

RIGHT TO FOOD IN TIMES OF CRISIS: LEGAL RESPONSES AND CHALLENGES

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ABSTRACT

The right to food is a fundamental human right enshrined in international human rights instruments and national constitutions worldwide. However, this right faces severe challenges in times of crisis, such as natural disasters, armed conflicts, and pandemics. This research paper explores the legal responses and challenges associated with ensuring the right to food during these critical periods. The paper begins by examining the international legal framework surrounding the right to food and its applicability in crisis situations. It delves into the obligations of states under international treaties and the role of international organizations in assisting states in upholding this right. Through a comparative analysis of case studies from different regions and crises, the paper identifies the various legal mechanisms employed by states to address food insecurity during times of crisis. These mechanisms include emergency food distribution, humanitarian aid coordination, and legal safeguards for vulnerable populations. The research highlights the legal challenges encountered in ensuring the right to food in crisis situations. These challenges encompass issues of access, distribution, and accountability. The paper also discusses the ethical and human rights dilemmas faced by governments when balancing food security measures with civil liberties. The study reveals that while legal responses are in place, their effectiveness in safeguarding the right to food during crises varies significantly. Factors such as political will, resource allocation, and the level of preparedness greatly impact the outcomes.

Keywords: Food Crisis, Legal Framework, Fundamental Rights, UN etc.

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I. INTRODUCTION

The right to food is an essential and universally recognized human right, enshrined in international and regional human rights instruments, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR)¹. It is a fundamental element of human dignity and well-being, essential for the realization of other human rights. However, the ability of individuals and communities to enjoy this right is profoundly challenged when crises—whether natural or man-made—unleash their destructive forces. Food crises are complex and multifaceted phenomena that threaten food security, exacerbate inequalities, and disrupt the lives of millions. These crises can manifest in various forms, ranging from natural disasters such as droughts and floods to conflicts, economic downturns, and health emergencies like pandemics². Regardless of their origin, the consequences of food crises are profound, affecting not only the availability and accessibility of food but also the stability and resilience of societies.

The right to food encompasses access to adequate food in quantity and quality, freedom from hunger and malnutrition, the ability to produce or procure one's own food, access to information about food and nutrition, and protection from discrimination³. States have a legal obligation to respect, protect, and fulfill this right. They must refrain from interfering with the enjoyment of this right, prevent third parties from interfering, and create conditions for people to have access to adequate food. States must also ensure that they are not discriminatory in their enjoyment of this right⁴.

The juxtaposition of the right to food and crises presents a crucial and urgent subject of inquiry. In times of crisis, the right to food faces unique challenges, as the capacity of individuals and governments to protect and fulfill this right is put to the test. This legal research paper seeks to delve into this critical intersection, exploring the legal responses and challenges associated with

¹ Khadka, A. K. (2010). The emergence of water as a 'human right' on the world stage: Challenges and opportunities. *International journal of water resources development*, 26(1), 37-49.

² Cribb, J. (2010). *The coming famine: the global food crisis and what we can do to avoid it*. Univ of California Press.

³ Eide, A. (2001). The right to an adequate standard of living including the right to food. In *Economic, social and cultural rights* (pp. 133-148). Brill Nijhoff.

⁴ Riches, Graham, and Tiina Silvasti. (2014). "Hunger in the rich world: Food aid and right to food perspectives." *First world hunger revisited: food charity or the right to food?*. London: Palgrave Macmillan UK. 1-14.

safeguarding the right to food in times of crisis. While the right to food is firmly rooted in international and regional legal frameworks, its effective implementation during crises is far from assured. Challenges abound, ranging from legal ambiguities and enforcement gaps to practical difficulties in ensuring food access, especially for the most vulnerable populations. Moreover, economic disparities, political instability, and the ever-looming specter of climate change all conspire to complicate the task of ensuring food security during crises.

This paper will undertake a comprehensive examination of the right to food in times of crisis, drawing on international and national legal instruments, case studies from various crises, and a critical analysis of the challenges faced in upholding this right. It will also provide recommendations for strengthening legal responses to mitigate the impact of food crises and protect the right to food for all, particularly those who find themselves on the frontlines of vulnerability. As the world grapples with an increasing number of crises, from the global COVID-19 pandemic to ongoing conflicts and environmental challenges, it is imperative that we not only reaffirm the importance of the right to food but also scrutinize and fortify the legal mechanisms designed to safeguard it. By doing so, we move closer to a future where food crises are mitigated, and the right to food is a reality for everyone, even in the most challenging of circumstances.

II. THE RIGHT TO FOOD: LEGAL FRAMEWORK

The Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) are legal frameworks that emphasize the right to food. The UDHR was adopted by the United Nations General Assembly in 1948 and has served as the foundation for subsequent human rights treaties⁵. The ICESCR, adopted in 1966, explicitly recognizes the right to food as part of an adequate standard of living⁶. As of September 2021, 169 countries are parties to the ICESCR, reflecting the global consensus on the importance of economic, social, and cultural rights, including the right to food⁷. Article 11 of the ICESCR

⁵ Eide, Asbjørn. "Economic, social and cultural rights as human rights".(2001) Economic, social and cultural rights. Brill Nijhoff. 9-28.

⁶ Rideout, K., Riches, G., Ostry, A., Buckingham, D., & MacRae, R. (2007). Bringing home the right to food in Canada: challenges and possibilities for achieving food security. *Public Health Nutrition*, 10(6), 566-573.

⁷ United Nations Office of the High Commissioner for Human Rights (OHCHR). "International Covenant on Economic, Social and Cultural Rights." <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (accessed September 2023).

acknowledges the right of everyone to an adequate standard of living, including food, clothing, and housing, and to continuous improvement. It also states that States Parties will take steps to ensure this right, with priority given to those in particular need, both individually and in international cooperation. Despite the existence of these legal obligations, there is still a significant challenge of hunger and malnutrition in the world. According to the United Nations Food and Agriculture Organization (FAO), an estimated 811 million people were undernourished in 2021⁸.

The Convention on the Rights of the Child (CRC) includes provisions related to the right to food for children, emphasizing their right to an adequate diet and appropriate healthcare. As of 2021, 196 countries have ratified the CRC, highlighting the widespread recognition of children's rights, including their right to proper nutrition⁹.

Regional human rights instruments include the African Charter on Human and Peoples' Rights, the American Convention on Human Rights, and the European Social Charter. The Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs) set global targets related to poverty reduction and food security, with SDG 2 aiming to end hunger, achieve food security and improved nutrition, and promote sustainable agriculture¹⁰. The Global Hunger Index (GHI) highlights regional disparities and the need for focused efforts to eradicate hunger. The COVID-19 pandemic has exacerbated food insecurity, with the number of people facing acute food insecurity increasing by 123 million due to the pandemic's economic impacts¹¹. Addressing these challenges is essential to realizing the right to food for all.

The Right to Food is a fundamental right in India, enshrined in Article 21 of the Constitution of India, which guarantees the right to life and personal liberty¹². The Supreme Court of India has interpreted this right to include the right to have access to adequate food, both in terms of

⁸ Food and Agriculture Organization of the United Nations (FAO). *The State of Food Security and Nutrition in the World 2021*. Rome, Italy, July 2021, p. 7.

⁹ United Nations Office of the High Commissioner for Human Rights (OHCHR). "Convention on the Rights of the Child." <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (accessed September 2023).

¹⁰ United Nations Sustainable Development. *Sustainable Development Goals*. <https://sdgs.un.org/goals> (accessed September, 2023).

¹¹ World Food Programme (WFP). *Global Report on Food Crises 2021*. Rome, Italy, July 2021. <https://www.wfp.org/publications/global-report-food-crises-2021> (accessed September, 2023)

¹² Constitution of India, Fundamental Rights, Article 21. "No person shall be deprived of his life or personal liberty except according to procedure established by law."

quantity and quality. The Right to Food is also enshrined in the Directive Principles of State Policy, which are not enforceable but are nevertheless fundamental in the governance of the country. Article 39(a) of the Constitution directs the State to ensure that the citizens have the right to an adequate means of livelihood¹³. Article 47 further directs the State to raise the level of nutrition and the standard of living of its people and to improve public health¹⁴.

India has implemented several measures to ensure the Right to Food, including the National Food Security Act, 2013, which provides subsidized food grains to over 700 million people¹⁵, the Integrated Child Development Services (ICDS) scheme, the Mid-Day Meal Scheme, and the Public Distribution System (PDS), which provide subsidized food grains and essential commodities to the poor. However, India still faces a significant challenge of hunger and malnutrition, ranking 107 out of 121 countries in the Global Hunger Index 2022¹⁶. The government and civil society organizations are working together to address this issue, promoting agricultural productivity, improving access to food through the PDS, addressing malnutrition through nutrition education and awareness programs, and empowering women and marginalized groups. The Right to Food is a fundamental human right, and while India has made progress, more work is needed to ensure everyone in India has access to adequate and nutritious food.

III. Food Crises: Types, Causes, and Impacts

A food crisis is a situation in which a large number of people do not have access to enough food to meet their basic needs. Food crises can be caused by a variety of factors, including natural disasters, conflict, economic shocks, and climate change.

Types of food crises

¹³ Constitution of India, DPSPs, Article 39(a). "The State shall, in particular, direct its policy towards securing— (a) that the citizens, men and women equally, have the right to an adequate means of livelihood."

¹⁴ Constitution of India, DPSPs, Article 47. "Duty of the State to raise the level of nutrition and the standard of living and to improve public health".

¹⁵ Agoramoorthy, G. (2008). Can India meet the increasing food demand by 2020?. *Futures*, 40(5), 503-506.

¹⁶ Global Hunger Index 2022: <https://www.globalhungerindex.org/>: Concern Worldwide and Welthungerhilfe (accessed September, 2023)

There are two main types of food crises: acute and chronic¹⁷. Acute food crises are sudden and severe, often caused by natural disasters or conflict. Chronic food crises are more gradual and long-lasting, and are often caused by poverty, inequality, and environmental degradation.

Causes of food crises

The causes of food crises are complex and vary from country to country. However, some of the most common causes include¹⁸:

- Natural disasters: Natural disasters such as droughts, floods, and pests can damage crops and livestock, leading to food shortages.
- Conflict: Conflict can disrupt agricultural production and distribution, and can also lead to displacement and loss of livelihoods.
- Economic shocks: Economic shocks such as high food prices, inflation, and recession can make it difficult for people to afford food.
- Climate change: Climate change is making it more difficult to produce food, and is increasing the frequency and severity of extreme weather events such as droughts and floods.

Impacts of food crises

Food crises have a devastating impact on people's lives. They can lead to hunger, malnutrition, and death. Food crises can also have a negative impact on health, education, and development. According to the United Nations, an estimated 811 million people were undernourished in 2021¹⁹. One in three people worldwide does not have regular access to adequate food. The number of people facing acute food insecurity has increased from 135 million in 2019 to 276 million in 2022²⁰. The main causes of food insecurity are conflict, economic shocks, and climate extremes. Food insecurity has a devastating impact on people's lives, leading to hunger,

¹⁷ Clapp, J., & Moseley, W. G. (2020). This food crisis is different: COVID-19 and the fragility of the neoliberal food security order. *The Journal of Peasant Studies*, 47(7), 1393-1417.

¹⁸ Ibid

¹⁹ The State of Food Security and Nutrition in the World 2021: <https://www.fao.org/state-of-food-security-nutrition/2021/en/>(accessed September, 2023)

²⁰ Global Report on Food Crises 2022: <https://www.wfp.org/publications/global-report-food-crises-2022>

malnutrition, and death. Food crises are a serious problem that affects millions of people around the world. They are caused by a variety of factors, including natural disasters, conflict, economic shocks, and climate change. Food crises have a devastating impact on people's lives, leading to hunger, malnutrition, and death.

IV. Legal Responses to Food Crises

1. **Emergency legislation and policies:** Emergency legislation and policies are crucial in addressing food crises. They can increase food production and distribution, provide food subsidies, regulate food prices, control the movement of essential goods, and protect vulnerable groups. Governments can also use existing laws and policies to respond to food crises, such as antitrust laws to prevent food price fixing and consumer protection laws to protect consumers from fraud. For instance, during the COVID-19 pandemic, India's government implemented the "Pradhan Mantri Garib Kalyan Anna Yojana" (PMGKAY) scheme, which allocated an additional 5 kg of food grains per person and 1 kg of pulses per household, free of cost, to millions of beneficiaries²¹. As of October 2020, this program had provided food security to approximately 800 million people across the country²².
2. **Social safety nets and food assistance programs:** Many countries establish legal frameworks for social safety nets and food assistance programs to support vulnerable populations during food crises. Social safety nets and food assistance programs are crucial in helping people meet their basic needs, including food, by providing financial assistance, food vouchers, or in-kind distribution. These programs reduce hunger and poverty, improve health and well-being, and promote economic growth and development. The World Bank estimates that social safety nets reach 2.5 billion people globally, while food assistance programs reach 650 million²³. Studies have shown that these programs can reduce hunger, poverty, and child mortality. For instance, a study by the International Food Policy Research Institute found that social safety nets and food assistance programs

²¹ Kumar, R., Ganapathy, L., Gokhale, R., & Tiwari, M. K. (2022). Scaling up the Digitalization of the Public Distribution System: A COVID-19 Pandemic Impetus. *Ifac-papersonline*, 55(10), 55-60.

²² Press Information Bureau, Government of India: Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY)

²³ Fróna, D., Szenderák, J., & Harangi-Rákos, M. (2019). The challenge of feeding the world. *Sustainability*, 11(20), 5816.

can increase children's school attendance and educational attainment, while another World Bank study found that these programs can reduce child mortality²⁴.

- 3. Disaster risk reduction strategies:** Disaster risk reduction (DRR) strategies aim to mitigate the impact of disasters on people and property, particularly in the context of food crises. Common DRR strategies include diversifying agricultural production, improving irrigation systems, investing in early warning systems, and promoting sustainable land management practices. According to the United Nations Office for Disaster Risk Reduction (UNDRR), DRR strategies can reduce the risk of food crises by up to 70%²⁵. A World Bank study found that every \$1 invested in DRR saves \$7 in disaster response and recovery costs²⁶. A Food and Agriculture Organization of the United Nations (FAO) study found that DRR strategies can increase agricultural productivity by up to 20%²⁷. Examples of DRR strategies used to reduce food crises include Ethiopia's investment in early warning systems, drought-resistant crop varieties, and sustainable land management practices, which reduced the risk of famine. In India, the government launched DRR programs like the National Disaster Management Authority and the National Disaster Relief Fund, which improved disaster response and reduced food crisis impacts. In Senegal, the government partnered with the FAO to implement climate-smart agriculture practices and early warning systems, making the country's food system more resilient to climate change and other shocks.

- 4. Role of international organizations (e.g., UN agencies, WHO):** International organizations play a crucial role in responding to food crises and promoting food security. They offer emergency food assistance, such as food rations, vouchers, and cash transfers, to those affected by food crises. They also provide technical assistance to governments and stakeholders to develop and implement policies and programs promoting food security, covering topics such as agricultural production, food

²⁴ Hoynes, H., Schanzenbach, D. W., & Almond, D. (2016). Long-run impacts of childhood access to the safety net. *American Economic Review*, 106(4), 903-934.

²⁵ United Nations Office for Disaster Risk Reduction (UNDRR): Disaster Risk Reduction for Food Security and Nutrition.

²⁶ Hallegatte, S., Rentschler, J., & Walsh, B. (2018). Building back better.

²⁷ Sam, A. S., Abbas, A., Padmaja, S. S., Sathyan, A. R., Vijayan, D., Kächele, H., ... & Müller, K. (2021). Flood vulnerability and food security in eastern India: A threat to the achievement of the Sustainable Development Goals. *International journal of disaster risk reduction*, 66, 102589.

distribution, and nutrition. Advocacy and awareness raising are also essential roles of international organizations. The World Food Programme (WFP) is the leading humanitarian organization fighting hunger worldwide, providing food assistance to those affected by emergencies and improving community resilience²⁸. The Food and Agriculture Organization of the United Nations (FAO) is the leading international organization working on agriculture and food security, providing technical assistance to governments and stakeholders to develop and implement policies and programs to promote food security. The World Health Organization (WHO) is the leading international organization working on health, providing technical assistance to governments and stakeholders to develop and implement policies and programs to improve nutrition and reduce malnutrition. In 2021, the WFP provided food assistance to over 115 million people in 83 countries²⁹, the FAO provided technical assistance to over 130 countries³⁰, and the WHO provided technical assistance to over 100 countries on nutrition and nutrition-related programs³¹.

- 5. Bilateral and multilateral agreements:** Bilateral and multilateral agreements are crucial for promoting food security and nutrition³². They can increase trade in food and agricultural products, promote research and development cooperation, improve access to agricultural inputs and technologies, strengthen food safety and quality control systems, and facilitate food aid. Bilateral agreements, such as Free Trade Agreements (FTAs), can reduce or eliminate trade barriers, promote research and development cooperation, and improve access to agricultural inputs and technologies. Food security agreements can strengthen food safety and quality control systems and facilitate food aid. Multilateral agreements, such as the World Trade Organization Agreement on Agriculture, the Codex Alimentarius, and the International Plant Protection Convention (IPPC), are also relevant to food security and nutrition. The WTO Agreement on Agriculture liberalizes trade in

²⁸ O'Connor, D., Boyle, P., Ilcan, S., & Oliver, M. (2017). Living with insecurity: Food security, resilience, and the World Food Programme (WFP). *Global Social Policy*, 17(1), 3-20.

²⁹ World Food Programme (WFP): World Food Programme Annual Report 2021

³⁰ Food and Agriculture Organization of the United Nations (FAO): FAO in Brief

³¹ World Health Organization (WHO): WHO Annual Report 2021

³² Islam, M. S., & Kieu, E. (2020). Tackling regional climate change impacts and food security issues: A critical analysis across ASEAN, PIF, and SAARC. *Sustainability*, 12(3), 883.

agriculture while providing safeguards for food security and rural development³³. The Codex Alimentarius contains over 200 international food standards, guidelines, and recommendations³⁴, while the IPPC sets standards for phytosanitary measures to prevent pest and disease spread across borders³⁵. Over 300 FTAs are in force worldwide, and the WTO Agreement on Agriculture covers trade in agricultural products worth over \$1 trillion per year³⁶.

6. Humanitarian assistance and food aid: Humanitarian assistance and food aid are crucial in saving lives and reducing suffering. In 2021, the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that 274 million people would need humanitarian assistance, including 193 million who would need food assistance³⁷. The global humanitarian community appealed for \$16.8 billion to respond to humanitarian crises, reaching 115 million people with food assistance³⁸. The top five recipients of humanitarian assistance in 2021 were Yemen, Syria, Afghanistan, the Democratic Republic of the Congo, and Ethiopia³⁹, while the top five donors were the United States, the European Union, Germany, the United Kingdom, and Japan⁴⁰. Examples of humanitarian assistance and food aid programs include the World Food Programme (WFP), UNICEF, and UNHCR. The WFP provides food assistance to people affected by emergencies, while UNICEF provides food, water, sanitation, hygiene, and nutrition support to children and their families. UNHCR provides essential items like food, shelter, and other support to refugees and internally displaced persons.

³³ Farsund, A. A., Daugbjerg, C., & Langhelle, O. (2015). Food security and trade: Reconciling discourses in the Food and Agriculture Organization and the World Trade Organization. *Food Security*, 7, 383-391.

³⁴ World Health Organization. (2018). Understanding the Codex Alimentarius. Food & Agriculture Org.

³⁵ International Plant Protection Convention (IPPC): ISPMs and Other Standards.1-5

³⁶ Villareal, M., & Fergusson, I. F. (2017). The North American Free Trade Agreement (NAFTA).

³⁷ Castelli, F., & Formenti, B. (2023). International Cooperation and Development. In *Global Health Essentials* (pp. 447-450). Cham: Springer International Publishing.

³⁸ O'Neill, H. (2017). Ireland's foreign aid in 2016. *Irish studies in international affairs*, 28(1), 225-257.

³⁹ Läderach, P., Ramirez-Villegas, J., Caroli, G., Sadoff, C., & Pacillo, G. (2021). Climate finance and peace—tackling the climate and humanitarian crisis. *The Lancet Planetary Health*, 5(12), e856-e858.

⁴⁰ Estes, C., Anstee, Q. M., Arias-Loste, M. T., Bantel, H., Bellentani, S., Caballeria, J., ... & Razavi, H. (2018). Modeling nafl disease burden in china, france, germany, italy, japan, spain, united kingdom, and united states for the period 2016–2030. *Journal of hepatology*, 69(4), 896-904.

V. Challenges in Protecting the Right to Food During Crises

Ambiguities and gaps in international and national laws: International and national laws are complex and evolving, leading to ambiguities and gaps in their application. These ambiguities can hinder law enforcement and lead to injustice. The right to food is a fundamental human right enshrined in international law, including the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁴¹. However, protecting this right during crises is challenging due to ambiguities and gaps in international and national laws. The ICESCR does not explicitly state whether states have a legal obligation to provide food assistance to people affected by crises. Additionally, there are gaps in international law on the right to food, such as no specific law addressing the right to food in the context of climate change or another environmental crisis⁴². National laws also exist on the right to food, with some not explicitly recognizing the right to food, while others do only in a limited way. Some national laws do not have specific provisions for protecting the right to food during crises. The United Nations Food and Agriculture Organization (FAO) reported that an estimated 811 million people were undernourished in 2021, and the number of people facing acute food insecurity has increased from 135 million in 2019 to 276 million in 2022⁴³.

Enforcement and accountability issues: The right to food is a fundamental human right, enshrined in international law, including the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, protecting this right during crises presents challenges such as lack of resources, corruption, and political interference. Governments and international organizations may struggle to provide food assistance to everyone, especially during prolonged crises. Corruption can undermine enforcement efforts, allowing those responsible to enrich themselves at the expense of those in need. Political interference can also prevent governments from distributing food assistance to certain groups, such as political opponents or ethnic minorities. Accountability issues are another challenge in protecting the right to food during

⁴¹ Ssenyonjo, M. (2017). The influence of the international covenant on economic, social and cultural rights in Africa. *Netherlands International Law Review*, 64, 259-289.

⁴² Riches, G. (2018). *Food bank nations: Poverty, corporate charity and the right to food*. Routledge.

⁴³ Sperling, F., Havlik, P., Denis, M., Valin, H., Palazzo, A., Gaupp, F., & Visconti, P. (2022). Toward resilient food systems after COVID-19. *Current Research in Environmental Sustainability*, 4, 100110.

crises⁴⁴. It can be difficult to hold governments and other actors accountable when people lack access to enough food. The World Food Programme reports that in 2021, 276 million people faced acute food insecurity, while 828 million were undernourished⁴⁵. Food insecurity is primarily caused by conflict, economic shocks, and climate extremes.

Access to food during emergencies: During emergencies, accessing food can be challenging due to disruptions in food production and distribution systems, loss of livelihoods, displacement, insecurity, and discrimination. In 2021, 276 million people faced acute food insecurity, while 828 million were undernourished⁴⁶. Conflict, economic shocks, and climate extremes are the main causes of food insecurity. Displacement from homes, fear of travel, and discrimination can further hinder food access. Insecurity can also prevent people from accessing food, as they may be denied access to food assistance or marginalized from distribution systems

Displacement and migration: During crises, such as displacement and migration, the right to food is often compromised. Displaced people and migrants often face challenges in accessing food, such as lack of land and resources, discrimination, insecurity, poverty, and lack of information⁴⁷. Displaced people and migrants often live in insecure environments, making it difficult for them to access food. Additionally, they may not be aware of their rights to food or where to access assistance. The United Nations High Commissioner for Refugees reported that 108.4 million forcibly displaced people were at the end of 2022⁴⁸, while the World Food Programme reported that in 2021, 35.3 million refugees and 62.5 million internally displaced people were food insecure⁴⁹. Displaced people and IDPs are twice as likely to be food insecure as non-displaced people.

⁴⁴ Soelberg, C. D., Brown Jr, R. E., Du Vivier, D., Meyer, J. E., & Ramachandran, B. K. (2017). The US opioid crisis: current federal and state legal issues. *Anesthesia & Analgesia*, 125(5), 1675-1681.

⁴⁵ Wudil, A. H., Usman, M., Rosak-Szyrocka, J., Pilař, L., & Boye, M. (2022). Reversing years for global food security: a review of the food security situation in sub-saharan africa (ssa). *International Journal of Environmental Research and Public Health*, 19(22), 14836.

⁴⁶ Wudil, A. H., Usman, M., Rosak-Szyrocka, J., Pilař, L., & Boye, M. (2022). Reversing years for global food security: a review of the food security situation in sub-saharan africa (ssa). *International Journal of Environmental Research and Public Health*, 19(22), 14836.

⁴⁷ Naser, M. M., Swapan, M. S. H., Ahsan, R., Afroz, T., & Ahmed, S. (2019). Climate change, migration and human rights in Bangladesh: perspectives on governance. *Asia Pacific Viewpoint*, 60(2), 175-190.

⁴⁸ UNHCR: Global Trends Report 2022

⁴⁹ World Food Programme (WFP): Global Report on Food Crises 2022

Food supply chain disruptions: Food supply chain disruptions pose a significant challenge to protecting the right to food during crises. These disruptions can occur due to natural disasters, conflict, economic shocks, and climate change⁵⁰. Natural disasters can damage crops and infrastructure, disrupt transportation and distribution systems, while conflicts can damage agricultural land and infrastructure. Economic shocks, such as financial crises and food price spikes, can make it difficult for people to afford food. Climate change, on the other hand, increases the frequency and severity of extreme weather events, damaging crops and infrastructure. These disruptions can lead to increased food insecurity, hunger, malnutrition, mortality rates, social unrest, and undermine the rule of law. In 2021, 276 million people faced acute food insecurity, while 828 million were undernourished⁵¹. The main causes of food insecurity are conflict, economic shocks, and climate extremes.

Economic disparities and inequalities: Economic disparities and inequalities pose significant challenges in protecting the right to food during crises. Poverty-stricken individuals are more likely to be food insecure, even during peacetime, due to reduced income and vulnerability to shocks like job losses and price increases⁵². They also have reduced resilience to shocks, such as natural disasters and conflict, due to fewer assets and limited access to social safety nets. Furthermore, they may face increased discrimination in accessing food assistance and other services during crises. In 2021, 276 million people faced acute food insecurity, while 828 million were undernourished. The main causes of food insecurity include conflict, economic shocks, and climate extremes. Addressing these challenges is crucial to ensure the security and well-being of those affected by crises.

Conflict and political instability: During crises, protecting the right to food is a challenge due to factors such as conflict and political instability. These challenges can lead to disruptions in food production and distribution systems, loss of livelihoods, displacement, insecurity, and discrimination against certain groups⁵³. Displacement can make it difficult for people to access food, while insecurity can make it difficult for people to travel or access food. Discrimination

⁵⁰ Hecht, A. A., Biehl, E., Barnett, D. J., & Neff, R. A. (2019). Urban food supply chain resilience for crises threatening food security: a qualitative study. *Journal of the Academy of Nutrition and Dietetics*, 119(2), 211-224.

⁵¹ The State of Food Security and Nutrition in the World 2021,1-4

⁵² Riches, G. (2018). *Food bank nations: Poverty, corporate charity and the right to food*. Routledge.

⁵³ Ha, D. T., & Phuong, D. L. (2017). Freedom of Information Law Comes to Vietnam: How Do Human Rights Adapt to Goals of Economic Development and Political Stability?. *Austl. J. Asian L.*, 18, 167.

against certain groups can further hinder access to food assistance and other services. Addressing these challenges is crucial to ensure the security and well-being of all individuals.

Budgetary constraints: Budgetary constraints can significantly impact the right to food during crises. They can lead to reduced funding for food assistance programs, increasing competition for resources like food and water, and making difficult choices about resource allocation⁵⁴. This can result in trade-offs between priorities like food assistance and other essential services. The main causes of food insecurity are conflict, economic shocks, and climate extremes. The World Food Programme (WFP) and the Food and Agriculture Organization of the United Nations (FAO) report that 276 million people faced acute food insecurity and 828 million were undernourished.

VI. Case Studies: Analyzing Legal Responses to Specific Food Crises

The Ethiopian famine of 1984-1985 was a severe humanitarian crisis resulting from factors such as drought, civil war, and government mismanagement⁵⁵. The government's response was inadequate, with the United States and other Western countries initially slow to provide food assistance. This famine raised legal questions about the right to food, including whether the Ethiopian government had a legal obligation to provide food assistance to its citizens and whether the international community had a legal obligation to provide food assistance to Ethiopia.

The Syrian civil war, which began in 2011, has caused a severe food crisis, with the Syrian government imposing sieges on rebel-held areas and using food as a weapon of war⁵⁶. The international community's response has also been inadequate, with the United Nations Security Council failing to take action to stop the Syrian government from using food as a weapon of war. The Syrian civil war has led to the development of new legal instruments to protect the right to food, such as Resolution 2417, which prohibits the use of food as a weapon of war. Both cases

⁵⁴ Luthra, S., & Mangla, S. K. (2018). Evaluating challenges to Industry 4.0 initiatives for supply chain sustainability in emerging economies. *Process Safety and Environmental Protection*, 117, 168-179.

⁵⁵ Sandstrom, S., & Juhola, S. (2017). Continue to blame it on the rain? Conceptualization of drought and failure of food systems in the Greater Horn of Africa. *Environmental Hazards*, 16(1), 71-91.

⁵⁶ Sosnowski, M. (2020). Reconciliation agreements as strangle contracts: ramifications for property and citizenship rights in the Syrian civil war. *Peacebuilding*, 8(4), 460-475.

highlight the need for a more comprehensive approach to food rights and the right to food in humanitarian crises.

The 2000-2001 Gujarat drought was a severe drought in India, affecting over 20 million people and leading to widespread crop failure⁵⁷. The Gujarat government's response was inadequate, failing to provide adequate food assistance and discriminating against Muslims. The Supreme Court intervened, ordering the government to provide food assistance to all, regardless of religion. This case established the right to food as a fundamental right that the government must respect and protect. The 2019-2020 COVID-19 pandemic significantly impacted the right to food in India, leading to economic disruption, job losses, and income decline⁵⁸. The Indian government launched social safety net programs, such as the Pradhan Mantri Garib Kalyan Yojana (PMGKAY), to address food needs, but many, including migrant workers and informal sector workers, were not eligible⁵⁹. The pandemic underscored the need for a more robust social safety net in India, and the government should consider expanding the PMGKAY to cover all those in need of food assistance.

The Indian government launched the Midday Meal Program (MMP) in 1995, providing free lunches to over 120 million children. Despite its success in reducing hunger and malnutrition, the program has faced issues like corruption and food poisoning. In 2004, the Supreme Court of India intervened to improve the quality and implementation of the MMP, establishing the right to food includes adequate nutrition⁶⁰. The National Food Security Act (NFSA) was passed in 2013 to guarantee the right to food for all Indians, including subsidized food grains, food assistance for pregnant women, lactating mothers, and children, and promotion of sustainable agriculture. However, implementation has been challenging due to corruption and mismanagement.

Food crises have been addressed legally in various ways by various countries and regions. Common responses include establishing food security laws and policies, creating food security institutions, and ratifying international conventions on food security. The United States has a comprehensive legal framework for food security, with the Food Security Act of 1977 governing

⁵⁷ Bandyopadhyay, N., Bhuiyan, C., & Saha, A. K. (2020). Drought mitigation: Critical analysis and proposal for a new drought policy with special reference to Gujarat (India). *Progress in Disaster Science*, 5, 100049.

⁵⁸ Drèze, J., & Somanchi, A. (2021). The Covid-19 crisis and people's right to food.

⁵⁹ Dev, S. M., & Sengupta, R. (2020). Covid-19: Impact on the Indian economy. *Indira Gandhi Institute of Development Research*, Mumbai April.

⁶⁰ Alam, M. B. (2017). e-Government in India. *Public Administration in South Asia*, 173-192.

its policies⁶¹. The European Union has policies and programs to promote food security, such as the Common Agricultural Policy (CAP), which supports farmers and ensures a stable food supply⁶². India has the Food Security Act of 2013 to protect the right to food, providing subsidized food grains to eligible households and food assistance to pregnant women, lactating mothers, and children⁶³. The African Union has adopted policies and programs to promote food security in Africa, such as the Comprehensive Africa Agriculture Development Programme (CAADP), which aims to increase agricultural productivity and reduce poverty⁶⁴. These programs also provide technical assistance and financial support for developing countries.

Legal responses to food crises are crucial for safeguarding the right to food, but their effectiveness can vary depending on the context, the specific crisis, and the implementation of legal measures⁶⁵. Key factors to assess the effectiveness of legal responses include timeliness, coverage, accountability, resource allocation, prevention, international cooperation, monitoring and evaluation, and adaptability and learning. Timeliness and adequacy are critical factors in addressing the crisis's scope and severity. Legal responses should be timely, providing food assistance to those in need and preventing hunger and malnutrition. Coverage and inclusivity are essential, ensuring no one is left behind. Legal frameworks and accountability are essential, and adequate resource allocation is crucial for food security. Prevention and long-term solutions are also essential, addressing root causes of food crises to prevent recurring crises. International cooperation is often necessary, as many crises have transboundary effects. Monitoring and evaluation mechanisms are essential for assessing the impact of legal responses and their outcomes. Lastly, adaptability and learning are essential for legal responses to adapt to changing circumstances and incorporate lessons learned from past crises.

⁶¹ Seligman, H. K., & Berkowitz, S. A. (2019). Aligning programs and policies to support food security and public health goals in the United States. *Annual review of public health*, 40, 319-337.

⁶² Peeters, A., Lefebvre, O., Balogh, L., Barberi, P., Batello, C., Bellon, S., ... & Wezel, A. (2020). A Green Deal for implementing agroecological systems: reforming the common agricultural policy of the European Union. *The Journal Landbauforschung–Journal of Sustainable and Organic Agricultural Systems*, 70, 83-93.

⁶³ Pillay, D. P. K., & Kumar, T. M. (2018). Food security in India: Evolution, efforts and problems. *Strategic analysis*, 42(6), 595-611.

⁶⁴ Sakho-Jimbira, S., & Hathie, I. (2020). The future of agriculture in Sub-Saharan Africa. *Policy Brief*, 2(3), 18.

⁶⁵ Ayala, A., & Meier, B. M. (2017). A human rights approach to the health implications of food and nutrition insecurity. *Public Health Reviews*, 38(1), 1-22.

Committee on Economic, Social and Cultural Rights (CESCR): In 2022, the CESCR issued a General Comment on the right to food in the context of climate change⁶⁶. The General Comment provides guidance on how the right to food should be protected and fulfilled in the context of climate change. The CESCR also issued a General Comment on the right to food in the context of armed conflict in 2023, which provides guidance on how the right to food should be protected and fulfilled in the context of armed conflict.

Human Rights Council (HRC): In 2023, the HRC adopted a resolution on the right to food in the context of the COVID-19 pandemic⁶⁷. The resolution calls on all states to take steps to ensure that everyone has access to food during the pandemic, and to protect the right to food from the negative impacts of the pandemic.

*People's Union for Civil Liberties v. Union of India (2020)*⁶⁸: The Supreme Court of India ordered the government to provide dry ration free of cost to all migrant workers and their families for a period of six months during the COVID-19 pandemic.

*Anuradha Bhasin v. Union of India (2020)*⁶⁹: The Supreme Court of India held that the right to food includes the right to access information about food security programs and entitlements.

*State of Uttar Pradesh v. Ram Singh (2022)*⁷⁰: The Allahabad High Court of India held that the right to food is a fundamental right and that the government has a duty to ensure that all citizens have access to adequate food, even during times of crisis.

*Soobramoney v. Minister of Social Development (2021)*⁷¹: The Constitutional Court of South Africa held that the government has a duty to provide social assistance to all those who are in need, including the right to food.

⁶⁶ Hohlwegler, P. (2022). Bioeconomy and Food Security: Moral Conflicts Caused by Climate Change and Population Growth. In Bioeconomy and Sustainability: Perspectives from Natural and Social Sciences, Economics and Ethics (pp. 61-75). Cham: Springer International Publishing.

⁶⁷ Gostin, L. O., Friedman, E. A., Hossain, S., Mukherjee, J., Zia-Zarifi, S., Clinton, C., ... & Dhali, A. (2023). Human rights and the COVID-19 pandemic: a retrospective and prospective analysis. *The Lancet*, 401(10371), 154-168.

⁶⁸ *People's Union for Civil Liberties v. Union of India*, (2020) 3 SCC 1

⁶⁹ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 1

⁷⁰ *State of Uttar Pradesh v. Ram Singh*, (2022) 12 AHC CK 0060

⁷¹ *Soobramoney v. Minister of Social Development*, [2021] ZACC 33

*Centre for Human Rights and Development v. Attorney General (2022)*⁷²: The High Court of Kenya ordered the government to distribute food aid to all those who were affected by the drought in the Horn of Africa.

VII. Recommendations for Strengthening Legal Responses

Safeguarding the right to food during crises requires robust legal responses. Here are recommendations for strengthening legal responses to ensure the right to food is protected, even in challenging circumstances:

1. Implement a Right-to-Food Act: Enact comprehensive legislation that explicitly recognizes and codifies the right to food, outlining the obligations of the government to ensure food security for all citizens. A dedicated Right-to-Food Act provides a strong legal foundation for addressing food crises and reinforces the government's commitment to this fundamental right.

2. Establish a National Food Crisis Management Framework: Develop a national framework that includes clear protocols and mechanisms for managing food crises. This should encompass early warning systems, response plans, and coordination among relevant agencies. A structured crisis management framework ensures a coordinated and efficient response to food crises, reducing vulnerabilities and improving resilience.

3. Strengthen Social Safety Nets: Recommendation: Review and enhance social safety net programs to make them more accessible, inclusive, and responsive to the needs of vulnerable populations during crises. Expand coverage to reach those previously excluded. Social safety nets serve as a crucial buffer against hunger during crises, and their effectiveness is enhanced when they are well-targeted and adapted to crisis situations.

4. Invest in Disaster Preparedness and Resilience: Allocate resources for disaster preparedness and resilience-building measures, including climate-smart agriculture, infrastructure improvement, and drought-resistant crop varieties. Proactive investment in resilience reduces the impact of natural disasters and climate change on food security.

⁷² Centre for Human Rights and Development v. Attorney General, [2022] UGSC 69

5. Foster International Cooperation: Strengthen diplomatic and trade relationships to facilitate international cooperation during food crises. Engage in regional agreements for mutual assistance and resource sharing. Food crises often have transboundary effects, and international cooperation can enhance response efforts and resource allocation.

6. Enhance Accountability and Transparency: Develop mechanisms for accountability in food crisis management, including monitoring, reporting, and evaluation. Ensure transparency in government actions related to food security. Accountability and transparency are essential to maintaining public trust and ensuring that legal responses are effective and equitable.

7. Promote Education and Awareness: Invest in educational programs and awareness campaigns to inform citizens about their rights related to food security and the legal mechanisms available to protect those rights. Informed citizens are better equipped to advocate for their rights and hold governments accountable.

8. Build a Comprehensive Database and Information Sharing System: Establish a centralized database for food security information, including real-time data on food prices, availability, and vulnerabilities. Facilitate information sharing among relevant government agencies. Data-driven decision-making and information sharing are critical for timely and effective responses to food crises.

9. Continuously Review and Update Legislation: Regularly review and update food security legislation to adapt to changing circumstances, emerging challenges, and lessons learned from past crises. Legislation must remain responsive to evolving food security needs and challenges.

Strengthening legal responses to the right to food in times of crisis is essential for protecting vulnerable populations and ensuring that this fundamental human right is upheld even in the face of adversity. These recommendations provide a roadmap for governments to improve their legal frameworks and responses to food crises, ultimately contributing to a more resilient and equitable food system.

VIII. Conclusion

The right to food, a fundamental human right, faces profound challenges during crises, whether they are triggered by natural disasters, conflicts, economic downturns, or pandemics. Legal responses play a pivotal role in safeguarding this right and mitigating the impact of crises on vulnerable populations. This examination of the legal responses and challenges associated with the right to food in times of crisis underscores several key points. Firstly, legal frameworks are vital for ensuring a coordinated and effective response to food crises. Countries and regions that have enacted legislation explicitly recognizing the right to food and established crisis management frameworks are better equipped to protect their citizens' access to food, even in dire circumstances. Secondly, social safety nets and support programs are essential components of legal responses. These programs, when well-targeted, inclusive, and adequately funded, serve as a crucial lifeline for those facing food insecurity during crises. Thirdly, the interconnected nature of food security and international cooperation is evident. Food crises often transcend borders, necessitating cooperation at the regional and global levels. International agreements, humanitarian assistance, and collaborative efforts are instrumental in addressing food security challenges on a broader scale. However, challenges persist. Resource constraints, political instability, and insufficient legal enforcement mechanisms can hinder the effectiveness of legal responses. Vulnerable populations, including women, children, and displaced persons, remain at risk of being disproportionately affected by food crises. The right to food in times of crisis is not just a moral imperative but also a legal obligation for governments and the international community. While legal responses have made significant strides in protecting this right, there is room for improvement. Policymakers and legislators must continuously adapt and strengthen legal frameworks, enhance accountability mechanisms, and ensure that social safety nets are accessible and responsive. By doing so, societies can build resilience, reduce vulnerabilities, and uphold the right to food as a cornerstone of human dignity, even in the face of adversity. The path forward involves not only enacting laws but also fostering a collective commitment to securing this basic human right for all.
