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WFP's role in building sustainable bridges between the right to adequate food and the freedom from hunger

O papel do PMA na construção de pontes sustentáveis entre o direito à alimentação adequada e a ausência da fome

Christiani Amaral Buani

Bruno Valim Magalhães

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Christiani Amaral Buani**

Bruno Valim Magalhães***

ABSTRACT

This communication applies a human rights approach and a human security framework to the United Nations World Food Programme's dual-logic of food assistance-food aid. This is based on description and analysis of the evolution of UN's legal frameworks on the right to adequate food and the freedom from hunger. Estimations will rely on the analysis of WFP contribution on promoting food and nutritional security as a means for achieving the Zero Hunger sustainable development goal paradigm.

Key words: development aid, food assistance, food and nutrition security

RESUMO

Esta comunicação aplica uma abordagem de direitos humanos e um quadro de segurança humana à lógica dual da assistência alimentar-auxílio alimentar do Programa Alimentar Mundial das Nações Unidas. Isso se baseou na descrição e análise da evolução dos quadros jurídicos das Nações Unidas sobre o direito à alimentação adequada e a ausência da fome. As estimativas aqui se basearão na análise da contribuição do PMA para a promoção da segurança alimentar e nutricional como meio de atingir o paradigma do objetivo de desenvolvimento sustentável Fome Zero.

Palavras-chave: auxílio ao desenvolvimento, assistência alimentar, segurança alimentar e nutricional

One of the principles of modern Law is that its legality is neither restricted to the modern-states conceptuality nor is people-innate. Rather, it is an earthly social construct process. Accordingly, reflections and contestation are commanding activities to the maintenance of that precept. To rethink and to reinterpret constantly public commitments to international relations is to meditate on what the society is and on what the human consortium needs as lawful instruments for people protection and empowerment. As tools for 21st century's legal design and enforcement, international institutions, such as the World Food Programme (WFP), cannot drift away from this juridical

* Autores convidados

** PhD in International Law (University Centre of Brasília) and head of the Programme team at the WFP Centre of Excellence against Hunger. E-mail: chris.buani@gmail.com

*** MSc in International Politics (University of Brasília) and part of the Programme team at the WFP Centre of Excellence against Hunger. E-mail: bruno.magalhaes@wfp.org

debate. Appropriately, this brief essay will stand on this legal background while applying both a human rights approach and a human security framework to WFP's dual-logic of food assistance-food aid. Estimations will rely on the analysis of this institution's human secure contribution on promoting food and nutritional security as intervenient variables; providing means for synthesis of a few outcomes on the global rights-based Zero Hunger sustainable development goal paradigm.

Currently, hunger is taken as a condition in which a person, for a sustained period, is unable to have sufficient access to available food to meet basic nutritional needs and perform essential daily activities. However, linking food availability and accessibility to its nutritional utilization is a relative new legal feature. Up to the 1980s, the food utilization adequacy was not boldly incorporated into the concept. Thereby, whenever focusing on the right to adequate food and freedom from hunger, it is relevant to highlight that related legal backgrounds play pivot-roles, since the end of the World War II, for scaling up social food and nutritional needs till today's Zero Hunger development goal. The first sight of this movement came with US President Franklin D. Roosevelt's call for the Hot Spring Conference, the cornerstone for the future UN Food and Agriculture Organization (FAO), in 1943. During this conference it was designed the concept that food security meant a "secure, adequate, and suitable supply of food for everyone", focusing mostly on the availability of food. Additionally, in a more idealistic sphere, in 1945, Roosevelt included in his *Four Freedoms* speech, as one of the freedoms: the freedom from want. Which would be included later by the UN as the access to wanted food. Sufficient availability and access to food would provide security and free people from hunger.

Despite no legal binding deriving from Roosevelt's actions in the late 1940s, those concepts of food security and freedom from want formed part of the 1948 Universal Declaration of Human Rights adopted by the United Nations, a global legal apparatus. Recognizing that this freedom is one fundamental part of the right to a human life with dignity and security, the 1948 Declaration cites that as a freedom to live in dignity, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food" (Article 25). From this point on, freedom from want got its food variable as an international lawful right. Continuously, in 1966, the Internatio-

nal Covenant on Economic, Social and Cultural Rights reiterated the Universal Declaration of Human Rights, reinforcing the freedom from want as "the fundamental right of everyone to be free from hunger" (Article 11). Freedom from hunger would only cover both access and availability of food. No mention to the adequacy as the utilization of the food. Adequacy is linked to the quantitative supply sufficiency to the demand of food.

When it started to be noted that availability alone was not the only pathway for development and for self-sufficiency, the concept of food for development was introduced and institutionalized. The creation of the World Food Programme (WFP) in 1963 is one prominent example for that. Scheduled to go into operation in 1963, as a three-year experimental program, WFP's efforts focused on emergency assistance, relief and rehabilitation, and special operations. Initially its focus was on emergency assistance, or food aid logic, as its logistics helped save many communities by the distribution of food, giving people access to it. As the years passed, WFP followed the legal development this essay brings on. After the survival aid, featuring emergency relief and rehabilitation, the institution started seeking a fair performance of services for its served communities through technical cooperation programs. This new approach composed WFP's development aid feature, or the food assistance logic. Two logics for the same paradigm of freeing people from hunger.

In the 1980s, following the green revolution, which helped to increase food availability, it was recognized that food emergencies and even famines were not caused as much by catastrophic shortfalls in food production as by acute declines in the purchasing power of specific social groups. Therefore, food security was broadened to include both physical and economic access to food supply. In that decade, poverty alleviation and the role of women in development were promoted. Accordingly, as daily economic activities are one essential feature for overcoming poverty and gender inclusion, nutrition starts to come in as it is at the basis for proper personal performance as a health input. This scenario is one of the main reasons why after the entry into force of the of the Covenant, the Establishment of the Committee on Economic, Social and Cultural Rights, in 1985, oversaw the adoption of the General Comment No. 12 *The Right to Adequate Food*, describing the various UN member-states' obligations derived from the Covenant, regarding the right to food and freedom from hunger.

Utilization of food is now parallel with food access and availability when treating hunger and can start to be seen, as well, as right to adequate food.

Subsequently, in the 1990s, concrete plans were defined to eradicate or at least reduce hunger and malnutrition drastically. In addition, the human right to adequate food and nutrition was internationally reaffirmed and committed national governments to a more proactive role. In addition to the fact that the academia and donors acknowledged that food aid alone, the provision/availability of food isolated, was a barrier for self-sufficiency and sustainable development. Later, in 2000, building upon a decade of major United Nations events, governments engaged in a new global partnership to reduce extreme poverty and setting out a series of time-bound targets that have become known as the Millennium Development Goals. The first one of these goals was to halve, between 1990 and 2015, the proportion of people who suffer from hunger, including nutrition.

This evolution evidences that modern Law structure has no existence or causal powers apart from social processes and their agents. Accordingly to this background, the right to adequate food became modernly characterized as the obligation to respect, promote, protect and to take appropriate steps to achieve progressively the full realization of all of this freedom from hunger lawful backdrop. Proportionally, the right to properly eating cannot be simply translated as having access to intake supply – the freedom from hunger *stricto sensu* till the 1980s.

It became immersed in social relations appropriate measures that guarantee the exercise and enjoyment of the right to adequate food, which intertwines intrinsically with development – hence, building sustainable bridges, as this essay proposes on its title. This is so because the right to adequate food now takes into consideration that provisions have adequate utilization and absorption of nutrients in aliment in order to all people at all times be able to live a healthy and active life. Consequently, in the late 1980s, as international regulations started moving beyond protecting people only from geopolitical risks, international legality became more concerned with a human secure life with dignity, or societal risks; what reinforces the considerations from the 1985 General Comment No. 12 onwards.

In a last analysis, this late 20th century human secure focused jurisprudence aims at a child who did not die; a disease that did not spread; an ethnic tension that did

not trigger; a dissident who was not silenced; a human spirit that was not crushed. It has been proven that people who are already free from hunger *stricto sensu*, but suffer from access to adequate food utilization are still at risk, because nutritional inadequacy not only hinders socioeconomic advance but also may cause human casualties, fostering the risks described just above. These factors threaten local, regional and international stability as people's lives might be at stake.

This ultimate ratio has led to new global conversations, and this right to adequate food has been translated as a crucial social debate within the United Nations 2030 Agenda and its 17 main durable objectives for global advances – a rereading of the Millennium Development Goals. Listed as the 2nd Sustainable Development Goal (SDG) to be achieved on this 2030 Agenda, the Zero Hunger paradigm, as stated in the first paragraph, has consolidated itself into a single target-set able to double sustainable food production systems, mostly smallholder farmers' harvesting and stocking, and also capable to sustain that people keep free from hunger *stricto sensu* and free from any form of malnutrition. As a means to achieve such targets, the 17th SDG, Partnerships for the Goals, aims at enhancing capacity building, policy and institutional coherence, and promoting multi-stakeholder partnerships. Moreover, it is interesting to visualize the evolution of the legal spectrum again affects those development goals. This essay has shown the construction of the debates from freedom from hunger to right to adequate food. Those led to the Millennium Development Goal of cutting by half hunger, which, finally, unfolded as the Zero Hunger challenge proposed by the SDG 2.

This is why theorized change-pathways to achieving the SGD 2 agglomerates arguments around people-centered precepts. Reinforcement of this proposition requires a set of actions able to impact on the most emergent and urgent human food and nutritional needs and able to allow transition from quick action reliefs to locally owned capacities – food aid to food assistance. Finally avoiding the recurrence of inhumane conditions in the long run. Therefore, it is already consolidated in WFP's Strategic Plans and Policy Issues since 2009 that institutional effects are essential to achieve that transit to broader development goals. For example, in WFP's 2009-2013 and 2014-2017 *Strategic Plans*, an action designed to attend an emergency relief call should be scaled-up in a locally owned and efficient food and nutrition

policies and legal landmarks logic; all integrated to social protection and food and nutrition security strategies. Concomitantly, focusing the planning on transitional outcomes to structuring the demand of local and smallholder agriculture; whose design and implementation are thought to be culturally and nutritionally sensitive.

Nevertheless, despite its importance and new developments, legal studies on food scarcely deepen into this human secure approach to the international law. Alternatively, this is why this communication attempts to find subsidy on WFP. Following a chronological argument evaluation, by the time of its creation, in the 1960s, the great purpose of the WFP was to be a multilateral organization that could use food provisions as an effective resource to promote development. As well as to respond rapidly to emergency needs – already constructing the bridges described above. WFP after the 1990s developed a dual-logic approach beyond food aid. The organization went beyond granting access and availability to food and started to assist peoples develop their own way to reach and produce adequate food, freeing themselves from hunger sustainably. Under these two logics, WFP put into action three spheres: emergency aid; pre-school and school meals; and other economic and social assistance as food for development projects.

Essentially, under this dual-logic paradigm and because of its name, WFP tended to be thought only as a special organization for the distribution of food to the hungry people in-crisis – meeting only freedom from hunger needs. Despite emergency relief and feeding of special vulnerable groups, WFP's recognized obligations' significance lays in its role as an instrument of human secure economic and social development, not only aid. WFP understood it should not only feed people: it could protect and empower them through the right to adequate food development without expanding its legal mission. This is why discussions in the late 2000s have shifted how this agency planned its policy issues and frameworks in its *2009 Policy on Capacity Development*. Part of the larger triennial *2009-2013* and of *2014-2017 Strategic Plans*, whose main goals were to consolidate the bridges this essay debates.

Explaining why WFP activities now recurrently include: the concept of national planning for social as well as economic development; the importance of the human factor in development and the urgent need to mobilize human resources; and the need to tackle the problem of under and unemployment that existed

throughout developing nations. The type of aid legally granted by WFP is particularly suitable for the large subsistence of smallholding farming sector, the basis for locally consumed food, and this is why new tools for catalyzing this processes were needed.

Therefore, as food assistance started gaining a more essential role in projects involving a relatively high amount of labor, and as WFP understood that its purchase power to food distribution affects and shapes local markets, as it assists its sustainable development. Evidence-based studies have demonstrated that potential harmful effects could be avoided if food aid is granted as part of well-designed assistance development plans in emerging nations. Attaining the right to adequate food entailed development demands not only to meet freedom from hunger needs, but also to end these freedom demands.

This constitutes one of the reasons why WFP's legal framework for hunger and food design follows a collective-shared relations ethos and is able to rethink and to reinterpret constantly its public commitments to people's protection and empowerment. Mirroring the international conjectural developments since its foundation in the 1960s, WFP has, since 2009, migrated from an aid-strategic plan basis to an assistance-strategic plan basis without expanding its mandate or shocking it with UNDP's or FAO's, whose actions follow closely but do not overlap those of WFP.

Consecutively, as this sustainable bridges were built, WFP found evidences in Brazil of a leading example of how to overcome hunger with a people-centered approach able to complement the UN's agency long knowhow on food aid. The Brazilian transition from food aid to food assistance through its Zero Hunger strategy includes programs that bridge freedom from hunger and right to adequate food at the same time they proportionate local capacity building. Brazilian policies like its National School Meal Program, Food Acquisition Program and technical expertise assistance to smallholder farmers became some of the country's flagships.

Brazil's shift from food aid to food assistance, focusing on citizens' capacity development, brought closer Brazilian late 2000s' policies with WFP 2009's dual-logic shift. As a means to catalyze this national successful practice among demanding developing countries, Brazil and WFP combined their expertise on food and nutrition security and right to adequate food, both multiplied

by South-South cooperation actions designed in one knowledge hub: the WFP Centre of Excellence against Hunger – created in Brasília in 2010.

The Centre has engaged since 2010 with more than 75 emerging countries and has influenced more than 28 countries with tangible outcomes. Some results can be quickly measured as political and legal outputs for capacity development for sustainable food and nutrition security and right to adequate food, such as working and action plans, and some outcomes as full legal frameworks and policy structures to consolidate the sustainable bridge this essay argues about. These positive outcomes influenced part of a now driving normative policy for WFP's next five years. The development-enabling and life-empowering work that respect, promote and protect the poorest and most marginal people became today's central cause for WFP's strategic plans approach, such as the *2017-2021 Strategic Plan*. Reinforcing 1948's and 1985's right to adequate food, and *2009-2013* and *2014-2017 Strategic Plans*' designs.

Bringing the conclusions back to the Law's basic precept as an earthly social construct process, WFP strengthens legal frameworks as pivot-players, such as the Centre of Excellence, for scaling up social food needs to development goals as it incorporates into its strategies working collaboratively across institutional boundaries at the humanitarian-development and peace-building nexus. In-line with the 2017-2021 policy on WFP's role in human security and transition.

REFERENCES

BUANI, Christiani. *Da reconstrução de estado ao desenvolvimento: por uma nova legitimidade das Nações Uni-*

das - o caso do Programa Mundial de Alimentos em Ruanda (Doctoral thesis). Brasília: UniCEUB, 2014.

BUNDY, Donald et al. *Rethinking School Feeding Social Safety Nets, Child Development, and the Education Sector*. Directions in Development. Washington: The World Bank, 2014.

DEVEREUX, Stephen. *Social Protection for Enhanced Food Security in Sub-Saharan Africa*. UNDP Working Paper 2012-010. New York: UNDP, 2012.

DOLOWITZ, David. MARSH, David. "Learning from Abroad: The Role of Policy Transfer in Contemporary Politics". *Governance*, v. 13, n. 1, Jan. 2000.

MARTIN, Mary; OWEN, Taylor. *Routledge Handbook of Human Security*. London: Routledge, 2013.

MOYO, Dambisa. *Dead Aid: Why Aid Is Not Working And How There Is A Better Way For Africa*. Vancouver: Douglas & McIntyre, 2009.

PARIS, Roland. "Human Security: Paradigm Shift or Hot Air?". *International Security*, v. 26, n. 2, fall, 2001.

SHAW, John. *The UN World Food Programme and the Development of Food Aid*. London: Palgrave MacMillan, 2001.

TADJBAKHSI, Shahrbanou. In Defense of the Broad View of Human Security. In: UNITED NATIONS. *Good Practices in South-South and Triangular Cooperation for Sustainable Development*. Nova York: UNSSC, 2016.

WORLD FOOD PROGRAMME. *Centre of Excellence against Hunger*. 2015. Available on: <http://documents.wfp.org/stellent/groups/public/documents/reports/wfp275593.pdf?_ga=1.232771807.1750496685.1470605167>. Access: 07 Aug. 2016.

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