of agrifood systems for women's livelihoods and the welfare of their families, women's roles tend to be marginalized and their working conditions are likely to be worse than men's." - FAO, 2023**

## 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. In particular, as small-holder farmers have traditionally been unable to secure multi-peril crop insurance, it has been suggested that index-based insurance may provide an alternative means of supporting them to manage risks and build financial resilience. However, as index insurance is not designed to protect farmers against every possible loss, but instead support them against a specific climate risk; these policies must be carefully drafted to reflect the contextual realities of policy holders.

For example, index insurance specifically aimed at crops can undermine local adaptation, with farmers being incentivised to cultivate cash crops, rather than more climate-resistant varieties. For an index insurance project to be successful therefore, 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 clients is an important step in achieving this and an area where lawyers can directly contribute their expertise.<sup>95</sup>



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