



Food and Agriculture Organization
of the United Nations

The right to adequate food in emergency programmes



THE
RIGHT
TO
FOOD



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Abbreviations and acronyms

AAP	Accountability to Affected Populations
CFS	Committee on World Food Security
CILSS	Permanent Interstates Committee for Drought Control in the Sahel
HRBA	Human Rights-Based Approach
FAO	Food and Agriculture Organization of the United Nations
ICC	International Criminal Court
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IFRC	International Federation of Red Cross and Red Crescent Societies
OECD	Organisation for Economic Co-operation and Development
PANTHER	Participation, Accountability, Non-discrimination, Transparency, Human dignity, Empowerment and Rule of Law
SWAC	Sahel and West Africa Club
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNICEF	United Nations Children's Fund
USAID	U.S. Agency for International Development
WFP	World Food Programme



Introduction

Emergency programmes addressing natural and human-induced disasters usually aim to avoid or mitigate loss of life and suffering and to respond to the needs of those affected by the disaster. These objectives are best met through people-centred approaches and by supplementing relief efforts with long-term development and resilience-building work. Many humanitarian actors have adopted the language of the human rights-based approach (HRBA) to emergency programming that puts affected people at the centre of disaster prevention and response efforts. The HRBA is a conceptual framework that is based on internationally agreed human rights standards, which provide for legal rights to what are otherwise “objects of charity” and introduce duties and responsibilities into what may otherwise be “moral undertakings.” By identifying rights, roles and responsibilities, HRBA can help improve targeting, effectiveness and sustainability of relief and development programmes. An approach that integrates human rights and humanitarian approaches to disasters can contribute to coherence among disaster prevention, relief, rehabilitation and development efforts.

The human right to adequate food, which is essentially a right to feed oneself in dignity, has special relevance to emergencies not only because it relates to a human necessity but also because it enshrines immediate subsistence-related commitments in addition to long-term progressively realizable duties. The member states of the Food and Agriculture Organization of the United Nations (FAO) are committed to the right to food under various international instruments and have adopted guidelines for its practical implementation, including in emergencies (FAO, 2005). The right to food and the HRBA are part of the corporate commitments of FAO under the reviewed strategic framework of the organization (2010–2019). They are also substantively interrelated with other cross-cutting issues in the various areas of work of FAO, such as governance, gender and nutrition.

The objective of this issues paper is to demonstrate the importance of adopting the right to adequate food and related human rights standards in the work on emergencies and to provide guidance on how to integrate the standards into emergency programmes or projects. This is important particularly because the HRBA is one of the five United Nations Common Country Programming Principles that apply also in the FAO’s Country Programming Framework and Project Cycle Guide.¹ The paper builds on FAO’s 2002

¹ The other programming principles are: gender equality, environmental sustainability, results-based management and capacity development (FAO 2011; FAO 2012e).

legal study on the right to food in emergencies (FAO, 2002) and takes into account organizational, normative and other framework documents adopted since then.

The issues paper recognizes the differences between natural and human-induced disasters in terms of their possible effects on the functioning of governance structures, the roles and responsibilities of relevant actors and the actions that need to be taken. It nonetheless generally addresses the right to food issues that arise in relation to disaster response and prevention. With an argument for the importance of HRBA to breaking the cycle of crises and humanitarian interventions, the paper could also be quite relevant to resilience-building programmes that aim to improve the capacities of individuals, households, communities and states to absorb shocks and stress, to adapt to new livelihood pathways, and to introduce system-level changes to enable lasting resilience (USAID, 2013).

The target audiences for this paper include relevant FAO staff, the humanitarian and development communities, civil society organizations and other practitioners with whom FAO works on emergencies.



What does the right to adequate food mean in the context of emergencies?

The right to adequate food and emergencies: relationship

A basic human right recognized in widely accepted international legal instruments (e.g. *Universal Declaration on Human Rights* [UDHR], art 25 [UN, 1948]; *The International Covenant on Economic, Social and Cultural Rights* [ICESCR], art 11 [UN, 1966]), the right to adequate food is a right of every man, woman and child, alone or in community with others, to have physical and economic access to quantitatively and qualitatively sufficient food through production, procurement or, in some cases, provision. It is primarily a right to feed oneself in dignity; it is not a right to be provided free food. States and their organs have corresponding duties to respect (not to interfere with), to protect (from interference by third parties) and to fulfil (facilitate by creating a conducive environment or provide for people who are unable to feed themselves) the enjoyment of the right. The obligation of states is to realize the right progressively, but this does not mean that they can postpone the fulfilment of the right indefinitely. Freedom from hunger and non-discrimination in the enjoyment of the right are considered to be among the immediately realizable minimum components of the right to adequate food.

Emergencies provide a typical example of situations that necessitate the provision of food. Disasters such as drought, floods, hurricanes, earthquakes and armed conflicts cause the failure of governance structures, destroy sources of food and production capacity, interrupt food supply and market access, erode savings and livelihoods and challenge food preparation and hygienic practices. These in turn decrease food consumption and dietary diversity, which affect the quantitative and qualitative aspects, respectively, of the right to adequate food.

The possible failure or lack of governance structures and monitoring mechanisms in complex emergencies can complicate the protection of the right to food. Nevertheless, all relevant actors can avoid further harm to the rights of affected people (the principle of “do no harm”) and follow a human rights-based approach in the formulation and implementation of programmes.

The work of FAO on the right to food and emergencies: need for synergy

FAO's work on the right to food is mainly based on the *Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security* (FAO, 2005), which was adopted by the consensus of member states of the FAO Council in 2004. This instrument provides practical guidance on creating an enabling environment, building institutional and resource capacity, advocating for the right to food and monitoring its realization, including in the context of disasters and provision of food aid. FAO helps member states in the implementation of the Guidelines by providing evidence-based knowledge, technical support to law- and policy-making processes and capacity development. It applies the right to food together with the human rights and governance principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law (known at FAO by the acronym PANTHER), which should govern decision-making, implementation and monitoring processes. The right to food and the related human rights principles are also part of other international normative and strategic frameworks, including the *Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security* (FAO, 2012a) and the *Global strategic framework for food security and nutrition* (CFS, 2012a). They further form integral part of such programming instruments as the Country Programming Framework and the Project Cycle Guide (FAO, 2011; FAO, 2012e). The implementation of these instruments facilitates the application of the HRBA in the various areas of work of FAO, including in emergencies.

In relation to emergencies, FAO works to help countries prevent, mitigate, prepare for and respond to various types of disasters by focusing on strengthening their ability to mitigate the impact of such disasters on food security, devising programmes for transition from relief to development, reducing vulnerability and building national and household resilience. The revised strategic objectives of FAO (2010–2019) are all relevant to the work on crises and disasters as they relate to both short-term relief and long-term risks and safety nets (FAO, 2013). FAO's objectives and activities relating to emergencies and resilience are also connected to the right to food and the HRBA. In its contribution to work on the extreme food insecurity resulting from disasters in the Sahel region, for example, FAO promotes resilience and supports better governance of food security through defending the right to food (Da Silva, 2012).² FAO further strives to promote the approach called “accountability to affected populations” (AAP), which is defined as a people-centred approach that is sensitive to the dignity of all human beings, the varying needs of different segments within a community and the importance of ensuring that women, men, girls and boys can equally access and benefit from assistance (FAO, 2012b). The work on AAP is based on seven FAO commitments that include ensuring transparency, providing grievance mechanisms, enabling participation and preventing sexual exploitation and abuse.

² The right to food is also part of the strategic framework for food crisis prevention under the *Charter for Food Crisis Prevention and Management in the Sahel and West Africa* (SWAC/OECD & CILSS 2012).

The AAP commitments and the HRBA principles are complementary, and to some extent overlapping, approaches that need to be applied in a coordinated manner in the work of FAO in emergencies.

Emergency programmes should follow a “twin-track” approach that aims at both meeting the basic requirements of the right to adequate food and contributing to its progressive realization. In the short term, such programmes focus on relief and provision of the means of subsistence. In the long term, they aim to enable affected people to feed themselves in a sustainable manner and to withstand crisis shocks. Accountability to affected populations should be ensured all along.

Relationship with nutrition and gender

Disasters can cause or increase food insecurity and malnutrition. They tend to compromise particularly the qualitative aspect of the right to adequate food, which relates to nutritional standards. Putting comparatively more focus on making quantitatively sufficient food available in emergency responses may lead to ignoring nutritional issues, i.e. dietary quality and linkages to health and caring practices, which also need to be addressed.

Disasters usually have disproportionate impact on vulnerable groups, which may include women, children, the aged and persons with disabilities whose nutritional status may be permanently impaired by even temporary disruptions in nutritional requirements. Existing socio-economic inequalities, which result in unequal access to power, resources and opportunities for different population groups, may also reflect in asymmetries in the provision of goods and services in emergency responses. This would go against the fundamental principles of non-discrimination and gender equality (in as far as impact on women and children is concerned) that underpin the right to adequate food and any other human rights.

Disasters can adversely affect the right of individuals to have access to quantitatively and nutritionally adequate food without discrimination, and hence raise interrelated issues of the right to food, nutrition and gender equality. Emergency programmes must anticipate and address inequalities that affect access to goods and services.

Relationship to livelihoods and resilience

Disasters and crises not only threaten peoples' lives but also their livelihood systems (CFS, 2012b, paragraph 66). They affect the basic ability of individuals and households to have the means to get by. They can also cause the failure of the institutional and policy environment that enables people to get what they need to survive. In order to contribute to breaking the cycle of crises and humanitarian interventions that occur in many disasters, emergency programmes should aim at increasing resilience, i.e. the ability to prevent disasters and crises, to anticipate, absorb, accommodate or recover from them in a timely, efficient and sustainable manner and to adapt to new livelihood pathways in the face of crises (FAO, 2013, paragraphs 106–109). Responding to the long-standing call for synergy between emergency assistance and long-term development support, resilience-oriented emergency programming promotes people-centred approaches that respect the inherent rights of affected individuals or groups and build the capacity to realize human rights, including the right to adequate food (FAO, 2012c). Also relevant in this context is the work on social protection, which helps (re)build livelihoods by providing basic necessities or minimum services to vulnerable people and contributes to long-term development by improving levels of health, education, nutrition and social integration (FAO, 2012d). The importance of human rights in resilience-building programmes lies in improving absorptive, adaptive and transformative capacities based on the recognition of the interests and rights of affected populations and the roles, duties and responsibilities of various actors in pre- and post-emergency situations.

Taking the requirements of the right to adequate food, social protection, nutrition and gender into consideration in a “twin-track” approach that combines relief and development objectives can help build resilient livelihoods.

The right to food and humanitarian protection

While humanitarian actors have increasingly adopted the language of the HRBA in their policies and programmes, there have been challenges in the integrated application of human rights and humanitarian approaches in practice. Distinctions based on the characterization of human rights as long-term legal commitments that apply in peace time (through advocacy and political responsibility) and humanitarian protection as requiring immediate actions with neutrality (sometimes in the absence of a government to condemn) are proven to be largely artificial (see ICJ, 2004; Cotterell, 2005). The right to food is based on internationally agreed standards, the implementation of which does not necessarily require some form of blaming or taking sides. For instance, human rights can be used to start and maintain dialogue for peace, because parties to conflicts often portray an interest in the protection of rights. Human rights can also apply as programming

principles to improve targeting, effectiveness and sustainability of emergency programmes based on processes that ensure participation, inclusiveness and accountability.

Moreover, the right to food is not only about long-term commitments of development, it also has aspects that require abstention or immediate actions. For example, it requires abstaining from destroying or contaminating food sources, avoiding causing further harm, identifying and providing for those in desperate need and ensuring non-discrimination in the provision of food and food-related aid. The World Food Programme (WFP), for instance, defines humanitarian protection as a way of ensuring full respect for the rights of individuals in accordance with human rights law, humanitarian law and refugee law (WFP, 2012, p. 6). As previously stated, FAO strives in its emergencies-related work to promote AAP, which is drawn from principles that include human rights.

The practical implementation of programmes that recognize the interlinkages between humanitarian and human rights approaches and the comparative advantages of the actors in both areas can improve the results of emergency work.



Why are the right to adequate food and related human rights relevant to or important for emergency programmes?

Firstly, emergencies often result in the impairment of the right to adequate food and the failure of governance structures and the weakening of civil society that complicate the protection of human rights. Conversely, the right to food and the related human rights principles (PANTHER) provide a coherent framework for addressing critical governance dimensions in the fight against hunger and malnutrition in emergencies as well as in other situations.

Secondly, the foundation of the human right to adequate food in international and domestic legal and policy instruments and commitments provides a solid basis for the development of strategies and programmes for emergencies. Following an HRBA helps move away from the charity mindset towards rights-based intervention that recognizes the dignity and rights of affected people and the duties of the various actors involved. It entails the definition of programme roles, responsibilities and expectations through participatory and transparent processes that strengthen the accountability of relevant actors and the dignity, equality and authority of affected people. These in turn contribute to the effectiveness of emergency programmes and the sustainability of their results.

Thirdly, an approach based on human rights recognizes the diversity of needs and experiences within any given community, including those of vulnerable groups, and can lead to better targeting and inclusive and meaningful participation at all stages of the emergency programme/project cycle. It reinforces humanitarian protection by contributing to the safety, dignity and integrity of vulnerable people in crisis situations (WFP, 2011).

Fourthly, the progressive realization of the right to adequate food requires both attending to short-term subsistence needs in cases of emergencies and enabling people to feed themselves with dignity in the long term. Its implementation could therefore reinforce the interlinkages between relief and development work. With the guidance of the PANTHER principles, the right to food can build and strengthen bridges between preparedness, response, rehabilitation and long-term development. It promotes the sustainability of the impact of relief and development work by building household and national resilience, which in turn break the cycle of disaster and humanitarian intervention and lessens or avoids dependence on external inputs.



Who does what in emergencies? Stakeholders, rights, obligations and responsibilities

A host of actors are commonly involved in causing, preventing and responding to disasters. These include the government of the state where the disaster occurs, crisis-affected people, parties to warfare in case of armed conflicts, another state, humanitarian agencies and civil society. Some actors that work on emergencies have their own codes of conduct that are based on humanitarian approaches, which include principles that relate to non-discrimination and accountability (see, for example, IFRC and ICRC, 1995). An HRBA to emergency and resilience-building programmes provides a principled basis and concrete guidance to ensuring the participation, inclusion and empowerment of the affected people and defining the roles and responsibilities of the various actors. The practical application of some of the principles of an HRBA depends on the existence and strength of the state's governance structure. The duties and responsibilities of the different actors in emergencies are defined below in terms of the hierarchy and type of obligations.

Governments of states where disasters occur have the primary obligation to deal with emergency situations by putting in place early warning systems; taking emergency prevention, preparedness, response and rehabilitation measures; and seeking international aid and assistance to respond to disasters. Under the HRBA, crisis-affected, food-insecure people are the primary actors in their own survival and protection. They are stakeholders (rather than mere beneficiaries) with fundamental rights to shape efforts to assist them (FAO, 2012b; WFP, 2012).

A supplementary obligation of foreign states and intergovernmental organizations to support states affected by disasters to realize the right to adequate food may be established based on international obligations to take action separately and through international cooperation for the universal realization of human rights and fundamental freedoms (UN Charter, articles 55 and 56 [UN, 1945]; UDHR, article 28 [UN, 1948]; ICESCR, articles 2 and 11 [UN, 1966]; *The Convention on the Rights of the Child*, article 4 [UN, 1989]). It is accordingly held that states that are in a position to provide international aid and assistance have joint and individual responsibility to provide humanitarian and development aid and assistance (CESCR, 1999, paragraphs 38 and 39; Anon. 2011, paragraphs 32 and 33). However, in practice not all states recognize such a legally binding obligation, including in cases of emergencies.

The assumption of at least moral duties by some donor states and the actual provision of aid and assistance by many states (including through international agencies) may be framed in a rights-based approach that entails the responsibility of donors and humanitarian agencies and the recognition that beneficiaries of aid are right holders. Donor states, humanitarian agencies and other non-state actors involved in work on emergencies should then take into account the primacy of the obligations of the state where disaster occurs and the need to engage with crisis-affected people. For example, donor states should ensure that their food aid supports national efforts based on sound needs assessment, that it does not disrupt local food production and markets and hence the livelihoods of producers and traders, and that it takes into account food safety, the nutritional and dietary needs and cultures of recipient populations (FAO, 2005, paragraphs 15.1 and 15.2). Where there are state institutions or agents, donor states and non-governmental and intergovernmental organizations should aim to work with them and strengthen their capacities to deal with the situation. Civil society often plays an invaluable role in monitoring the effectiveness of emergency programmes.

In their work of helping states to prepare for and respond to emergencies, FAO and WFP acknowledge their accountability to the crisis-affected people they seek to assist and undertake to ensure that human rights are respected within their work (FAO, 2012b; WFP, 2012). The duties they assume include: not exposing people to further harm and reducing risk to already vulnerable people; responding to affected people's expression of their rights and needs relating to efforts to assist them; ensuring gender equality and avoiding sexual exploitation and abuse by humanitarian staff; protecting groups with special needs, including the aged, the disabled and people living with HIV/AIDS; and designing and carrying out food- and livelihood-assistance activities. These commitments provide good bases for the operationalization of the HRBA.

As stated earlier, states carry the obligations to respect, protect and fulfil the right to adequate food in emergency situations. Humanitarian agencies and non-state actors also share these duties at least under the following circumstances.

Under the duty to respect the right to adequate food, all actors involved in causing and responding to emergencies should abstain from conduct that impedes the ability or efforts of affected people to feed themselves and rebuild their livelihood. State as well as non-state actors are, for example, prohibited from using the starvation of civilians as a method of warfare by attacking objects indispensable to their survival such as food and water sources and supplies; wilfully impeding relief supplies; and depriving access to food (ICRC, 1977a, article 54; ICRC, 1977b, article 14; ICRC, 1949a, article 147; ICC, 2002, articles 7 and 8; FAO, 2005, paragraphs 16.1 and 16.2). Humanitarian agents should make sure that their conducts do not weaken the ability of individuals, households or communities to prevent or withstand crises, that they do not cause further harm to affected people and that they do not discriminate in the provision of food and food-related aid, in rehabilitation services and in long-term development assistance.

The duty to protect the right to adequate food requires that states take measures to ensure that third parties and non-state actors (individuals, armed groups, corporations etc.) do not deprive affected people of their access to adequate food or frustrate their efforts to feed themselves (CESCR, 1999, paragraph 19).

Under the duty to fulfil the right to adequate food, states are obliged to facilitate access to and utilization of resources and means of livelihood, e.g. by taking measures to improve production, conservation and distribution of food (ICESCR, article 11(2) [UN, 1966]). They should put in place early warning systems to prevent or mitigate the effects of disasters and take appropriate preparedness measures, such as establishing food stocks and maintaining systems of distribution (FAO, 2005, paragraph 16.7). In situations of conflict, government and other parties to warfare have obligations to permit and facilitate access by humanitarian agencies to affected people and the distribution of food and food-related aid (ICRC, 1949a, article 59; ICRC, 1977a, article 70; ICRC, 1977b, article 18). Where a state is an occupying power, it is obliged to provide food to those under its control (ICRC, 1949a, articles 55, 87 and 89; ICRC, 1949b, articles 20, 26, 28 and 46; ICRC, 1977a, article 69). Whether it is a party to a conflict or not, a state is obliged to facilitate unimpeded transit of relief consignments, equipment and personnel (UN, 1999, article 5; ICRC, 1977a, article 70(2); FAO, 2005, paragraph 14.3). A state to which refugees flee as a result of disasters also has obligations to provide or facilitate the provision of relief and assistance, including food (UN, 1951, articles 20 and 23; FAO, 2005, paragraphs 16.3–16.6).

It should, however, be noted that the obligations of states relating to the right to adequate food are not absolute; at least some of its elements may be suspended in situations of emergency threatening the existence of a nation, or may be limited in the interest of public welfare (see, for example, UDHR, article 29 [UN, 1948] and ICESCR, article 4 [UN, 1966]).³ Nevertheless, such restrictions must be determined by law, proportional to the exigencies of the situation, non-discriminatory and in line with meeting people's subsistence requirements. States may not, for example, derogate from or limit the "fundamental right of everyone to be free from hunger" (ICESCR, article 11(2) [UN, 1966]), which mandates the provision of a survival-level nutritional intake that is related to the right to life (FAO, 2002).

Last but not least, states, international and regional organizations, humanitarian agencies and other actors who engage in emergency response and prevention work, either directly or indirectly through funding and other support, should coordinate their activities and collaborate with stakeholders to ensure the efficiency and effectiveness of emergency programmes (CFS, 2012b). The FAO, WFP and United Nations Children's Fund joint resilience strategy (2012–2020) for Somalia is a good example of an attempt at coordination of efforts to avoid duplication and redundancy and ensure cost-effectiveness (FAO, WFP and UNICEF, 2012).

3 Note that the ICESCR does not enshrine a derogation or suspension clause.



How may the right to adequate food and related human rights principles be integrated in emergency programme/project cycle?

Emergency programmes have to take into account many competing factors and perspectives on various issues that range from resource mobilization to context sensitivity. It would be wise for them to follow an HRBA because efforts aimed at disaster response and prevention raise critical issues relating to the right to adequate food and other human rights. Within FAO, the approach is implemented through a “three lenses approach” that applies the following criteria with respect to the objectives, processes and outcomes of programmes and projects:

- the realization of the right to food is an overall **objective or guiding framework**;
- the programme cycle process (design, implementation, monitoring and evaluation) respects the **PANTHER** principles to improve targeting, efficiency, effectiveness and sustainability of outcomes; and
- rights, obligations, responsibilities and accountability mechanisms are identified with a view to build the capacity of **duty bearers** to meet their obligations and of **right holders** to claim their rights.

To the extent that emergency response programmes have the dual objectives of meeting short-term food and food-related needs and building sustainable livelihoods to enable affected people to feed themselves and face similar challenges, their aim can be framed in terms of realizing the right to adequate food. To achieve this effectively, efficiently and sustainably, the design, implementation, monitoring and evaluation of the programmes should be based on the PANTHER principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law. Some of these principles have been in use as bases of good-quality programming, but they have special importance in the HRBA as they relate to such internationally agreed standards as the rights to equality, due process of law, access to information and participatory rights. As human rights entail rights and responsibilities, emergency programmes that integrate them should aim at developing the capacity of duty bearers to meet their obligations and to empower right holders to claim their rights. Accordingly, human rights-based

emergency programmes, including prevention, relief, rehabilitation and development, should be guided by or adopt the following principles and practical actions.

Needs assessment and situation analysis

- Assess the food and nutritional situation in inclusive and participatory manners, and understand the needs, capacities and existing coping strategies of affected communities, people or households. This should be used to inform the targeting, design, implementation, monitoring and evaluation of programmes.
- Engage with all affected people, the government or representative local authorities, grassroots organizations and other stakeholders, including those exercising de facto authority, civil society and humanitarian actors, to understand priority needs (food, information etc.) and the strengths and gaps in local capacities for the implementation of the right to adequate food. The programme should take into account the country's long-term commitments in legal and policy instruments and create synergy with the programmes of other relevant actors.
- Generate or rely on sex- and age-disaggregated data as much as possible so as to understand the differing needs of women, men, girls and boys with respect to the right to adequate food.
- Conduct or rely on proper analyses of vulnerability, structures of participation and representation, and local production and market situations to avoid “elite capture” of food and food-related aid as well as the disruption of the livelihoods of local producers and traders. Emergency programmes should target the most vulnerable or affected populations without affecting local sources of livelihoods.
- Use assessment reports and identify pertinent good practices for evidence-based decision-making.

Participation

- Ensure the free, informed and full participation of all segments of the population, including local women, men, elders and youth, in decision-making processes in every stage of the project/programme cycle: initial assessment, programme or project design, identification of criteria for targeting, planning, implementation, monitoring and evaluation.
- Engage in meaningful consultations with relevant state and non-state actors, including public authorities, community representatives, de facto authorities, civil society and humanitarian agents, for participatory decision-making and coordination of efforts. Involve affected people (both women and men) in the process of decision-making on such issues as selecting safe distribution points and determining safe-passage schedules for food collection.

Non-discrimination and gender equality

- Avoid discrimination on the grounds of race, ethnicity, language, religion, sex or other status, especially of vulnerable groups, in the design, implementation, monitoring and evaluation of emergency programmes.
- Identify barriers and constraints that prevent the equal access of girls, boys, women and men to food and other resources (e.g. power, social status, gender, special needs and age differences) in a culturally sensitive manner.
- Take into account the special needs of children and female-headed households, the aged and the disabled, including in the distribution of food, seeds, fertilizers and other inputs.

Human dignity

- Respect the dignity or inherent worth of all human beings, particularly people facing a food crisis and various forms of marginalization. This requires understanding local cultural, religious, social, political and other issues in engaging with affected people.

Transparency

- Ensure that the process and outcome of decision-making in every stage of the emergency programme cycle is fully transparent. Adopt a clear and context-sensitive strategy for communication with affected people and other stakeholders.
- Use clear and well-defined objectives, targets, actions, time frames and indicators to monitor the effectiveness of the intervention and to assign and establish responsibilities for processes as well as outcomes. Offer possible remedies to weaknesses identified during monitoring.
- Provide information about the duties and responsibilities of the different actors (including humanitarian staff), the rights and entitlements of affected people and such specific matters as time and place of distribution of food and food-related aid in languages and formats that are available and accessible to all. Maintain two-way communication with affected communities.

Empowerment

- Broaden the space for and enable affected, vulnerable and marginalized people to play a primary role in ensuring their own survival and protection and in building resilient livelihoods.
- Support public authorities and other relevant actors to enable them to implement their duties to respect, protect and fulfil the right to adequate food, and build the capacity of people to claim their rights.

- Design and implement inclusive and participatory capacity-building strategies, including improving capacities to absorb shocks and stress and to adapt to new livelihood pathways, helping government to introduce systemic changes in governance, infrastructure and other areas, and raising awareness of rights and responsibilities.
- Create awareness among beneficiaries, especially the most vulnerable and marginalized, of their rights and entitlements in the context of humanitarian aid, including protection against conducts that cause further harm, gender-based violence, sexual exploitation and abuse, and of how to use complaint mechanisms in cases of impairment of their rights. Make humanitarian staff fully aware of the related duties and responsibilities.

Rule of law

- Support the (re-)establishment and/or strengthening of the rule of law in disaster-stricken communities, including the exercise of public authority based on law and the (re-) institutionalization of independent administrative, judicial and quasi-judicial mechanisms of accountability.

Accountability

- Put in place monitoring and reporting mechanisms and inclusive and context-sensitive feedback channels that contribute to continuous learning and improvement of programme activities. Establish easily accessible and confidential grievance mechanisms and provide timely response to the complaints of affected people (e.g. on propriety of targeting and implementation).
- Evaluate the impact of the programme in terms of the rights to adequate food of women, men, boys and girls, and the duties, responsibilities, commitments of the relevant state and non-state actors. Communicate progress reports to stakeholders.

Contextualization and flexibility

- Align the programme criteria for the provision of goods and services, the type and form of support to strengthening livelihoods, the approaches to participation, empowerment and accountability and the mechanisms used to build the capacity of duty bearers and right holders to the cultural, social, material and other needs of the target population. To this effect, situation analysis should include context and risk analyses.
- Ensure that emergency programmes are flexible, particularly in relation to emergency responses to unforeseen crises, so that they are able to respond to changes in circumstances, capacities, resource availability and priorities. Allow necessary adjustments to coordinate or cooperate with local authorities and humanitarian/development partners so as to make use of the comparative advantages of all that are involved and to be able respond to the exigencies of the emergency situation.



Conclusion

This issues paper shows how the right to adequate food and related human rights principles can be applied in emergency programmes/projects. It raises and responds to some theoretical and practical questions relating to objectives, roles, responsibilities and approaches in HRBA to emergency programmes. In addition to demonstrating the conceptual, normative and practical interlinkages between the human right to adequate food and emergencies, it shows how this relationship can play out in prevention, relief, development and resilience-building programmes. The paper does not address all relevant issues or provide a comprehensive blueprint for human rights-based programming in the context of disasters and resilience-building. Rather, it raises basic issues and challenges, some of which require further discussion.

Key Messages

- Applying the right to adequate food and related human rights principles (participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law) in emergency and resilience-building programmes improves targeting, efficiency, effectiveness and sustainability. Applying a human rights-based approach (HRBA) helps create coherence between relief and development efforts.
- Humanitarian actors can follow or strengthen an HRBA without radical changes in their work. The principles of “do no harm,” non-discrimination and accountability that have been adopted by the humanitarian community can be both starting and entry points for more advanced approaches that are based on internationally agreed human rights frameworks.
- Many humanitarian actors have increasingly developed experience and expertise in human rights that relate to their humanitarian work, but there is room for improvement. Capacity development and partnerships could create, strengthen and refine the benefits of applying the HRBA in emergency and resilience-building programmes. Collaboration between the humanitarian and human rights community of actors is indispensable in this regard.



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