

Right to Food Cities: the Role of Local Governments in the Fight against Hunger

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Abstract

The state-centric nature of international law has been recognized as a severe barrier to the realization of human rights since the outset and remains a concern today across the globe. However, the dominant space the state has historically occupied within the field as duty-bearer, deemed almost exclusively responsible for citizens' enjoyment of rights, faces a small yet by no means insignificant challenge in the form of human rights cities. While there is a rich literature surrounding municipalities whose local governments embrace non-discrimination, participatory democracy and other human rights principles, a distinct, yet equally fascinating development is the trend in cities who have committed to the furtherance of a singular right. One such phenomenon which has yet to receive significant attention within the academy is the rise in right to food cities in the UK, referring to those which have joined the campaign for domestic recognition of the right. In light of the UK government's deep-seated resistance to the right, this article explores the advent of right to food cities/municipalities and their potential as an alternative means of targeting hunger and food insecurity within the state. While it is recognized that each individual initiative may only have a localized impact, it is argued that their collective force should not be dismissed at this early stage—their calls for change are only likely to increase in fervour as the effects of the cost-of-living crisis upon the population worsen.

Practitioner Points

- The stagnancy of human rights implementation at the state level has been met with innovative responses by local governments in the UK, including right to food cities.
- A right to food city engages with the right and its associated norms and principles in pursuit of food security for its inhabitants and beyond.
- While right to food cities are constrained by insufficient funding, they nevertheless demonstrate the potential of local governments as a means of mainstreaming socioeconomic rights.

Keywords: civil society; food insecurity; International Covenant on Economic, Social and Cultural Rights (ICESCR); socioeconomic rights; UK

1. Introduction

State-centricity is interwoven within the fabric of the international legal system (Brown 1992; Fraser 2019). Sovereign states are the principal entities within international law,

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responsible for both its creation and fulfilment ([Statute of the International Court of Justice 1945](#): Article 38(1); [Human Rights Council 2015](#)). Under an orthodox positive account, the state is perceived to be the only subject of international law and any rights of individuals must be vindicated through the state ([Ibe 2021](#)). Moreover, the state has traditionally been conceived holistically, with obligations addressed to the sovereign in its entirety irrespective of the system of governance it adopts ([Ezer 2022](#); [Human Rights Council 2015](#); [Oomen and Baumgärtel 2018](#)). However, in recent years greater attention has been paid to the emergence of cities as a new actor within international law, specifically in the context of human rights implementation ([Davis 2017](#); [Ezer 2022](#); [Gomes da Silva 2018](#); [Grigolo 2017](#); [Oomen and Baumgärtel 2018](#); [Oomen and Van Den Berg 2014](#); [Swiney 2020](#)). This is particularly the case where central government has demonstrated resistance or disinterest in the realization of rights, leaving an opening for local authorities to take up this project ([Davis 2017](#); [Grigolo 2017](#)). Though cities are not the only relatively recent entrants into the human rights arena, accompanied by the likes of civil society organizations and special interest groups, they possess a ‘unique status’ in that they are an extension of the state ([Swiney 2020](#): 230). Thus, local governments are a favourable avenue to explore in regard to the implementation of rights, in contrast to charitable initiatives for example, in light of the state’s role as primary duty-bearer within international law.

While there is an abundance of literature concerning human rights cities ([Davis 2017](#); [Ezer 2022](#); [Gomes da Silva, 2018](#); [Grigolo 2017](#); [Oomen and Baumgärtel 2018](#); [Oomen and Van Den Berg 2014](#); [Swiney 2020](#)), formally defined as ‘both a local community and a socio-political process in a local context where human rights play a key role as fundamental values and guiding principles’ ([Gwangju Declaration on Human Rights Cities 2011](#): 1),¹ this article will investigate the related concept of a municipality which recognizes an individual right. Specifically, it will explore the rise in ‘right to food’ cities/regions in the UK catalysed by central government’s failure to safeguard household food security within the COVID-19 pandemic. Given the lack of progression towards universal enjoyment of the right on the national level in spite of increasing demand at food banks ([Gorb 2022](#)) and frequent reports of families making trade-offs between heating and eating ([Guardian 2022](#)), local government action may present the greatest chance of realizing the right within the UK.

Significantly, the majority of the municipalities in question have not announced their status as a right to food city per se—rather, it has been a label ascribed by local media and the Right to Food campaign to those endorsing its key demands ([Byrne 2024](#); [Thompson 2021](#)). Consequently, it could be questioned whether they should be expected to take further steps to implement the right beyond this initial symbolic act in comparison to a municipality which self-identifies as a right to food city. This normative debate, while worthy of attention, remains outside the scope of this research which seeks to examine the potential of using local government powers towards mainstreaming the right to food in the UK. Drawing upon [Grigolo’s \(2019\)](#) sociolegal and political approach to the human rights city as practice, for the purposes of this research, a right to food city or region is defined as one which engages with the right and its associated norms and principles in pursuit of the food security of its inhabitants and beyond.

The article will begin by briefly identifying both the opportunities and challenges of local government action, reflecting upon existing scholarship pertaining to human rights cities. The aforementioned analysis will highlight the great potential of local governments in the implementation of socioeconomic rights in particular, principally their greater appreciation of their population’s needs due to their proximity and ability to devise tailored solutions.

1. Understandings of the human rights city differ, with some scholars reserving the term to those which formerly pronounce themselves as such ([Oomen and Van Den Berg 2014](#)), while others deem self-declaration unnecessary so long as there is a ‘strong legal commitment to the human rights agenda’ ([Gomes da Silva 2018](#): 308).

The article will then delineate the normative content of the right to food and the state's obligations under international law, with a focus on Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966). It will consider the status of the right to food in the UK, comparing the right enshrined within international law against the nation's growing food crisis at present. It will be noted that in recent years civil society lobbying has achieved a series of small—yet by no means insignificant—policy changes across the UK which have delivered progress in relation to children's right to food. Nevertheless, overall, there remains insufficient engagement with the right to food by the UK government.²

Attention will then turn to the national Right to Food campaign and, more significantly, how cities in the UK are responding to their national government's reluctance to meet the campaign's demands. The article will examine the advent of right to food cities in the UK, beginning with Liverpool in early 2021, to assess the potential value of local government action in the fight against hunger. It will contextualize the trend of municipalities following Liverpool's lead up to the present day amidst the ongoing cost-of-living crisis, which continues to impede enjoyment of the right.

In awareness that right to food cities have only recently emerged in the UK and thus a definitive assessment of the phenomenon is arguably premature, the article will offer some initial remarks regarding the headways made by municipalities participating in the right to food campaign to date. Fundamentally, a strong political impetus is required for the local government to transform their formal expression of support for the right to food campaign into practical steps towards the advancement of the right. Without this driving force, there is a danger of the right being reduced to a 'brand', compounded by the financial constraints placed on local governments. The article will conclude that while right to food cities are by no means a perfect mechanism of realizing the right to food, they are nevertheless a realistic and arguably necessary endeavour in the UK in light of escalating food insecurity and the failure of central government to deliver effective support to date.

2. Urban actors as promoters of human rights

The stagnancy of human rights implementation at the state level has been met with innovative responses by local governments in countries worldwide. Confronted with central governments who exhibit little willingness to fulfil duties owed to their citizens under international law and thereby threaten the legitimacy of human rights discourse, many individual municipalities have taken it upon themselves to develop their own initiatives to rescue rights from their impending death (Oomen and Baumgärtel 2018). The most prominent example is the emergence of 'human rights cities', referring to municipalities whose local government is guided by core human rights principles such as non-discrimination, social justice and participatory democracy (Gwangju Guiding Principles for a Human Rights City 2014). Led by the city of Rosario, Argentina, which formally became a 'human rights sensitive city' promoting respect for human rights, equity and peace in 1997 via a proclamation signed by 100 of its representatives, there are now human rights cities in Asia, Africa, Europe, and Northern and Latin America (Raoul Wallenberg Institute 2022; Soken-Huberty 2022). Human rights cities have been appraised at the UN level, with former UN High Commissioner for Human Rights, Michelle Bachelet (2019), recognizing that local governments now play a critical role in realizing states' human rights obligations. The approach of each human rights city is likely to differ from the next; broadly speaking, human rights cities engage with rights at the local level. This can include, but is not limited

² The recent protection afforded to children's right to food within Scottish law and planned incorporation of the International Covenant on Economic, Social and Cultural Rights is contrasted against Westminster's resistance within subsection 5.1.1 of the article.

to, the implementation of international standards (Ezer 2022), the use of formulations of rights in local constitutional arrangements (Fernández-Wulff 2023), and the development of novel rights based on local conditions (Oomen and Baumgärtel 2018). How this engagement manifests is a matter for each individual municipality to decide in accordance with the needs of their population (Engle Merry 2006).

Municipalities offer a host of advantages vis-à-vis the implementation of human rights; first, the geographical proximity of local governments to their citizens allows for a better identification of the specific needs within the area which may be lost on the national level (Swiney 2020; Office of the United Nations High Commissioner for Human Rights (Ezer 2022; UN OHCHR 2022). Municipalities are therefore the key to the democratization of human rights, offering the chance for all residents to vocalize their concerns and shape the policies devised in response (Ezer 2022; Graham, Gready, Hoddy and Pennington 2016; Grigolo 2019; Nijman 2019).

The second notable feature of local governments is their prioritization of ‘pragmatism instead of politics’, interested in implementing practical solutions that address the problems at hand in comparison to the broad array of factors which inform decisions made on the national level (Oomen 2016: 3–4). The opportunity for local actors to ‘redefine human rights practice’ (Ezer 2022: 92) is particularly valuable in the context of socioeconomic rights which invariably, albeit not exclusively, require positive action (UN CESCR 1999 and 2000), yet continue to face considerable resistance by central governments. As Oomen and Van Den Berg (2014) highlight, the invocation of socioeconomic rights, in many instances, will not necessarily refer to their usage within a procedural setting and thereby exhibits the significance of action at the local level. Indeed, the framing of housing as a right by activists in New York City has acted as a unifying tool for those denied access to adequate housing, resulting in greater protections such as the right to counsel for low-income tenants in eviction cases (Fernández-Wulff 2023). While a number of challenges remain in relation to the enjoyment of the equal right to housing in New York City, this example is nevertheless significant in that it illustrates how rights can provide a mobilizing force to ‘repoliticize’ heavily commodified aspects of life even in a nation which vehemently opposes the notion of socioeconomic rights (Fernández-Wulff 2023: 120). This is further exemplified through the example of York, which in 2017 declared itself the UK’s first human rights city, achieving cross-party support within the municipality as well as backing from civil society and local businesses (University of York 2022). Even before its formal commitment to human rights, the city had been undertaking ‘progressive change’ by extend living wage to all City of York Council employees which has contributed to the attention the Living Wage campaign has received nationwide (Graham, Gready, Hoddy and Pennington 2016: 182–83). Taken together, these examples illustrate how local action can challenge neoliberal constructions of basic necessities as commodities, instead recognizing these to be rights.

Finally, the promotion of human rights by local governments helps foster a culture of rights whereby individuals have an increased awareness of their entitlements and hence are empowered to demand change on the national level (Darling 2016; Ezer 2022; Tibbitts 2018). Human rights have been employed by municipalities to ‘demarcate local autonomy legally’ (Oomen and Van Den Berg 2014: 160), exemplified by the ‘Cities for CEDAW’ campaign launched in the US in response to the Senate’s refusal to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (UN CEDAW 1979). Over 40 US cities and counties have implemented either binding CEDAW ordinances or resolutions in support of the Convention, marking their commitment to the realization of women’s rights in open defiance against the state (Ezer 2022; Nijman 2019). While the US has still to ratify CEDAW, the campaign has seen US cities such as San Francisco utilize CEDAW ordinances to undertake gender impact assessments of local policies and introduce new measures to facilitate women’s entry into previously underrepresented roles (Ezer 2022). Thus, resistance from central government can generate creative solutions on part of local actors to uphold rights.

3. Right to food in the UK

3.1 Expectations

The right to food is protected within Article 11 of the ICESCR as component of the right to an adequate standard of living, a treaty which the UK is party to and therefore bound by. The right to food can further be split into two constituent parts; first, the fundamental right to be free from hunger, an absolute right which states must guarantee at all times (ICESCR 1966: Article 11(2); UN CESCR 1999). Second, the right to adequate food (ICESCR Article 11(1)), which is subject to progressive realization as stipulated within Article 2(1) ICESCR (UN CESCR 1999). The right to adequate food requires food to be available, either directly in the case of individuals cultivating their own produce or through a market system (UN CESCR 1999). Food must also be accessible, both economically and physically (UN CESCR 1999). Finally, food must be acceptable to the consumer, which takes into account non-nutrient based values including conformance with cultural and dietary requirements (UN CESCR 1999). While the right to adequate food is subject to progressive realization, the CESCR (UN CESCR 1999: 4) have clarified that states are legally required ‘to move as expeditiously as possible towards that goal’. The element of flexibility introduced within Article 2(1) ICESCR is to accommodate states with limited financial resources and, as such, is unlikely to apply to a state like the UK with the sixth largest national economy in the world as measured by GDP (UN CESCR 1990; IMF 2023). Furthermore, the CESCR (UN CESCR 1990: 4; 1999: 5) has emphasized that states seeking to invoke progressive realization as a reason for the non-fulfilment of their obligations are tasked with proving that ‘every effort has been made to use all resources available’. Thus, it is unsurprising that the treaty monitoring body firmly dismissed the UK’s attempt to avail itself of this exception within its fifth periodic report in light of the absence of evidence of the state’s severe financial constraints (UN ECOSOC 2008; UN CESCR 2009). Accordingly, the UK is obligated to fulfil both the right to be free from hunger as well as the more ambitious right to adequate food.

Article 11 of the ICESCR addresses state parties as primary entities responsible for the fulfilment of the right to food of their citizens, reflective of the central position the sovereign occupies within international law and, more specifically, the construction of the state as duty-bearer and individual as rights-holder within the UN human rights regime. States are required to take measures in regard to both the right to be free from hunger and the right to adequate food (ICESCR 1966: Articles 11(1) and 11(2)). The state’s obligations can be demarcated into the duties to respect, protect and fulfil the right, signifying both the positive and negative actions required (UN CESCR 1999). While ordinarily the right to food does not equate to a right to be fed, where individuals are unable to enjoy the right due to external factors, the state duty to fulfil the right is elevated from a facilitatory role to provision of the right directly (UN CESCR 1999). It should be noted that under the *Convention on the Rights of the Child* (UN CRC 1989), which the UK has also ratified, parents/carers bear the primary responsibility to ensure their children’s nutritional needs are met (Article 27(2)). However, in instances of need, the state is required to ‘provide material assistance and support programmes’ to ensure children’s right to food (UN CRC 1989: Article 27(3)), such as income support (UN Committee on the Rights of the Child 2011), and child benefits (UN Committee on the Rights of the Child 2012).

3.2 Reality

Despite the CESCR (UN CESCR 2009, 2016) repeatedly urging the state to introduce legislation giving effect to the complete list of rights enshrined within the ICESCR, the UK has declined to introduce a right to food within domestic law, indicating that to do so would have little ‘practical and beneficial effect’ (UN ECOSOC 2008: 40). Though the absence of national legislation implementing the right to food and of the ICESCR is not itself a breach

of its obligations under the treaty, it both illustrates the state's apathy towards its citizens access to food and precludes the vindication of the right within domestic courts in almost all instances.³

Indeed, the non-recognition of food as a right has permitted its commodification, informing a number of policies that inhibit access to adequate food for households on the lowest incomes in the UK. Systemic issues within the Universal Credit regime, the UK's main welfare system launched in 2013, repeatedly emerge as a key driver of household food insecurity within the UK. Specific problems identified include the insufficient base rate of Universal Credit and the cap placed on many state benefits, the five-week wait claimants must endure before receiving their first payment as well as the highly punitive sanction system which withholds benefits for those who fail to participate in work-related activity when deemed capable of doing so (Bramley et al. 2021; Jenkins et al. 2021; Lambie-Mumford and Loopstra 2020; Sosenko et al. 2019). Data collected by the Food Foundation (2024a) highlights the food access inequalities between households reliant upon state support and those who are not, with over half of households receiving Universal Credit experiencing food security in the previous month compared to 15.6 per cent for households not in receipt of Universal Credit. Notably, the latter percentage is still alarmingly high, reflecting the increased challenges individuals are facing accessing sufficient food amidst the current cost-of-living crisis in spite of the various support measures introduced by the UK government (GOV.UK 2024). A combination of factors including post-Brexit trade barriers (Bakker et al. 2022), the fallout of the COVID-19 pandemic (Vos et al. 2022), Russia's invasion of Ukraine (Driver et al. 2022; Sutherland et al. 2022), drought conditions across Europe (Toreti et al. 2023) and the UK's political instability (Calvert 2022) caused food prices within the state to rise by 19.2 per cent from March 2022 to March 2023 (ONS 2023), severely threatening the economic accessibility of nutritious meals for families across the nation (Food Foundation 2024a). Meanwhile, the right to food has, for the most part, been ignored by the UK's governing institutions and even outrightly dismissed by certain Members of Parliament who proclaim that food insecurity is self-inflicted as a result of idleness or the mismanagement of finances (Walker 2017; HC Deb 2022: vol 714, col 185). Such contentions perpetuate the stigmatizing neoliberal fiction that those living in food poverty are 'skivers' rather than 'strivers' (O'Hara 2014: 114–16, 132), suggesting access to food is an opportunity as opposed to an entitlement in defiance of Article 11 of the ICESCR.

4. Right to food campaign

In response to mounting food insecurity in the UK following the COVID-19 pandemic, the UK Right to Food campaign was launched in November 2020 by Ian Byrne—Labour MP for Liverpool West Derby—in collaboration with the Fans Supporting Foodbanks national network (Byrne 2024). The ultimate goal of the campaign is to enshrine the right to food within domestic law and to 'end the scandal of hunger and foodbanks once and for all' (Byrne 2024). The campaign urges central government to fulfil five key demands in pursuit of this aim: first, the introduction of universal free school meals for every child; second, to disclose the estimates for food expenditure when determining minimum/living wage and benefits; third, to introduce right to food legislation accompanied by enforcement by a new independent regulatory body; fourth, to fund local food projects such as cookery clubs and

3 A very limited exception exists in instances where an individual is detained by the state or otherwise entirely under the state's control. In such circumstances, the state may be compelled to ensure the access to food under Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention of Human Rights, as amended), however 'persuasive evidence' would be required for this obligation to be engaged (*Secretary of State for the Home Department v. Limbuela, Tesela and Adam* [2004] EWCA Civ 540: [137]–[138], [149]); *R (Adam, Limbuela and Tesema) v. Secretary of State for the Home Department* [2005] UKHL 66: [7]–[9]).

community kitchens; and finally, to secure and protect food security within policy making (Byrne 2024).

Prior to the formal launch of the Right to Food campaign, food insecurity in the UK was already a topic of national concern (Butler 2020; Staton and Evans 2020). The COVID-19 pandemic unveiled structural inequalities in access to adequate food, mobilizing civil society to exert sizeable political pressure on the UK's governing institutions to take action. Policy governing children's right to food was the central target, as to be expected in light of children's dependency on others for their nutritional intake and the potential protracted consequences of malnutrition upon their health and future prosperity (UN Committee on the Rights of the Child 2013; Nolan 2013; Pearce et al. 2019; Rougeaux et al. 2016; Wringe 1981). A parliamentary petition launched by professional footballer Marcus Rashford in October 2020 calling for the Government to end child food poverty received over a million signatures (Weale and Butler 2020), exemplifying the public support of the right at the time of the campaign's inception. The Right to Food campaign sought to capitalize on this initial wave of activism following the pandemic's outbreak, widening the focus on child food poverty to universal enjoyment of the right without discrimination of any kind as per Article 2(2) ICESCR.

The campaign attracted further attention in January 2021 following the UK government's unsuccessful attempt to safeguard children from food insecurity amidst the third COVID-19 national lockdown. The UK's principle means of ensuring children—particularly those from disadvantaged backgrounds—have regular access to nutritional foods is the free school meals (FSMs) scheme (Department for Education 2018). While the eligibility criteria vary across the four nations, the main beneficiaries are young children and pupils whose parents/carers receive any of a number of qualifying state benefits subject to maximum income thresholds (Lee 2022). School closures necessitated by the pandemic required the UK's governing institutions to explore alternative measures in place of the scheme at a time of limited food promotions at supermarkets and increased strains upon many families' finances (Brewer and Patrick 2021; Lalli 2023).

Notably, the Scottish and Welsh governments' decision to grant municipalities discretion as to whether they offered vouchers, direct provision or monetary payments in place of FSMs during this time was for the most part well-received (Morris 2022; Lambie-Mumford et al. 2023), evidencing the value of local level implementation of the right to food. This flexible approach was celebrated for its ability to accommodate a range of needs, such as arranging direct provision of food for families in remote, rural areas (Sibieta and Cottell 2020) or electing for monetary payments to reduce stigma for the recipients. While the encouragement of local responses inevitably resulted in slight differences between the amount of support provided by each municipality in accordance with their resources, it boasted adaptability to the diverging requirements of the specific community in question (Gomes da Silva 2018; UN OHCHR 2022).

In contrast, the Department for Education primarily relied upon a national voucher scheme available for all families in England with children who would ordinarily receive FSMs. However, in January 2021 it briefly experimented with the direct provision of food parcels via school catering companies, most of whom were under existing contracts with the state (Department for Education 2021). As the first round of parcels were delivered, a series of images from parents/carers across England were shared capturing the poor nutritional quality and/or meagreness of the provisions awarded (Morris 2022). The contents of the food parcels distributed were patently unacceptable from a rights-based perspective (Morris 2022), failing to provide parents/carers with the material assistance for their children's development as per Article 27(3) of the *Convention on the Rights of the Child* (UN CRC 1989). This backlash prompted the Department for Education (2021: 5) to abandon its 'food parcel first approach' and return to the issuing food vouchers, demonstrating that, in the absence of sufficient legal protection of the right to food, realization of the right in the

UK at present relies upon enforcement outside of the courtroom. The food parcel debacle was critical to the longevity of the Right to Food campaign as it galvanized civil society to lobby central government for greater support for the food insecure, leading to the emergence of right to food cities.

5. Right to food cities

Impelled by Westminster's failure to commit to realizing the right to food for all individuals in spite of mounting opposition from civil society, local governments have become the latest proponents of the national Right to Food campaign resulting in the arrival of the 'right to food city'. Spearheaded by Byrne, Liverpool declared itself the first right to food city in the UK on 20 January 2021 after its councillors unanimously voted for the right to be incorporated into the National Food Strategy—the independent review undertaken by Dimbleby on behalf of the UK Government (2021)—and domestic law (Byrne 2024; *Together Liverpool* n.d.). Several cities and regions have since followed Liverpool and expressed their support of the right to food campaign, including Birmingham (*Unite the Union* 2021), Brighton and Hove (*Brighton and Hove Council* 2022), Coventry (*Thompson* 2021), Cumberland (*Cumberland Council* 2023), Durham (*Durham County Council* 2021), Haringey (*Haringey Labour* 2021), Lancaster (*Lancaster City Council* 2021), Manchester (*Manchester City Council* 2021) and the *Greater Manchester Combined Authority* (2021), Newcastle (*Newcastle Labour* 2021), Preston (*Faulkner* 2021), Rotherham (*Andrews* 2021), Sheffield (*Sheffield City Council* 2021), St Helens (Byrne 2024) and Totnes (*Henderson* 2021). These municipalities have each passed similar motions to Liverpool City Council calling for the right to food to be included within the National Food Strategy and subsequently enshrined within UK law to clarify central government's obligations pertaining to the right and establish accountability for violations. Evidently, cities can act as 'trend-setters', creating a ripple effect nationwide (Ezer 2022: 132).

As right to food cities are a recent development in the UK, the following assessment of their effectiveness as a way of delivering progress in regard to the right is limited in that it cannot account for future gains and challenges. That being said, some interesting observations can nevertheless be made at this early stage.

Liverpool remains committed to the right to food campaign as both a city and a borough, receiving endorsements from a myriad of civil society organizations, businesses, faith leaders and individual citizens (Byrne 2024; *Feeding Liverpool* n.d.; *Together Liverpool*, n.d.). The right is being used as a rallying point by and within municipalities to pressure central government to deliver more favourable socioeconomic conditions for the nation as a whole. Reselected as the Labour representative for the constituency of Liverpool West Derby in 2022 (Wells 2022), Byrne continues to draw attention to the lack of realization of the right to food in the UK both online (Byrne 2022, 2024) and in Parliament (*Environment, Food and Rural Affairs Committee* 2022; *HL Deb* 2022: vol 718, col 48WH; *HL Deb* 2022: vol 719, col 101WH). His slogan 'hunger is a political choice' (Chappell 2022) translates the parlance of international human rights law into a vernacular accessible to the layperson (UN CESCR 1999), a key merit of the employment of rights at the local level (Oomen and Baumgärtel 2018). Byrne's advancement of the right to food within Liverpool and beyond is underpinned by his framing of food insecurity as the result of failing national policies, evidencing the political impetus which underpins embracement of human rights within the local context (Grigolo 2019). The construction of socioeconomic rights within the UN human rights regime has suffered from a reticence to prescribe specific governmental processes necessary for their realization (Neier 2006), leaving them susceptible to appropriation by neoliberal forces (Wills 2017). In contrast, Byrne's efforts demonstrate that local level action can help dispel the supposed 'neutrality' of human rights (Grigolo 2019: 5); the demands of the Right to Food campaign unveil the policy measures which need to be undertaken in pursuit of the universal entitlement to access to adequate food.

Admirable community action continues to be undertaken in Liverpool to facilitate access to food within the region led by the city's food alliance, Feeding Liverpool, which connects those working towards the eradication of hunger and food insecurity (Feeding Liverpool, n.d.). While the alliance has succeeded in organizing numerous food drives which allow fruit and vegetables to be distributed to those in need, the normalization of charitable provision of food is extremely concerning and increasingly under pressure as demand increases as the cost-of-living crisis continues (Caraher and Davison 2023; Strong 2020). From a rights-based perspective, the state's reliance upon the third sector to facilitate access to adequate food and safeguard individuals from hunger is wholly incompatible with its duties pertaining to the right to food under international law (Alston 2018). Thus, local engagement with the right runs the risk of community action becoming the default response to food insecurity instead of the state addressing its underlying causes.

While local government support for the Right to Food campaign via a council motion will not necessarily equate to sustained action to combat food insecurity, a handful of the municipalities listed above have since undertaken additional measures in furtherance of the right which exceed the core demands of the campaign. For example, after endorsing the Right to Food campaign in September 2021 (Taylor 2021), Birmingham City Council launched a pledge at the 7th Milan Urban Food Policy Pact Global Forum inviting city mayors to formalize their commitment to addressing food justice for their citizens amidst a time of increasing food insecurity globally (Birmingham City Council n.d.). This demonstrates the 'events-based approach' cities can adopt when engaging with rights (Oomen and Van Den Berg 2014: 179), coalescing around a common aim and thereby challenging orthodox views of the state as the primary actor on the international stage (Swiney 2020).

A further emerging practice of right to food cities is the translation of the right into more concrete local obligations. As an illustration, since agreeing a motion supporting the Right to Food campaign in the summer of 2022, Cumberland Council (2023) have established a Food Cumberland Strategic Framework which strives to benefit the health of residents by improving access to nutritious foods, minimize food poverty and waste, and protect the local environment. While the Committee on Economic, Social and Cultural Rights (UN CESCR 1999) has stipulated that food must be accessible, available and acceptable, how this is to be achieved is left somewhat open-ended. Mainstreaming the right in everyday urban governance practices could help address concerns surrounding the right's indeterminate contents, in turn improving its realization nationwide.

In some instances, participating local governments have denounced national policies as a principal cause of the current food crisis, thereby expanding upon the original demands of the Right to Food campaign. For example, Newcastle City Council has advocated for the removal of the five week wait for Universal Credit, evidencing an awareness of one of the key drivers of poverty and, in turn, food insecurity (Sustain 2021).

From this analysis, it is clear that, as with human rights cities, the ability of urban actors to mainstream the right to food relies upon the presence of a 'political undercurrent' (Sabchev 2023: 100). A municipality's decision to embrace the right to food must not be merely on account of their legal obligation, but rather a political choice. In each of the examples studied, a progressive local government has acted as the driving force of engagement with human rights within the city. The presiding body in each of the municipalities which have displayed a genuine devotion to the cause thus far are both sensitive to rights issues and opposed to central—in this instance largely Conservative—government policies which have impeded access to adequate food in the UK.

5.1.1 Measuring up against the campaign's demands.

Overall, the results of the Right to Food campaign to date are a mixed picture. The campaign has thus far failed in its aim of securing meaningful engagement with the right to food within the National Food Strategy, nor the Government's White Paper response (Department for Environment, Food and Rural Affairs 2022), in spite of the backing from

local governments nationwide. Central government has yet to disclose the estimates for food expenditure when determining minimum/living wage and benefits, as per the campaign's second demand. The campaign's demand for the introduction of right to food legislation in domestic law has similarly yet to be fulfilled by Westminster. This is in spite of growing pressure to do so amidst the rising cost of living in recent years, with food inflation recently reaching the highest annual rate recorded in over 45 years (ONS 2023).

Nevertheless, the [United Nations Convention on the Rights of the Child \(1989\)](#) has been recently incorporated into Scots Law, affording protection to children's right to food via Articles 24 and 27 which enshrine the rights to the highest attainable standard of health and to a standard of living adequate for the child's development respectively. Moreover, legal protection of the universal right to food in Scotland is expected through the highly anticipated Human Rights Bill which seeks to incorporate the ICESCR ([Scottish Government 2021](#)), as well as [UN CEDAW \(1979\)](#), the Convention on the Rights of Persons with Disabilities ([UN CRPD 2006](#)) and the International Convention on the Elimination of Racial Discrimination ([UN ICERD 1965](#)). While the first draft of the Human Rights Bill is awaited, the Scottish Government has accepted all 30 of the recommendations by the National Taskforce for Human Rights Leadership which include a pre-legislative assessment of proposed Bills to comply and advance the rights protected by the new human rights framework ([National Taskforce for Human Rights Leadership 2021](#)). If adopted, this measure would ensure that food security is taken into account within policymaking in Scotland, in line with the fifth demand of the Right to Food campaign. Additionally, while an independent regulatory body has not been confirmed, incorporation of the ICESCR in Scotland is equally expected to entail monitoring mechanisms in line with the campaign's third demand ([National Taskforce for Human Rights Leadership 2021](#)).

The UK Supreme Court has clarified that the Scottish Parliament is not prohibited from incorporating international human rights treaties into domestic law, so long as the bill does not exceed its legislative competence.⁴ Yet, the extent to which the devolved government is able to address the causes of food insecurity of its citizens is limited given that many aspects of social security remain reserved matters for the UK government which thus requires the latter's wholehearted commitment to the right to food ([Scotland Act 1988: sch 5](#)).

In regard to the fourth demand of the campaign, in February 2022 Westminster announced a £5 million plan to fund a 'school cooking revolution' as part of its levelling up agenda, which would have included equipping all children with the skills to cook at least six healthy recipes upon leaving secondary school ([Department for Environment, Food and Rural Affairs 2022](#)). However, disappointingly, in September 2023 the Department of Education confirmed that the planned investment would not be going ahead ([Murugesu 2023](#)).

Out of all of the Right to Food campaign demands, FSMs have proven to be the most active ground of negotiation—continuing the trend observed prior to the campaign's formal launch. The Scottish and Welsh governments are in the process of implementing universal FSMs for primary school students regardless of household income, moreover the former has also committed to piloting universal FSMs in secondary schools ([Bremner et al. 2022](#)). Westminster has yet to yield to calls to extend FSMs to all primary school pupils in England nor pupils from families in receipt of Universal Credit ([Bremner et al. 2022](#); [Food Foundation 2024b](#); [Patrick et al. 2021](#)), in spite of the staggering finding that 800,000 children in poverty are currently ineligible as a result of the highly restrictive eligibility criteria ([Child Poverty Action Group 2022](#)). While the [Department for Education \(2022\)](#) have permanently extended FSMs to children in all households with no recourse to public funds, maximum income thresholds continue to apply.

4 Reference by the Attorney General and the Advocate General for Scotland—the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill; Reference by the Attorney General and the Advocate General for Scotland—European Charter of Local Self-Government (Incorporation) (Scotland) Bill [2021] UKSC 42 [82]–[90].

While universal FSMs for all school age children remains an aspiration, FSMs for all children in state-funded primary schools in London was trialled by London Mayor Sadiq Khan in the 2023/24 academic year and is expected to be renewed for at least a further year subject to the outcome of the upcoming London mayoral election (Sustain 2024). The Mayor's programme has freed up sizeable funding for the London boroughs, enabling Southwark, Tower Hamlets and Westminster council to expand provision of FSMs in secondary schools also (Food Foundation 2023). Outside of London, various pilot schemes extending FSMs provision to respond to local need have been introduced in Bath and Northeast Somerset, Sheffield, Southampton Stockport and York (Food Foundation 2023), exhibiting the role municipalities can play in advancing children's right to food in practice. Nevertheless, a local government's capacity to introduce more relaxed FSMs eligibility criteria within the locality is largely determined by the resources it has available, meaning children's access to food continues to be a 'stark postcode lottery' (Food Foundation 2023: 5).

5.1.2 Right to food cities: success or failure?

Insufficient engagement with the right to food on the national level has meant that the situation remains bleak, in spite of local governments' recognition of the right across the UK. That being said, a potential change to a Labour government later this year has been identified as a cause for optimism in relation to socioeconomic rights (Casla 2024). The right to food has certainly entered the nation's collective conscious within recent years and thus there may have conceivably been an improvement in human rights education. However, it is difficult to determine how great an impact local governments have had on this matter, particularly as mobilization around the issue of food insecurity commenced in response to the impacts of the COVID-19 pandemic prior to the creation of the Right to Food campaign (Weale and Butler 2020). That being said, non-governmental organization Sustain now encourages individuals to lobby their local council to make their area a right to food city/region (Richmond-Bishop 2021), which suggests that right to food cities, like human rights cities, can act as a 'mobilising force stimulating increased participation' (Ezer 2022: 89).

While central government has inhibited progress in relation to the right to food, international law's failure to adapt to the increasing role municipalities play in the realization of human rights must also be highlighted. As Ezer (2022) underscores, international human rights bodies have yet to devise a means by which to engage with local governments, heavily relying upon state reports to measure compliance which deliver a single, curated account of the status quo. Her subsequent recommendation that a 'local lens' be incorporated within shadow reports submitted by non-governmental organisations is certainly an apt solution in light of local governments' greater awareness of, and concern for, the lived realities of their citizens (Ezer 2022: 112), as has been demonstrated in regard to the right to food (Gaiha 2003). While there is evidently a great need for the UK and devolved governments to wholeheartedly commit to the right, and increased responsibilities upon local governments should certainly not be introduced in place of the existing duties at state level, such a change to the international legal infrastructure is both viable and necessary to reflect the changing dynamics in the human rights arena.

4. Concluding thoughts

Food insecurity is now a major concern for households across the UK and is only set to worsen as the cost-of-living crisis rages on. It is evident that the present food crisis needs to be addressed as a matter of urgency to prevent further violations of the right from occurring. Sole reliance upon the UK government and devolved institutions to realize the universal right to food, as traditionally expected under the international human rights regime, is failing to deliver sufficient progress in light of the mounting economic pressures currently experienced by households across the country. The lack of progression at the national level

renders local governments more critical actors than ever. As such, they ought to be invited by international human rights bodies to participate within reporting procedures to correct the present power imbalance skewed towards the state.

Influenced by Grigolo's socio-political approach to the human rights city as practice, this article has undertaken an early evaluation of right to food municipalities in the UK as a means of combating food insecurity. In doing so, it has made an original contribution to the literature by studying the role local governments can play in advancing a singular socioeconomic right, as opposed to human rights as a collective. The article has illustrated that while municipalities may not be able to realize the right to food of their inhabitants singlehandedly on account of insufficient funding, they are nevertheless invaluable as a means of identifying local needs, enhancing the normative contents of the right by incorporating it into everyday urban governance practices and amplifying the pressure on central government to fulfil its obligations under international law. Consequently, local governments who are not already involved are also encouraged to join the campaign for the right to food to be recognized within law and practice. Central to urban actors' success in delivering progress in relation to the right to food is the presence of a coordinating force within the municipality, both attuned to the mounting food security crisis in the UK and willing to denounce national policies as a principal cause of the current state of affairs. Without this catalyst, municipalities are unlikely to match their formal expression of support with material action.

Given right to food cities are in their infancy within the UK, their progress in relation to the fight against hunger must continue to be monitored over time. Equally, as the first study of its kind, it is hoped that this article will inspire researchers to consider other singular rights beyond food which have been embraced within municipalities, prompting an assessment of the merits of such a targeted approach in comparison to the more ambitious goal of the human rights city.

Conflict of interest

None declared.

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