



TRANSCRIPT

**The Human Right to Food
Part I**

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1. My name is Marsha Echols. I am the Director of the World Food Law Institute in Washington, D.C. and a Professor of Law at Howard University School of Law, also in Washington.

2. It is my pleasure to present this audio lecture today regarding the human right to food – this lecture concerning the law and developments regarding this human right and its expansion in the scope of right to adequate food and the increase in the number of groups who are influencing that right that is so important to our lives.

3. Food – nutrition – is essential to human survival, but equally importantly. Food contributes to our cultural identity and provides a foundation for that identity and for our social well-being. Both aspects of food are elaborated in the Universal Declaration of Human Rights, the International Covenant on Human Rights, and other legal texts describing the right to adequate food.

4. By including this lecture on the right to food in the United Nations Audiovisual Lecture Series, the UN Legal Division is informing the global community of the personal and the legal significance of this little-known area of human rights law.

5. During this lecture, in addition to references to the Charter of the United Nations, the Universal Declaration, the International Covenant, and many other instruments and

concepts regarding the right to adequate food, you will be able to see that there is a holistic, a comprehensive, and an inclusive approach to considering the right to food.

6. The right to adequate food is essential to the well-being of humanity. So holistically, the right to adequate food is about food security, food sovereignty, food culture, and many other essentials that are slightly considered in legal documents and legal discussions but are not in detail developed in those arenas.

7. The repeated references to culture, to intergovernmental entities, to stakeholders, as well as peoples, indigenous peoples, and local groups, also to non-state actors, indicate the broad array of persons who are now involved in the right to equitable food. We are now involved in and influencing the right to food and our understanding of what the right entails. Regional groups, non-state actors, the private sector, and other groups are increasingly being asked to participate or voluntarily presenting their views, their perspectives about the aspects of the right to food that will be discussed later during this lecture.

8. This expansive involvement of many actors is intended by Articles 55 and 56 of the Charter of the United Nations. Currently, the beneficiaries and actors are named as individuals, as peoples, as indigenous communities, and various non-state actors. This growing panoply of participants and the actions that they are involved with is shaping the current right to adequate food and to our understanding of it. All give both international, regional, national, and soft law ideas and perspectives into our discussions of the right to adequate food.

9. I would like to then begin to discuss some of the foundations of the right to adequate food. My starting point for today's consideration of this right is Article 25 of the 1948 Universal Declaration of Human Rights. Although it was not the first international recognition of food as essential for human life and survival, it is an important or significant starting point for us today.

10. In particular, I would like to focus on Article 25 of the Universal Declaration as we begin. Article 25 of the Universal Declaration says that everyone has a right to a standard of living adequate for the health and well-being of himself and of his family, including food. It is these two words – *including food* – that help us with our focus for today.

11. That brief statement from Article 25 places the right to food squarely in the context of life. The concept is elaborated and expanded repeatedly in other UN documents, including the International Covenant, reports by the UN Special Rapporteurs on the right to food, and the instructive FAO (Food and Agriculture Organization) guidelines to support the progressive realization of the right to adequate food in the context of national food security. So, that explanation brings into play several new documents or new ideas that are developed throughout our discussion. All of the documents, the instruments that I have mentioned, present the right to adequate food in the context of our inherent human dignity.

12. One interpretation from Article 25 and the Universal Declaration refers to the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and to qualitatively adequate and sufficient food, as needed by a particular group of persons or individual. And it ends with a reference to “fulfilling and dignified life free of fear”. The idea of freedom from fear dates from decades ago and it is included in texts of the UN ... Right to food. So, it goes on: “the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively – and I emphasize qualitatively – so quantitatively and qualitatively adequate and sufficient food corresponding to the needs of a particular group

13. This takes us then to Comment No. 12 of the International Covenant that says the right to food – again – is the right to have regular, permanent and unrestricted access. And that access should correspond to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear. I think that, again, the idea of this qualitative aspect of

the right to food is key to our consideration. Certainly, the qualitative aspect we think of with regard to nutrients and nutrition is clear and certainly is accepted by almost everyone.

14. This quote is emphasizing that we should consider qualitative aspects of the right to food also, which should be in line with the cultural preferences of the persons, the consumers who are consuming the food. So that is, again, a part of the background, the foundation that I would like to emphasize for today, for this lecture.

15. But there are two other interpretations or understandings regarding the right to adequate food that I would like to add. They are Article 11 of the International Covenant and the actual text of General Comment no. 12 – the right to adequate food. So first, let me consider Article 11. Article 11-1 adds wording about an adequate standard of living to the discussion on right to food and adds the notion of adequate food. So, *adequate* and *adequate standard of living* are two of the additions that we can bring in from Article 11.

16. States Parties to the Covenant should take steps to realize these additional considerations. States have the core obligation to take necessary actions to mitigate hunger as provided for in Paragraph 2 of Article 11. And that obligation exists even in times of natural or other disasters, which we see often these days. The text also mentions that parties or members should consider and recognize the essential importance of international cooperation. This is a reference that I think takes us back to Article 55 and Article 56 of the Charter. So, Article 11 is basically: there's an adequate right to food linked to an adequate standard of living. And then Article 11-2 is even stronger. It recognizes everyone's fundamental right to be free from hunger. So, it is a freedom from hunger. The text does not mention malnutrition or starvation, which are two of the current difficulties being faced by populations around the world. It says instead that Article 11-2 recognizes everyone's fundamental right to be free from hunger. And this is the only one of the rights that is considered or called fundamental in the text that we are considering.

17. So, States parties individually and through international cooperation, which is repeatedly referred to in these texts, are to take needed measures to carry out, to implement that right. The nature of those measures is spelled out in Article 11-2, which has parts A and B. So, Article 11-2A certainly refers to production, to conservation, to distribution, and to scientific knowledge regarding the right to food. It is very different and closer to the quantitative ideas that have been mentioned. That is Article 11-2A.

18. Article 11-2.B is more specific and shorter and is closer to our current discussions about trade – international trade – and the link between entities like the World Trade Organization and the Food and Agriculture Organization in consideration of the right to food.

19. So again, 2.B is about considering the problems of food importing and food exporting countries regarding equitable distribution of world food supplies. This subparagraph is appropriate because there are often, within our global and within our commercial community or context, many discussions and conflicts regarding food distribution among different parties.

20. So, we have seen it with regard to discussions about how countries should react when the supplies of an essential commodity like rice or wheat is short, and a country wants to restrict its distribution among different trade partners. There have been disputes and prolonged discussions and certainly texts from the World Trade Organization, attempts to address that issue. But here, within our right to food, the text is fairly, fairly brief.

21. And finally, general comment no. 12 has been cited for a view of Article 11. According to its paragraph 6, the right to adequate food is realized when every man, woman, and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. And here, adequate means more than a minimum package of calories, proteins, and other nutrients.

22. Again, this emphasizes that our consideration of the right to food goes beyond basic nutrition and looks at food as culture, as life-saving, as very important to our lives, not just to our health.

23. So these documents and their interpretations are being influenced by the many actors who are engaged in discussions, certainly systemically, with Articles 55 and 56. The basic instruments that I have referred to, as I mentioned, are not the first international instruments that recognize the right to the important right to food or at least the importance of food in the lives of human beings. Certainly, there have been discussions within Western Europe for decades concerning the importance and the role of rights and support for persons.

24. The documents from long ago are usually referred to men, the principles of men, the rights of men. During that same period and even earlier, within the African continent and in other places, other regions of the world, there were discussions about the right of men in particular, but people in general, to basic. So, that is from long ago and then here within our context, the 1948 American Declaration of the Rights and Duties of Man, often called the Bogota Declaration, seemed to foresee or presage the rights included in the Universal Declaration, including, within that Bogota Declaration, a right to food.

25. Again, the right to adequate food for all people, not just for men, not just for some, but for all people, everywhere, was formally recognized in the 1948 Universal Declaration of Human Rights. And we've talked about Article 25 of the Declaration.

26. Again, we go back to the idea of free human beings enjoying freedom from fear and want. And the ideas those important freedoms can only be achieved if conditions are created so that everyone may enjoy economic, social, and cultural rights, as well as the civil and political rights in the other Covenant.

27. So, the International Covenant, in its preface, says that these rights derive from the inherent dignity of the human person. That covenant, preceded by the Universal

Declaration, was adopted for the purpose of defining the human rights and fundamental freedoms referenced in Article 55.c) of the Charter of the United Nations, which all UN member states are obligated to observe and respect. Again, this is the right of everyone to have an adequate standard of living, including adequate food, and an endeavor or an obligation to take the measures necessary to achieve that goal. Again, this is the leading or repeating, the fundamental right of everyone to be free from hunger. Again, with reference to Articles 55 and 56, the Covenant obligates countries involved to work towards granting these rights to all people within the jurisdiction of each. Also, it says that the individual has duties to other individuals and to the community to which the individual belongs, so that each of us has a responsibility to strive for the promotion and observance of the rights recognized in the Covenant.

28. Over the decades, several additional United Nations entities and others have been created and are involved in enlarging our understanding of the right to adequate food. Certainly, those groups include the Food and Agriculture Organization, the World Health Organization, the World Trade Organization, the International Bank for Reconstruction and Development (or the World Bank), the International Fund for Agricultural Development, and many others who are taking and are encouraged to take greater responsibility and involvement with regard to the right to food. In addition, there are recent statements urging the International Monetary Fund to recognize the importance of the right to food when it considers funding or programs with regard to addressing debt – the increasing debt – of many countries around the world.

29. Now I'd like to point to, again, the role of the Universal Declaration and the International Covenant. From 1948 to 1966, the UN Human Rights Commission's main task was to create a body of international human rights law based on the Universal Declaration. And the Commission was to establish the mechanisms needed to enforce its implementation and use. The Commission produced two major documents, the International Covenant on Civil and Political Rights – the other one – and the International Covenant that we consider today the International Covenant on Economic, Social and

Cultural Rights. Both became international law in 1976. And together with the Universal Declaration, the Covenants comprised what is known as the International Bill of Human Rights.

30. Long after that, as the discussions about the right to food and human rights expanded, there was an increase and a call for more guidance and guidelines. So, we now have the voluntary guidelines produced primarily through the Food and Agriculture Organization. And the guidelines were the first attempt by governments to interpret the economic, social and cultural rights in the Universal Declaration and the Covenant. It was a step towards integrating human rights into the work of agencies dealing with food and agriculture. So primarily FAO and IFAD, but also the World Food Program and others. So, there was the creation of this set of extensive guidelines directed towards, not just member States, but to non-state actors, to the private sector, and to a huge range of stakeholders who are involved in discussing the meaning of the right to adequate food.

31. The objective of the voluntary guidelines is to provide practical guidance to States in their implementation of the progressive right – the progressive realization of the right – to adequate food in the context of national food security, in order to achieve the goals of that yearly World Food Summit plan of action. Of course, there have been additional summits and global undertakings since then with reference to food and agriculture. What is noteworthy is the extensive detail that has been given to the guidelines and the expanded group of persons who are asked to be involved and to participate.

32. This has been Part I of this audiovisual lecture about the right to food. And we will continue with a Part II that starts with a discussion of *what is food* since we have talked about that so much; and then, go on to discuss more of the understandings that have been developed with regard to the right to adequate food. Thank you.