

Poverty, policies, and politics: a rights-based approach to food insecurity in Africa

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ABSTRACT: Food and nutrition insecurity remain serious African concerns, reflecting government failure to meet global and regional human rights obligations to assure food availability, accessibility, utilisation, stability, sustainability, and agency. According to recent data, more than one-third of people facing severe food insecurity around the world live in Africa. The numbers may continue to rise in the absence of deliberate and human rights-centred solutions. The second biennial review report of the African Union on the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods conceded that the continent is not on track to meet the targets set out in the Declaration to end food insecurity and improve nutrition. This article investigates and advocates for a human rights-based approach to food and nutrition security. It highlights the critical links between the six main elements of food security, namely, availability, access, utilisation, stability, agency, and sustainability, and the normative obligations of states on the right to food and its interdependence with other fundamental human rights. It critically analyses the available legal frameworks on addressing food insecurity and its challenges, and proposes a human rights-based approach.

TITRE ET RÉSUMÉ EN FRANCAIS:

Pauvreté, programmation, et politique: une approche de l'insécurité alimentaire en Afrique basée sur les droits de l'homme

RÉSUMÉ: L'insécurité alimentaire et nutritionnelle demeure une préoccupation importante en Afrique, reflétant l'incapacité des gouvernements à respecter les obligations internationales et régionales en matière de droits de l'homme pour assurer la disponibilité, l'accessibilité, l'utilisation, la stabilité, la durabilité et la responsabilité alimentaires. Selon des données récentes, plus d'un tiers des personnes confrontées à une grave insécurité alimentaire dans le monde vivent en Afrique. Ces chiffres pourraient continuer à augmenter en l'absence de solutions délibérées et axées sur les droits de l'homme. Le deuxième rapport d'examen biennal de l'Union africaine sur la Déclaration de Malabo sur la croissance agricole accélérée et la transformation pour une prospérité partagée et l'amélioration des moyens de subsistance a indiqué que le continent n'est pas sur la bonne voie pour atteindre les objectifs fixés dans la Déclaration en vue de mettre fin à l'insécurité alimentaire et améliorer la nutrition. Cette contribution étudie et plaide pour une approche de la sécurité alimentaire et nutritionnelle fondée sur les droits de l'homme. Il souligne les liens essentiels entre les six principaux éléments de la sécurité alimentaire, à savoir la disponibilité, l'accès, l'utilisation, la stabilité, la responsabilité et la durabilité, et les obligations normatives

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des États en matière de droit à l'alimentation et son interdépendance avec d'autres droits humains fondamentaux. Il analyse de manière critique les cadres juridiques disponibles pour faire face à l'insécurité alimentaire et à ses défis, et propose une approche fondée sur les droits de l'homme.

KEY WORDS: food security, human rights interdependence, right to food and nutrition, 2014 Malabo Declaration

CONTENT:

1	Introduction.....	250
2	Theoretical framework	251
2.1	Situational analysis of the food crisis in Africa	251
2.2	Prevalence of undernutrition	253
2.3	The double burden of malnutrition.....	254
2.4	Food insecurity experience scale.....	254
2.5	Lived experiences of hunger	255
2.6	The relationship between poverty and food insecurity.....	256
3	The obligation to combat food insecurity under international law	257
3.1	Global and regional frameworks	257
3.2	Interdependency of the right to food and other human rights	259
3.3	Duties of states.....	263
4	The year of nutrition and continental initiatives on food security	265
4.1	Agenda 2063 and the New Partnership for Africa's Development (NEPAD)	266
4.2	Comprehensive Africa Agriculture Development Programme (CAADP)	266
4.3	Year of Agriculture, 2014: Malabo Declaration	267
4.4	Rights-based approach: availability, access, utilisation, stability, sustainability, and agency	269
5	Conclusion	270

1 INTRODUCTION

There is a growing recognition that food system challenges, embedded in political-economic challenges, are key drivers of the global burden of food insecurity and malnutrition.¹ The African reality remains of dire concern. Africa as a whole is dealing with structural food insecurity, which is mostly caused by widespread poverty, unemployment, and the absence of enduring social protection systems against megatrends such as international market trends, conflict, and the COVID-19 pandemic.² In reacting to food and nutrition insecurity, international and regional human rights instruments may play a key role in guiding African states that are striving to maintain the living standards of their citizens, particularly among the most vulnerable groups, in order to attain the aspirations of global and regional sustainable development agendas.³ One such agenda at the regional level is the 2014 Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods, which outlines seven distinct

1 FAO, IFAD, UNICEF, WFP & WHO *The state of food security and nutrition in the world 2022: repurposing food and agricultural policies to make healthy diets more affordable* (2022) at 2.
 2 FAO 2022 (n 1) at 16, 17 & 18.
 3 OHCHR 'The right to adequate food: fact sheet no 34' <https://www.ohchr.org/Documents/Publications/FactSheet34en.pdf> (accessed 25 July 2022).

commitments to promote agricultural transformation and growth for shared prosperity and better livelihoods for all Africans.⁴ The recently adopted Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security is another significant African legal instrument. In article 19, state parties are obligated to ensure food security.

This article investigates and advocates for a human rights-based approach to food and nutrition security, finding legal frameworks framed for the political prioritisation of key global and regional human rights norms in national policies. This article highlights the critical links between the six main elements of food security, namely, availability, access, utilisation, stability, agency, and sustainability, and the normative attributes of the right to health and the right to food, namely availability, accessibility, affordability, and quality, critically analysing available legal frameworks towards addressing food insecurity and its challenges, and proposing a novel human rights-based approach. This article interprets and articulates the normative obligations of national governments, specifically on the paradigm of the right to food and its interdependence with other human rights, in the face of food and nutrition insecurity by drawing on the evolution of international and regional human rights instruments, analysis of regional initiatives related to food security, and past scholarship.

Through this analysis, the article offers a diagnosis of the food security situation in Africa, noting the grim reality of failure to meet up with continental pledges, highlighting the available legal frameworks and their inadequacies, and finally making a prescription for policy imperatives for action on the right to food, in order to realise the Malabo Declaration's premise of the right to food and overall sustainable development. The article is organised into five sections, of which the introduction is the first. The second section gives an overview of the food security situation in Africa, followed by a review of the available legal frameworks as the third section. The fourth section discusses the normative obligations of the states and continental initiatives, while the fifth section is on conclusion and recommendations.

2 THEORETICAL FRAMEWORK

2.1 Situational analysis of the food crisis in Africa

Goal 1 of the African Union's Agenda 2063 and Goal 2 of the Sustainable Development Goals (SDGs) share the priorities of eradicating hunger and ensuring food security for all at all times. These goals seek to ensure physical, social, and economic access to enough

4 AU 'Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods' https://au.int/sites/default/files/documents/31247-doc-malabo_declaration_2014_11_26.pdf (accessed 25 July 2022).

safe and nutritious food.⁵ African countries, on the other hand, are falling short of these targets. According to the Food and Agriculture Organization (FAO) of the United Nations (UN), more than 322 million Africans were severely food insecure in 2021, and this figure was rising. Due to economic recessions, rising unemployment, and income losses, as well as the COVID-19 pandemic, the African continent's food security situation has deteriorated.⁶ Food security can be defined and measured in a variety of ways. Food security was defined by the World Food Summit in 1996 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'.⁷ Food security is commonly conceptualised as both physical and economic access to food that meets people's dietary needs as well as their food preferences.⁸ Food security exists when all members of the household have constant access to enough food to live an active, healthy life. Food security is a measure of resilience to potential disruptions or shortfalls of essential food supplies triggered by a wide range of risks such as extreme weather events, transportation disruptions like those seen during the COVID-19 pandemic, energy shortages like those occasioned by Russia-Ukraine conflicts, economic instability, and wars.⁹ Neoliberalism is viewed as a globalisation of the economic liberalism ideology, which holds that free markets and free trade, unrestricted by any form of state regulation, foster entrepreneurship and encourage economic growth. However, neoliberal economic policies have increased the cost of agriculture, slowed the growth of agricultural production, and diverted agricultural products and arable land to the production of biofuels, all of which have increased food insecurity.¹⁰

Food security, like poverty, is a multidimensional issue requiring multi-criteria analysis. In an attempt to give an overview of the food security situation in Africa, this article highlights the FAO's Prevalence of Undernutrition (PoU) and Food Insecurity Experience Scale (FIES)-based prevalence of moderate or severe food insecurity.¹¹ Malnutrition is a severe complication of food insecurity, and it can appear as either undernutrition, which manifests as stunting, wasting, and being underweight, or over-nutrition, which progresses to overweight and obesity.¹² The FAO's PoU index is calculated using official country statistics on food supply, food consumption, and energy needs, as well

5 AU 'Linking agenda 2063 and the SDGs' <https://au.int/en/agenda2063/sdgs> (accessed 25 July 2022).

6 FAO 2022 (n 1) at 24.

7 FAO 'Food security: concept and measurement' <https://www.fao.org/3/y4671e/y4671e06.htm> (accessed 10 July 2022).

8 As above.

9 FAO 2022 (n 1).

10 TK Sundari-Ravindran 'Poverty, food security and universal access to sexual and reproductive health services: a call for cross-movement advocacy against neoliberal globalisation' (2014) 22 *Reproductive Health Matters* 14-27.

11 FAO (n 7).

12 FAO (n 1).

as demographic parameters such as age, gender, and physical activity levels.¹³

2.2 Prevalence of undernutrition

The PoU is intended to capture a year's worth of energy deprivation and does not reflect the short-term impacts of brief crises or an inadequate intake of key nutrients. In 2021, 278 million Africans were undernourished, an 88.1 million rise from 2005. Eastern Africa accounts for 136.4 million of the total number of undernourished individuals, followed by Central Africa with an estimated 60.7 million; 57.3 million in Western Africa; 17.4 million in Northern Africa; and Southern Africa accounting for 6.3 million.¹⁴ These alarming statistics illustrate how severely Africans are deprived of their fundamental rights to food security. Available country-level evidence reveals many countries across the African continent have a high prevalence of food undernutrition. More than half of the population in countries such as Burkina Faso, Central African Republic, Guinea, Mali, Niger, Somalia, and South Sudan is malnourished.¹⁵ A common denominator among these countries is that they have experienced either conflicts or political instability in the preceding decade.¹⁶ There is a reciprocal relationship between extreme food insecurity and conflict, as well as the indiscretion of the political class and military junta.

Malnutrition continues to affect a considerable proportion of Africa's population, particularly young children under the age of five. Stunting, which happens when children are too short for their age, is the most frequent form of malnutrition in Africa. In Africa, 32.4 percent of children under the age of five were estimated to be stunted in 2020.¹⁷ This corresponds to around 57.3 million stunted African children who face both short-term and long-term consequences of stunting. Projections show that another 7 million African children were underweight around the same time in 2020.¹⁸ Other prevalent manifestations of malnutrition that affect children and women of reproductive age include nutritional deficiencies such as vitamin A and iron deficiencies, which develop as a result of inadequate consumption and absorption of essential micronutrients.¹⁹ Malnutrition has a detrimental influence on human development that is not limited to health; deficiencies can have a severe impact on cognitive and motor development in later life. Long-term consequences of malnutrition

13 FAO (n 1).

14 FAO 2022 (n 1) at 15.

15 UN 'Policy brief: Africa and food security' https://www.un.org/osaa/sites/www.un.org.osaa/files/2113589-policy_brief_on_food_security-draft1-forclint-15oct21-kmk_0.pdf (accessed 25 July 2022) at 15.

16 As above.

17 UN (n 14) at 9.

18 As above.

19 WHO 'Malnutrition' <https://www.who.int/news-room/fact-sheets/detail/malnutrition> (accessed 10 July 2022).

include lower adult productivity, which affects employment and income generation. Malnutrition thus leads to the vicious cycle of poverty in low-income households, contributing in part to food insecurity.²⁰

2.3 The double burden of malnutrition

While the image of under-nutrition remains stark on the African continent, the World Health Organisation (WHO) warns that the other edge of the malnutrition sword is also wreaking havoc.²¹ If no strong actions are implemented to reverse the trends, one in every five adults and one in every 10 adolescents and teens in African nations at high risk of obesity will be obese by the end of 2023.²² According to the WHO assessment, the prevalence of obesity among adults in 10 high-burden African countries would vary from 13.6 percent to 31 percent, while it would range from 5 percent to 16.5 percent among children and adolescents.²³ Africa is also dealing with an increase in the number of overweight children. In 2019, the continent was home to 24 percent of the world's overweight children under the age of 5.²⁴ The over-nutrition burden of malnutrition in Africa is partly due to dietary changes brought about by reliance on energy-dense foods and a lack of access to and cost of healthy food alternatives.

2.4 Food insecurity experience scale

The prevalence of moderate or severe food insecurity based on the Food Insecurity Experience Scale (FIES) is an estimate of the proportion of the population encountering moderate or severe limitations in their capacity to access sufficient food over the course of a year.²⁵ In addition to availability, sustainability, and agency, people experience significant food insecurity when they are unsure of their capacity to access food and have been compelled to lower the quality or amount of food they consume at times during the year due to a lack of money or other resources.²⁶ Individuals in severe food insecurity are those who have run out of food, experienced hunger, and, in the worst-case scenario, have gone for days without eating, putting their health and well-being at risk.²⁷ As reported by the FAO, the incidence of severe food insecurity is highest in Central Africa, at 37.7 percent, whereas the

20 As above.

21 WHO 'Obesity rising in Africa, WHO analysis finds' <https://www.afro.who.int/news/obesity-rising-africa-who-analysis-finds> (accessed 25 July 2022).

22 As above.

23 As above.

24 As above.

25 FAO (n 1) at 202.

26 FAO '2021 Africa regional overview of food security and nutrition: statistics and trends' <https://www.fao.org/3/cb7496en/cb7496en.pdf> (accessed 10 July 2022).

27 As above.

prevalence of moderate food insecurity is almost similar in Eastern and Central Africa, at 66.9 and 75.3 percent, respectively.²⁸

Africa is home to more than one-third of the 2.3 billion people who experience food insecurity globally. About 322 million Africans, mostly living in the Central, Eastern, and Western African regions, suffer from severe food insecurity. Another 57.9 percent, 794.7 million African people, are moderately food insecure.²⁹ The high prevalence of food insecurity among African countries is attributable to a variety of challenges, including weak governance systems.

2.5 Lived experiences of hunger

In terms of consumption, poorer purchasing power owing to lower income levels or rises in food costs has contributed to increasing levels of hunger recorded across the continent, which has been exacerbated by the COVID-19-related economic effects. For example, food costs spiked in the early months of the epidemic, and these increases have been sustained in many countries. In West Africa, Nigeria's annual inflation rate rose for the fifth consecutive month in June 2022, reaching 18.6 percent, the highest rate since January 2017, and compared to 17.7 percent in May 2022.³⁰ Bread and cereals, potatoes, yams, meat, fish, oil, and fat all contributed to an increase in food inflation to 20.6 percent from 19.5 percent. The sub-index of food and non-alcoholic beverages was by far the most significant, accounting for about half of the total weight.³¹

In May 2022, food inflation in Eastern Africa's Kenya reached 13.8 percent year on year, the highest level recorded during the period. Food costs in the country have been rising since March 2022. In comparison, the rate of food inflation increased by 0.9 percent between May and June 2022.³² According to the Bureau for Food and Agricultural Policy's Food Inflation Brief, South African food and non-alcoholic beverage inflation rose 8.6 percent year on year in June 2022,³³ owing primarily to higher prices for meat, bread and cereals, and oil and fats. Food and non-alcoholic inflation increased by 1.2 percent month on month in June 2022. This inflation increased the reported consumer price index inflation rate of 7.4 percent in June 2022 by 1.5 percentage points.³⁴

28 FAO (n 1) at 25.

29 FAO (n 1) at 26.

30 National Bureau of Statistics Consumer price index: June 2022 (2022).

31 As above.

32 Kenya National Bureau of Statistics 'Consumer price indices and inflation rates for June 2022' file:///C:/Users/user/Downloads/June%202022%20-%20CPI%20.pdf (accessed 30 July 2022).

33 Bureau for Food and Agricultural Policy 'Food inflation brief https://www.bfap.co.za/wp-content/uploads/2022/07/Food-Inflation-brief_June-2022.pdf (accessed 30 July 2022).

34 As above.

The consequences of exorbitant food costs and restricted availability include changes in diet structure, which have a detrimental impact on the amount and quality of foods consumed. Due to their pre-existing vulnerabilities, low-income households residing in rural regions and urban informal settlements are disproportionately affected by food insecurity. Gender inequality is also evident in the fact that women are disproportionately affected by negative socioeconomic repercussions such as job loss and food insecurity. Because of the lack of robust social protection systems, as well as high levels of vulnerability and low levels of resilience, many African households remain at risk of food insecurity. Therefore, innovative and multifaceted rights-based approaches are imperative to mitigate the negative trend.

2.6 The relationship between poverty and food insecurity

Poverty is a prevalent problem in Africa. In 2018, around 433 million people in the continent were living below the extreme poverty level of USD 1.90 per day.³⁵ Almost one-third of Africa's population was living in extreme poverty 2022. More than 40 percent of the African people lived on less than USD 1.90 per day in 2018.³⁶ Poverty is caused by multidimensional factors. Countries in conflict with significant crises in employment, education, and health tend to have larger socio-economically disadvantaged populations. As a result, poverty is more frequent in less-developed countries. When disaggregated by location, rural households experience greater levels of poverty.

Poverty and food insecurity are strongly intertwined since poverty may have a negative impact on the social determinants of health and create tough circumstances for individuals to have an unpredictable food supply. According to data from African nations, food is a key household expense for impoverished households; close to half of family income is spent on food.³⁷ In Nigeria, food accounts for approximately 56.4 percent of households' earnings.³⁸ Even if they spend a considerable percentage of their household income on food, many poor households remain food insecure due to low, irregular, and variable earnings. Similarly, individuals living in poverty frequently encounter financial constraints that limit their capacity to get sufficient, safe, and nutritious food. The inability to meet the caloric requirements for

35 World Bank Blogs 'The number of poor people continues to rise in Sub-Saharan Africa, despite a slow decline in the poverty rate' <https://blogs.worldbank.org/opendata/number-poor-people-continues-rise-sub-saharan-africa-despite-slow-decline-poverty-rate> (accessed 10 July 2022).

36 As above.

37 World Economic Forum 'Food security: which countries spend the most on food? This map will show you' <https://www.weforum.org/agenda/2016/12/this-map-shows-how-much-each-country-spends-on-food/> (accessed 10 July 2022).

38 As above.

development and healthy life perpetuates a vicious cycle of poor productivity, resulting in lower earnings and a lack of food access.

3 THE OBLIGATION TO COMBAT FOOD INSECURITY UNDER INTERNATIONAL LAW

Given the international, regional, and national imperatives for ensuring food security, African governments have made promises to eradicate hunger and encourage access to sufficient, safe, and nutritious food. Binding treaties, such as the CESCER and the African Charter on Human and Peoples' Rights, as well as soft law instruments, such as the SDGs, the AU Agenda 2063, and the Malabo Declaration of 2014, are important tools that, when effectively domesticated contextually through national policies, can help the continent respect, protect, and fulfill the right to food for African populations.

3.1 Global and regional frameworks

Universal Declaration of Human Rights (Universal Declaration)

The Universal Declaration expressly recognised the right to food under international law. By implying the interdependence of rights covering a wide range of rights, including those to adequate food, water, sanitation, clothing, housing, and medical care, as well as social protection covering unforeseen occurrences, such as widowhood, unemployment, and old age, article 25 of the Universal Declaration lays a progressive foundation for the rights-based approach to food security. The language of the Universal Declaration in article 25 amplifies the imperatives of the right to food as it states: 'Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family' and then mentions 'food' inclusive, implying that access to adequate food access in a safe and sufficient quantity enhances the envisaged standard of living, wellbeing, and health.³⁹

The International Covenant on Economic, Social and Cultural Rights (CESCR)

Article 11 of the CESCR acknowledges the right to adequate food as a vital component of the right to a decent standard of life. It also works to guarantee that 'everyone is free from hunger' as a fundamental right.⁴⁰ This right to adequate food is defined by the UN Special Rapporteur on the Right to Food as 'the right to regular, permanent, and unrestricted access – either directly or through financial purchases – to

39 Art 25 Universal Declaration.

40 Art 11 CESCR.

quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear'.⁴¹

According to article 2(1) of the CESC, a state party should take steps to the maximum of its available resources for the progressive realisation of the rights contained within the treaty.⁴² In this regard, the Committee on Economic, Social and Cultural Rights in General Comment 12 also defined the obligations that states must fulfill in order to implement the right to adequate food at the national level. To respect existing access to adequate food requires states parties not to take any measures that result in preventing such access; to protect requires measures by the state to ensure that enterprises or individuals do not deprive individuals of their access to adequate food; to fulfill (facilitate) or pro-actively engage in activities intended to strengthen people's access to and utilisation of resources and means to ensure their livelihood, including food security; to fulfill (provide) the right directly when an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal.⁴³

The African Charter on Human and Peoples' Rights (African Charter)

The African Charter tacitly acknowledges the right to food as a jurisprudential precedent established by the African Commission on Human and Peoples' Rights in *SERAC & CESR v Nigeria*.⁴⁴ In its interpretation of the African Charter, the African Commission stated that the right to food is inherent in the rights to life, health, and economic, social, and cultural development; and that this right is realised when everyone, alone or in community with others, has physical and economic access to adequate food or means of procuring it at all times, and is free from hunger even during natural or other disasters.⁴⁵

In its resolution 431 on the right to food and nutrition in Africa,⁴⁶ the African Commission called on state parties to: Take appropriate policy, institutional and legislative measures to ensure the full enjoyment of the right to food which includes constantly accessible and quality food that meets the requirement of nutrition and cultural acceptability; promote and strengthen multi-sector and gender

41 UN 'About the right to food and human rights' <https://www.ohchr.org/en/special-procedures/sr-food/about-right-food-and-human-rights> (accessed 25 July 2022).

42 Art 2(1) CESC.

43 CESC General Comment 12 UN Doc E/C.12/1999/5.

44 *Social and Economic Rights Action Centre (SERAC) & Center for Economic and Social Rights (CESR) v Nigeria* (2001) AHRLR 60 (ACHPR 2001).

45 As above.

46 ACHPR 'Resolution 431 on the Right to Food and Nutrition in Africa - ACHPR/Res.431(LXV)2019' <https://www.achpr.org/sessions/resolutions?id=462> (accessed 25 July 2022).

inclusive platforms at the national level, with the full and meaningful participation of small-scale food producers, farmers, livestock farmers and fishermen to develop, implement, and monitor policies towards the realisation of the right to food and nutrition; design policy responses and interventions in situations of protracted crisis, conflicts and natural disasters to protect vulnerable, disadvantaged and marginalised groups in order to realise their right to food and nutrition; end the practice of resource grabbing affecting farming, fisheries, forests, and pastoralist communities, and move towards an equitable management of these resources (natural, material and financial) by strengthening community rights, benefit sharing policies, and enacting strong and binding legislations; ensure that prisoners have access to adequate food for them to fully enjoy their fundamental rights to physical and mental health; foster local and organic food production and consumption, including by banning the use of genetically modified organisms; and strictly regulate the importation of foreign food items as well as the promotion and marketing of industrialised and highly processed foods. The presence of highly processed foods in markets hampers food security, particularly in the dimensions of utilisation and agency.

3.2 Interdependency of the right to food and other human rights

The right to food reflects human rights' interdependence. Many aspects of the right to food are interrelated with other fundamental human rights, and a lack of appropriate access to food precludes enjoyment of those other fundamental rights. The following are some of the inherent rights that are connected to the right to food:

3.2.1 The rights to life, liberty and security of the person

At all stages of life, access to enough safe and nutritious food is crucial. When a person does not have access to food that matches their caloric needs, they risk the cascading effects of famine, malnutrition,⁴⁷ and even death, thereby depriving themselves of their right to life, of which food is an important component. Similarly, liberty and security of the person are critical in access to the agricultural value chain for individuals to be able to participate in farming for subsistence of their immediate needs or commercial purposes, adding to the overall physical access to food.

3.2.2 The right to health

Access to sufficient, safe, and nutritious food has a correlation with the right to health across the spectrum of life. Nutrition during pregnancy determines the health outcomes of both the mother and her baby.

47 WHO (n 18).

Moving from infancy to childhood, nutrition is a determinant of health, seen in how malnutrition manifests in stunting, which results in poor cognitive development and a lack of the highest attainable standard of health in adulthood.⁴⁸ Other implicit links between the right to food and the right to health can be deduced from how a lack of access to treatment of acute and chronic diseases denies the full enjoyment of adequate nutrition;⁴⁹ for an adult suffering from acquired immunodeficiency syndrome (AIDS) without access to treatment or a child suffering from acute diarrhoea without proper treatment, their bodies may not use food consumed properly even when available until adequate healthcare is achieved, resulting in denial.

3.2.3 The right to water

Everyone has the right to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic use under the right to water. Access to clean, dependable, and inexpensive drinking water and for food preparation is critical to realising the right to food. Waterborne illnesses account for approximately 80 percent of all diseases;⁵⁰ the right to food cannot be achieved if individuals do not have access to an adequate and continuous supply of water for personal and household functions, including drinking and food preparation.

3.2.4 The right to education and information

A child may be excluded from school owing to hunger or malnutrition. Hunger and malnutrition have been shown to degrade children's cognitive capacities,⁵¹ forcing them out of school and depriving them their right to an education. Given that education includes life and vocational skills, to ensure the achievement of the right to food, people must know how to maintain a nutritious diet and have the skills and capacity to produce and procure food that satisfies their nutritional requirements.

Information is crucial to realising the right to food. Correct and evidence-based information, as well as the capacity to appreciate the foundations of resource allocation and market trends in agriculture, food supply, and consumer preferences, are essential for making healthy food decisions. One example of how the right to information influences consumer decisions is the marketing misinformation of harmful processed foods, which is partly a result of globalisation at the expense of homegrown organic and healthier alternatives.⁵²

48 WHO (n 18).

49 CD Bourke and others 'Immune dysfunction as a cause and consequence of malnutrition' (2016) 37(6) *Trends in Immunology* at 389.

50 UN <https://press.un.org/en/2003/sgsm8707.doc.htm> (accessed 10 July 2022).

51 WHO (n 18).

52 UNICEF 'Marketing of unhealthy foods and non-alcoholic beverages to children' <https://www.unicef.org/media/116691/file/Marketing%20restrictions.pdf> (accessed 15 July 2022).

3.2.5 The right to social security

Given that the ability to pay is a barrier to food access, the presence of social safety nets is critical to achieving the right to food. Subsistence, mostly food, consumes a sizable portion of household earnings.⁵³ In the absence of social protection floors that take into account market trends for essential foods, poor populations may be denied their entitlement to social protection with regard to food.

3.2.6 The right to food for specific populations

Children: Article 24 of the Convention on the Rights of the Child implicitly speaks to the right to food by seeking to encourage international cooperation for the progressive full realisation of children's rights, particularly considering the needs of developing countries like those on the African continent.⁵⁴ The letters of article 24(2) obligate state parties to pursue full implementation of the child's right and, in particular, to take appropriate measures to: combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution; to ensure that all segments of society, in particular parents and children, are informed, have access to education, and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation, and the prevention of accidents.⁵⁵ The lack of access to sufficient, safe, and nutritious food negatively impacts the physical, mental, and social wellbeing of children.⁵⁶ Near half of all child deaths below the age of five years are traceable to undernutrition.⁵⁷ The negative effect of malnutrition takes its toll on children even before their birth, should their mother suffer malnutrition during pregnancy.⁵⁸ Children born to malnourished mothers may have low birth weight, life-threatening birth defects, or those that might reduce the quality of life. Such children, when they survive, suffer long-lasting consequences, including physical and mental impairments.⁵⁹ Other social consequences of not protecting the child's right to food might push children into dreaded forms of child labour and school dropout, partly due to impaired mental capacity, starvation, or forced labour to access the means to food.

53 World Economic Forum (n 38).

54 Art 24 CRC.

55 Art 24(2) CRC.

56 WHO (n 18).

57 WHO 'Children: improving survival and well-being' <https://www.who.int/news-room/fact-sheets/detail/children-reducing-mortality> (accessed 15 July 2022).

58 UNICEF 'Maternal nutrition: preventing malnutrition in pregnant and breastfeeding women' <https://www.unicef.org/nutrition/maternal> (accessed 25 July 2022).

59 As above.

Women: Women are crucial to securing food security. Women, on the other hand, are disproportionately affected by hunger, food insecurity, and poverty as a result of gender inequality and a lack of social, economic, civic, and political rights.⁶⁰ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) safeguards women's equal access to labour, farmland, credit, wages, and social protection, which are all necessary for women to enjoy their right to food equally. Article 14, for example, proposes a series of specific steps to reduce gender discrimination toward rural women, creating an enabling environment for women to exercise their right to food.⁶¹ Article 11 of the CEDAW safeguards women's equal enjoyment of labour rights,⁶² while article 13(b) protects their access to financial resources.⁶³ Women have unique nutritional requirements, particularly in terms of reproductive health, and a denial of such specific dietary needs could result in poor pregnancy and puerperal outcomes.⁶⁴ More so, a malnourished mother would end up birthing a child with complications, leading to physical and mental disability in later life.⁶⁵ Article 12 of the CEDAW stipulates that mothers shall be provided with appropriate nourishment throughout pregnancy and breastfeeding.⁶⁶ However, the nutritional condition of a girl-child transcends into her adulthood; hence, nutrition of women and girls is equally crucial for a good living standard and wellbeing beyond childbearing.

Persons living with disabilities: The right of persons with disabilities to an adequate standard of living, including adequate food, is recognised in article 28 of the Convention on the Rights of Persons with Disabilities (CRPD). As a result, article 28 establishes the right to food as a component of a decent quality of life.⁶⁷ Because the majority of persons with disabilities are among the most vulnerable to hunger and malnutrition, the UN Committee overseeing the International Covenant on Economic, Social and Cultural Rights (CESCR) has emphasised that the right to non-discrimination for people with disabilities entails taking affirmative action to address the underlying disadvantage faced by the disabled.⁶⁸ Hunger and malnutrition are primarily the outcome of a long history of social, political, and economic exclusion among the disabled. The fulfillment of persons with disabilities' right to food is critically dependent on their access to farmlands, finance facilities, and physical access to food. As a result of their dual disadvantage in terms of price and physical access, it is critical to give persons with disabilities special attention.

60 FAO (n 1).

61 Art 14 CEDAW.

62 Art 11 CEDAW.

63 Art 13(b) CEDAW.

64 UNICEF (n 62).

65 UNICEF (n 62).

66 Art 12 CEDAW.

67 Art 28 CRPD.

68 CESCR General Comment 5 UN Doc E/1995/22.

Persons with disabilities may have special dietary and water needs, and disabled farmers may need assistance planting and marketing their own food products. This necessity was emphasised in General Comment 5, where the CESCR enjoined state parties to guarantee that, besides ensuring that persons with disabilities have access to sufficient food, accessible shelter, and other basic material necessities, support systems, such as adaptive equipment, are available to help them in enhancing their degree of independence in everyday living and exercising their rights.⁶⁹ Furthermore, the CESCR urges in General Comment 15 that groups having challenges with physical access to water, such as older persons or individuals with disabilities,⁷⁰ should be provided with safe and adequate water. Implicitly recognising the right to food as the right to water, given access to sufficient water entails availability for food preparation.

3.3 Duties of states

The states' duties stem from the binding international and regional treaties that they have ratified. Upon ratifying an instrument, the state must assure its successful implementation at the national level. According to article 2(1) of the CESCR,⁷¹ a state party should use all available resources to ensure the progressive realisation of the rights guaranteed by the CESCR, including the adoption of legislative measures and partnerships. States hold three duties, namely to respect, to protect, and to fulfil an individual's right to food. States must respect people's access to and sources of food. This implies that any action that prevents any individual or group from having access to food is prohibited. States have a responsibility to guarantee that state agents do not harm people's access to food in any way, such as through the destruction of farmlands or the unsustainable conversion of water bodies to dams. State policies should guarantee that equality of access to food is respected.

States must protect people's realisation of the right to food against third-party infractions. States should prohibit third parties from harming food supplies, such as contaminating land or water with harmful industrial waste. Furthermore, states must formulate and enforce food safety and quality regulations, including processes that safeguard individuals from unwholesome marketing of highly processed foods. Ensure informed healthy food choices, including exclusive breastfeeding promotion through regulation of breast milk substitute advertising. The commitment to fulfill requires states to be proactive in improving people's access to and utilisation of resources and methods of securing food. States should also carry out and strengthen food and nutrition programs, such as those outlined in the Malabo Declaration of 2014.⁷²

69 CESCR General Comment 5 (n 72).

70 CESCR General Comment 15 UN Doc E/C.12/2002/11.

71 Art 2(1) CESCR.

72 AU (n 4).

Progressive national level laws: Impressively, some national constitutions in Africa explicitly or implicitly recognise the right to food. Article 43(1)(c) of the Constitution of the Republic of Kenya speaking on Economic and Social Rights states that ‘every person has the right to be free from hunger, and to have adequate food of acceptable quality,’⁷³ thus protecting the right to food directly. In a broader human rights context, article 9(4) of the Federal Republic of Ethiopia’s Constitution states that ‘[a]ll international agreements ratified by Ethiopia are an integral part of the law of the land,’⁷⁴ implying that having ratified the CESC, the Ethiopian Constitution recognises the right to food.⁷⁵ Furthermore, as a goal of the state of Ethiopia, the Ethiopian Constitution alluded to the right to food by providing that policies shall be implemented to the extent that the country’s resources permit to provide all Ethiopians access to food.⁷⁶

In Western Africa, the Nigerien Constitution provides for the right to food in explicit terms, by affirming that public policies must promote food supply and that each person has the right to a sufficient food supply.⁷⁷ On the other hand, in the Nigerian Constitution, the right to food can be implied given Chapter II of the Constitution that stipulates the fundamental objectives and directive principles of state policy, in that the state shall direct its policies to ensure ‘that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits, and welfare of the disabled are provided for all citizens.’⁷⁸ In Southern Africa, the Constitution of the Republic of South Africa affirms that everyone has the right to have access to sufficient food and water, and children have the right to basic nutrition.⁷⁹ The Constitution further stipulates that the state must take reasonable legislative and other measures within available resources to see to the progressive realisation of the rights.⁸⁰

Explicit constitutional provision for the right to food is imperative, but not a silver bullet. The CESC, in its General Comment 12, provides a direction as to going beyond letters in the constitution to the enactment of frameworks to facilitate progressive realisation of the right to food.⁸¹ Article 2(1) of the CESC recognises that economic, social, and cultural rights are not always immediately realisable, thus the concept of ‘progressive realisation’⁸² of states’ obligations in

73 Art 43(1)(c) Constitution of the Republic of Kenya 2010.

74 Art 9(4) Constitution of the Federal Republic of Ethiopia.

75 https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=_en.

76 Art 90(1) Constitution of the Federal Republic of Ethiopia.

77 Art 12 Constitution of the Republic of Niger.

78 Chapter 2 Constitution of the Federal Republic of Nigeria 1999.

79 Art 27(1)(b) Constitution of the Republic of South Africa 1996; art 28(1)(c) Constitution of the Republic of South Africa 1996.

80 Art 27(2) Constitution of the Republic of South Africa 1996.

81 CESC General Comment 12 UN Doc E/C.12/1999/5.

82 Art 2(1) CESC.

connection with economic, social, and cultural rights under international law.

The CESCR direction provided that ‘States should consider the adoption of a framework law as a major instrument in the implementation of the national strategy concerning the right to food’.⁸³ ‘The framework law should include provisions on its purpose; the targets or goals to be achieved and the time-frame to be set for the achievement of those targets; the means by which the purpose could be achieved described in broad terms, in particular the intended collaboration with civil society and the private sector and with international organizations; institutional responsibility for the process; and the national mechanisms for its monitoring, as well as possible recourse procedures.’⁸⁴ The CESCR further advised access to effective remediation for any violation of the right to food; in essence the advisory seeks the protection of the right to food through national courts and beyond.⁸⁵

In the spirit of the CESCR recommendation, explicit and detailed recognition of the right to food can provide a significant contribution through establishing procedures, such as implementation frameworks on food security, adequate and inclusive budgets, and frameworks empowering national courts with jurisdiction to enforce the right to food. The clear, explicit, and detailed constitutional recognition of the right to food will assist countries in implementing an appropriate legal framework that prioritises the right to food, provides protections against denial of such a right, and promotes knowledge and awareness of food and nutrition as a human right principle, as directed by the CESCR.

4 THE YEAR OF NUTRITION AND CONTINENTAL INITIATIVES ON FOOD SECURITY

The African Union Heads of State and Government proclaimed 2022 as ‘the year of nutrition’ with the theme ‘Building Resilience in Nutrition on the African Continent: Accelerate Human Capital, Social and Economic Development’ in recognition of the role that nutrition and food security play in advancing the goals of Agenda 2063 goals for achieving sustainable economic growth and development.⁸⁶ The Declaration reiterated the sustained symbolic importance of nutrition as a crucial component in the attainment of adequate living standards as provided for by international and regional treaties and in the spirit of the Agenda 2063. This strong political agenda by the AU leaders enjoins all member states to give nutrition top priority in national

83 CESCR General Comment 12 (n 85) para 29.

84 As above.

85 CESCR General Comment 12 (n 85) para 32.

86 AU ‘2022 declared as the year of nutrition’ <https://au.int/en/articles/2022-declared-year-nutrition> (accessed 25 July 2022).

policy framing. For the purposes of this paper, a few noteworthy continental frameworks are discussed.

4.1 Agenda 2063 and the New Partnership for Africa's Development (NEPAD)

The Agenda 2063's first aspiration envisages 'a prosperous Africa based on inclusive growth and sustainable development'.⁸⁷ The aspiration envisions a high standard of living, which may be attained through the prioritisation of eradicating hunger and poverty, as well as ensuring social security, gender equality, and social inclusion. The development of agriculture with the necessary technology, climate resilience, water security, health, and nutrition are other key priorities that are related to food security outlined in the Agenda's first aspiration.⁸⁸

In order to address Africa's development issues within a new paradigm, African Heads of State and Government created the New Partnership for Africa's Development (NEPAD) in 2001, and the AU ratified it in 2002.⁸⁹ The fundamental goals of NEPAD are to end Africa's marginalisation, alleviate poverty, and put Africa on a sustainable development path.⁹⁰ NEPAD, an African Union strategic framework for pan-African socioeconomic development, addresses the major issues that the continent is currently facing, including poverty, hunger, and sustainable development. It also gives African nations exceptional opportunities to fully own their development agendas, to collaborate more closely, and to work more effectively with other nations beyond the continent. NEPAD oversees several programmes and initiatives through six thematic areas, the top of which is agriculture and food security.⁹¹

4.2 Comprehensive Africa Agriculture Development Programme (CAADP)

The Comprehensive Africa Agriculture Development Programme (CAADP),⁹² one of NEPAD's sectoral goals, was created as a response to the emergent need for continental food security. It is an effort for sustainable agricultural growth and poverty reduction. In 2003, in Maputo, Mozambique, the Heads of State and Government of the AU

87 Aspiration 1 Agenda 2063.

88 As above.

89 African Union Development Agency 'NEPAD in brief' <https://www.nepad.org/publication/nepad-brief> (accessed 10 July 2022).

90 As above.

91 As above.

92 AU 'The comprehensive African agricultural development programme' <https://au.int/en/articles/comprehensive-african-agricultural-development-programme> (accessed 25 July 2022).

adopted the CAADP, which was intended to serve as a strategic framework for the reform of the agricultural sector.⁹³ Since then, it has had a significant impact on regional and national agricultural policies. CAADP has four priority areas namely: extending the area under sustainable land management and reliable water control systems; improving rural infrastructure and trade-related capacities for market access; increasing food supply, reducing hunger, and improving responses to food emergency crises; and improving agriculture research, technology dissemination and adoption.⁹⁴

African nations committed through the CAADP to achieving agricultural growth rates of at least 6 percent annually and allocating at least 10 percent of their national budgets to agriculture and rural development.⁹⁵ Targets for decreasing poverty and hunger, raising farm productivity and incomes, and enhancing the sustainability of agricultural output and resource use serve as the foundation for these investment commitments.⁹⁶ In 2020, Makombe and colleagues conducted a study to evaluate how the CAADP had affected the results of food security.⁹⁷ They conclude that, while modest progress has been made in implementing the CAADP, the continent urgently needs to consolidate efforts on the CAADP indicators.⁹⁸ Similarly, on undernutrition as an indicator of CAADP, Makombe and colleagues found a modest overall decline in Africa as a whole; the prevalence steadily declined from an annual average of 39.9 percent in the 1995 to 2003 cycle to 34.4 percent and 31.8 percent in the 2008 to 2014 and 2014 to 2019 cycles, respectively.⁹⁹ Adding to the importance of the CAADP, they discovered that the highest prevalence rates, above 37 percent, in the 2014 to 2019 review cycle were observed in countries that had not implemented the CAADP.¹⁰⁰ Despite the mixed observations, they also discovered that the CAADP had a notable influence on increasing agricultural public investment and growth, eradicating poverty, and enhancing mutual accountability.¹⁰¹

4.3 Year of Agriculture, 2014: Malabo Declaration

The AU Heads of State and Government proclaimed 2014 to be the Year of Agriculture and Food Security to commemorate the 10th anniversary

93 NEPAD CAADP country implementation under the Malabo declaration (2016).

94 AU (n 92).

95 AU (n 92).

96 NEPAD (n 93).

97 T Makombe and others 'Tracking key CAADP indicators and implementation processes' in DD Xinshen & T Getaw (eds) *2020 Annual trends and outlook report: sustaining Africa's agrifood system transformation: The role of public policies* (2020).

98 Makombe and others in Xinshen & Getaw (n 97) 212.

99 Makombe and others in Xinshen & Getaw (n 97) 201.

100 As above.

101 Makombe and others in Xinshen & Getaw (n 97) 196.

of the CAADP.¹⁰² The event was a chance to reflect on the successes and experience gained from the first 10 years of the CAADP as well as to focus on the future and what the program needs to accomplish in the upcoming decade until 2025. The 2014 Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods was the high point of the commemoration.¹⁰³

The 2014 Malabo Declaration outlined seven distinct commitments to promote agricultural transformation and growth for shared prosperity and better livelihoods. Reaffirming the CAADP process' guiding principles and values; enhancing agricultural investment financing; reaffirming the goal of eradicating hunger and halving global poverty by 2025; boosting intra-African trade in agricultural goods and services; enhancing the resilience of livelihoods and production systems to climate variability and other shocks; and fostering shared accountability for actions and results. A special commitment was made to conduct biennial reviews of progress through the processes of tracking, monitoring, and reporting; multi-sectoral coordination of peer reviews; mutual learning and mutual accountability processes; and strengthening institutional capacity and data generation for evidence-based planning, implementation, and monitoring.¹⁰⁴

In February, 2020, the AU released the second Biennial Review Report on the implementation of the 2014 Malabo Declaration.¹⁰⁵ Only four member states, Ghana, Mali, Morocco, and Rwanda, according to the report, were on track to meet the Malabo obligations by 2025 out of the 49 member states that reported on implementation of the Malabo Declaration progress during the time under review (2019 biannual review cycle).¹⁰⁶ Clinging to hope, about 36 countries have significantly improved their review scores in the second cycle as compared to the first, even though the number of countries on par with the Declaration's 2025 target is significantly lower than the 20 Member States that were on-track in 2017 during the inaugural biennial review cycle.¹⁰⁷

The report, which gave the continent an overall score of 4.03 as opposed to the benchmark of 6.66 to be on track, is rather sobering,

102 AU 'Concept note: 2014 year of agriculture and food security in Africa, marking 10th anniversary of CAADP' <https://au.int/en/documents/20140115/concept-note-2014-year-agriculture-and-food-security-africa-marking-10th> (accessed 10 July 2022).

103 As above.

104 As above.

105 AU 'African Union launches the second biennial review report detailing Africa's agricultural implementation status – 36 countries have made tremendous progress from the first cycle' <https://au.int/en/pressreleases/20200210/au-launches-2e-biennial-report-detailing-africas-agricultural-implementation> (accessed 10 July 2022).

106 As above.

107 AU 'Second biennial review report of the African Union Commission on the implementation of the Malabo Declaration on accelerated agricultural growth and transformation for shared prosperity and improved livelihoods' https://au.int/sites/default/files/documents/38119-doc-2019_biennial_review-en.pdf (accessed 10 July 2022).

suggesting that the continent continues to be off-track in reaching the overall Malabo Declaration goals.¹⁰⁸ In terms of recommitting to the CAADP process and eradicating hunger, the continent lost momentum. Only four countries – Burkina Faso, Burundi, Mali, and Mauritania – reached the goal of allocating at least 10 percent of their total national budgets on agriculture, even though around 29 countries exceeded the minimal bar for commitment to boosting intra-African trade in agricultural goods.¹⁰⁹

4.4 Rights-based approach: availability, access, utilisation, stability, sustainability, and agency

The High Level Panel of Experts on Food Security and Nutrition highlights six dimensions – availability, access, utilisation, stability, sustainability, and agency – that should be taken into consideration when formulating policies related to the right to food.¹¹⁰ A population, household, or individual must always have access to enough food if they are to be considered food secure. They should not run the danger of being without food because of unforeseen events, such changes in the economy or the weather. Malnutrition and food insecurity are more likely to occur in areas where the agriculture season is reliant on the rainy season. Significant seasonal food price changes are an important determinant of child malnutrition, according to Cornia and colleagues, who discovered this in Malawi and Niger.¹¹¹ In order to prevent anyone from being food insecure due to purchasing capacity and physical access, it is crucial to guarantee the availability and affordability of food year to year.

Food utilisation has two separate dimensions: anthropometric indicators impacted by under-nutrition, such as stunting burden, which was previously described; and input indicators that represent food quality, health, and hygiene conditions, influencing how well available food may be utilised.¹¹² It is critical to understand that the availability of appropriate food sources does not ensure optimal nutritional results, as utilisation by the body is equally imperative. Nutritious and hygienic food contributes in the maintenance of a healthy body, much as being healthy is required to utilise the food consumed.¹¹³ Having access to clean water is essential for preparing healthy meals and sustaining a healthy body. Improving access to safe drinking water and sanitation is a key component of food utilisation and influences nutrition outcomes. This reinforces the

108 As above.

109 As above.

110 FAO 'Food security' https://www.fao.org/fileadmin/templates/faoitally/documents/pdf/Food_Security_Concept_Note.pdf (accessed 15 July 2022).

111 GA Cornia et al 'Sources of food price volatility and child malnutrition in Niger and Malawi' (2016) 60 *Food Policy Elsevier*.

112 FAO (n 1).

113 Bourke and others (n 49).

interdependence of the right to food on other rights previously mentioned.

When a number of relevant indicators are considered, many African countries face a high degree of risk from production and price instability.¹¹⁴ The availability of irrigation facilities, for instance, is an indicator of the extent of a possible collapse in supply due to climatic shocks such as droughts.¹¹⁵ The extent a country depends on imports to meet cereal demand indicates vulnerability to international market fluctuations.¹¹⁶ The share of food imports in total exports reflects potential exposure to international price shocks.¹¹⁷ Given the many interconnected predispositions to food instability, developing policies and interventions that prevent instability in availability and access to food requires a multi-factorial approach, including promotion of peaceful coexistence, conflict resolution, and violence prevention.

Today, agency is viewed as a key component of addressing the growing inequities within food systems, including the power imbalances among those systems' actors.¹¹⁸ Agency refers to the ability of individuals and groups to exert some control over their own circumstances and to meaningfully contribute to governance processes. Focusing on agency also acknowledges that structural injustices and power disparities in society, whether they be based on gender, race, literacy, or other factors that are frequently outside of an individual's control, can be obstacles to exercising one's right to voice and participation in both individual and group decisions about food systems, which can jeopardize food security.¹¹⁹ Sustainable food system practices ensure that the current generation's food needs are met without jeopardising the needs of future generations while also promoting the long-term regeneration of natural, social, and economic systems. In order to maintain food systems and support food security into the foreseeable future, sustainability emphasises the connections between ecosystems, livelihoods, society, and political economy.¹²⁰

5 CONCLUSION

The primary goal of this chapter has been to contribute to the rising conversation about the human rights approach to food insecurity in Africa, in light of the AU's increased continental political focus of food security by designating 2022 as the year of nutrition. Given the continent's medium and long-term aspirations, the diagnoses of the current state of food security and the double burden of malnutrition in

114 Makombe and others in Xinshen & Getaw (n 97).

115 FAO (n 26).

116 FAO (n 26).

117 FAO (n 26).

118 J Clapp and others 'Viewpoint: the case for a six-dimensional food security framework' (2022) 106 *Food Policy* at 3.

119 Clapp (n 118) at 4.

120 Clapp (n 118) at 5.

Africa leave a lot to be desired. To put it simply, a large majority of African countries are food insecure. This is because, as previously noted, food insecurity and its consequences are a multidimensional issue. Food-related issues, such as access, availability, utilisation, and stability – citizenry's socio-economic status and capacity to pay, agricultural development, and storage and supply facilities, continue to drive food insecurity in Africa. Other correlates of food insecurity mentioned include suboptimal living standards as a result of poor access to universal healthcare, as well as weak governance and institutional capacity due to gaps in the legal framework. In addition to the previously discussed national issues, there are megatrends impeding the fulfillment of food security on the African continent, such as climate change, rising insecurity, and the socioeconomic consequences of the COVID-19 epidemic.

Furthermore, the chapter acknowledged that, with the exception of limitations in evidence-based policy efficacy, continental frameworks such as the CAADP, and the Malabo Declaration provided some hopeful political prescriptions for Africa's food crisis, but the majority of African countries have not kept pace with the continental pledges. In addition to national-level issues such as poor agricultural public investment, contemporary challenges such as climate change and its consequences, such as violence and displacement, have left many African countries food insecure. As a result, many African nations are moving slowly, if at all, to realise the goals of regional and international agendas, as noted in the Malabo Declaration's 2019 review. From the review, the mean ratings of nations in the race to food security are improving, yet they remain below the acceptable benchmark. This gives some optimism in the midst of despair that renewed initiatives like the '2022: Year of nutrition' may help the continent fare better.

Given the multidimensional nature of food insecurity, in order for Africa to break free from the shackles of hunger and malnutrition and achieve the shared prosperity envisaged by Agenda 2063 and the 2030 development objectives, member states must take the lead with the necessary political will. Political will is essential. The member states must face the grim reality of the Malabo Declaration review and consolidate effort as the clock ticks on the way to 2025. That is, African governments require inclusive policies for shared prosperity that assure food availability, access, utilisation, and stability, as well as adequate social protection standards to ensure that no one goes hungry, regardless of gender, age, socioeconomic class, or location. Domestic production is crucial to food supply stability; thus, Africa requires technologically driven agricultural development. African farmers should be provided with the necessary modern facilities. In addition to research and development for mechanised farming, credit and insurance schemes for farmers should be integral in policy framing. Innovative and sustainable financing strategies will create robust financial resilience that will protect the states' food systems from shocks and uncertainties such as those occasioned by the COVID-19 pandemic and global market trends. In Africa, food insecurity drives poverty much like poverty also exacerbates food insecurity. There is a compelling case for making a concerted effort to establish social

protection programmes whose sole goal should be to promote food security. Such social safety nets should be implemented alongside human rights-responsive market regulations safeguarding against food price hikes as well as unwholesome advertisement of highly processed foods to the detriment of healthy alternatives.

Countries should make efforts to institutionalise food security through the inclusion of explicit provision for the right to food in national constitutions and back it up through the justiciability of socio economic rights. Through constitutional clarity on rights and obligations with regard to food security, national governments will provide an avenue for oversight by national human rights institutions and remediation by national courts. Aside from explicit constitutional provisions, countries should develop implementation frameworks that are evidence-based through research and development, based on normative obligations of the state on the right to food and in compliance with human rights principles such as accountability, transparency, and participation. Similarly, implementation frameworks should be inclusive, addressing particular needs of marginalised populations and holistic in addressing all the aspects of the food system and its interconnected rights. While countries develop strategies at the national level, they should strive to align with the regional frameworks in line with the aspirations of Agenda 2063 for a prosperous Africa based on unity and shared prosperity.