



## Upholding the right to food in emergencies in Africa

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**Abstract:** The right to food is an essential component of human dignity and survival. Africa is prone to hunger due to food insecurity exacerbated by recurring emergencies. Hunger must be considered a human rights-related issue, providing comprehensive diagnosis and solutions.

The right to food is enshrined in various international human rights instruments. Article 25 of the Universal Declaration of Human Rights ([UDHR](#)) provides that everyone has the right to a standard of living adequate for health and well-being, including food. In addition, Article 11 of the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)), to which 48 African states are [parties](#) apart from Botswana, Comoros, Mozambique, Sahrawi Arab Democratic Republic, São Tomé and Príncipe, and South Sudan. The majority of state parties affirms that the right to adequate food is a crucial component of the right to an adequate standard of living. For the states that are non-parties, this indicates a regression to the promotion of the right to food and adequate

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living as it is difficult to hold them accountable and demand for the realisation of this right at the respective national level.

The African Charter on Human and Peoples' Rights ([ACHPR](#)) and other subsequent regional instruments and institutions provide a robust normative framework for safeguarding the right to food and food safety, particularly during emergencies. The right to food is a complementary entitlement to the right to health, life, education and other rights such as political participation making it a cross-cutting issue between civil and political rights on one hand, and social and economic rights on the other.

Despite the above legal guarantees, millions of Africans across the continent are still deprived of their right to food in times of crisis such as armed conflict, displacement, drought, and economic instability. According to the World Food Programme (WFP) [2023 report](#), nearly 282 million people in Africa (about 20 percent of the population) were undernourished in 2022 and about 868 million were moderately or severely food insecure. In 2021, the majority of Africa's population, about 78 percent were unable to afford a healthy diet. In Sudan alone, due to the conflict, [over 24 million civilians](#) continue to suffer from starvation in 2025. Strengthening the operationalisation of existing legal frameworks and ensuring accountability through the African human rights mechanisms is therefore an urgent priority.

### **Right to food in the African human rights framework**

The right to food can be traced in the African normative framework protecting human rights. Much as the [ACHPR](#) does not explicitly mention the right to food, it is a complementary entitlement to the right to life under Article 4, the right to health under Article 16 and the right to economic, social and cultural development under Article 22. It is worth highlighting that the African Commission on Human and Peoples' Rights, in the landmark case of [SERAC v Nigeria](#), held that the Nigerian government's failure to prevent environmental harm caused by oil extraction in Ogoniland constituted a violation of the right to food, among other fundamental rights. The Commission held that contamination of soil and water sources essential for subsistence farming and fishing directly undermined the Ogoni people's access to adequate food, thereby breaching Article 4 (right to life) and Article 16 (right to health). This decision clarified that the right to food, though not explicitly stated in the cited Charter, is implicit and enforceable through related provisions. This decision set a significant legal precedent, affirming that states bear affirmative obligations to safeguard their citizens from hunger, particularly in times of crisis and emphasises the need for progressive realization of rights and ensuring non-retrogression and preventing future occurrence of violations against rights such as the right to food.

Furthermore, Articles 14 and 21 of the African Charter on the Rights and Welfare of the Child ([ACRWC](#)), along with Article 15 of the Protocol to the African Charter on the Rights of Women in Africa ([Maputo Protocol](#)), establish explicit legal guarantees for the right to adequate nutrition for children and food security for women. These provisions reinforce

states' obligations to uphold these fundamental rights, particularly in emergency situations, where vulnerabilities related to food insecurity are exacerbated. This legal framework is particularly significant in crisis situations, where systemic disparities in food access disproportionately affect women and children, necessitating targeted policy interventions and enforcement mechanisms.

### **Climate change as a major driver of natural emergencies**

Much as the abovementioned legal frameworks place obligations on states to ensure they provide adequate food, including during emergencies, several challenges are at play.

The worsening climate and environmental degradation frequently result in crop failure and livestock loss. According to [Welt Hunger Hilfe](#) (WHH), in western and northern parts of Kenya, between 2021 and 2024, 4.5 million people were affected by the drought leaving 2.8 million food critical and one million children under five were malnourished due to flash floods and drought whereas 24.1 million were affected in Ethiopia and there were over 1,000 hunger-related deaths in northern Uganda due to drought.

The situation is not getting any better as the climatic conditions for 2025 as predicted by the IGAD Climate Prediction and Applications Centre ([ICPAC](#)) suggest. According to the ICPAC [June to September predictions](#), above-normal rainfall is expected in Central Sudan, eastern South Sudan, western Kenya, Eastern Uganda and northern and south-western Ethiopia. This forecast indicates that there is a likelihood of floods and water borne diseases as a result of the above-normal rainfall and that it is also expected that there is a higher likelihood of warmer-than-usual conditions across most parts of the greater Horn of Africa especially Somalia, Ethiopia, and Kenya among others.

While the African Commission's [Resolution 153](#) on Climate Change recognises the impact of environmental harm on human rights, implementation at the state level is lacking and the consequences are unfortunately most likely to spike. As indicated earlier, climate change and food insecurity must be seen as a human right issue in order for states to fully prepare and put in place robust mechanisms to avert the same. Climate change-related emergencies in Africa continue to rapidly undermine the right to food, for example [62.9 million people](#) in the IGAD region are facing severe food insecurity due to droughts and floods, with over 800,000 people mainly in Sudan experiencing catastrophic levels of acute hunger. As climate shocks intensify, hunger has affected over [307 million Africans](#) in Africa. Africa constitutes [60 percent](#) of people in the world projected to be facing hunger in 2030, according to FAO. Meanwhile, 2.826 billion people in the world, of whom [64.8 percent](#) are Africans, cannot afford a healthy diet, pointing to systemic failures in affordability and resilience. Though the ICESCR recognises the right to food, most African states lack domestic legal mechanisms to activate it during crises. Bridging these gaps calls for enforceable national frameworks, climate-resilient agriculture, and targeted social protections that treat food security not just as policy—but as a human right.

## **Recommendations**

It is time for the African Commission to consider adopting a General Comment on the right to food, building on the precedent of SERAC case and [General Comment 12](#) of the UN Committee on Economic, Social and Cultural Rights (CESCR) which calls upon states to recognise the right to adequate food as one of the indivisible rights connected to the right to life. As the Committee notes above, there is a big gap in the implementation of Article 11 of the ICESCR on the right to adequate food and therefore states must step up. States should also codify the right to food in their domestic legislation so as to reinforce the right and ensure proper accountability and implementation.

States should establish and strengthen early warning mechanisms and protocols for disasters which must be anchored in human rights. The mechanisms should be able to provide real time data for detection of emergencies such as droughts, floods among others and rapid response to the same. The communities and civil society must participate in designing these interventions to promote co-ownership and public participation, a cornerstone of good governance.

Civil society and national human rights institutions (NHRIs) should play a crucial role in documenting violations against the right to food, advocating for timely response disaster mechanisms that ensure provision of adequate and nutritious food through the available human rights systems. Further, states should be held accountable nationally and regionally through reporting mechanisms, and through national and regional courts such as the East African Court of Justice ([EACJ](#)), Economic Community for West Africa States ([ECOWAS Court](#)) and the [African Court](#).

## **Looking forward**

In the wake of escalating emergencies, African states operate within a well-established human rights framework that provides both normative foundations and institutional mechanisms for safeguarding the right to food. African states can fulfil their obligations under regional and international human rights law by integrating food rights as a central pillar in emergency response frameworks. However, to realise this, states must show political will through concrete legal reforms, implementation, and robust enforcement measures. This will ensure sustainable rights-based food security and sovereignty, reinforcing the legal duty of states to protect vulnerable populations from systemic food insecurity.