The Right to Food: Widely Acknowledged and Poorly Protected

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The right to food has always been recognized as a valid and fundamental right of the individual. In the absence of food, other political and economic rights and freedoms are meaningless.

Global food supplies have for many years been more than adequate to feed the world's population. Nonetheless, hunger and malnutrition are still painful realities. Does hunger represent a failure of states to serve their populations? Would the situation be different if food was a legal right of every individual in the world? The international community has for decades struggled over creating a right to food for the individual, and over defining it in legally enforceable terms.

International Acknowledgement of the Right to Food

The right to food was first formally mentioned in the 1948 Universal Declaration of Human Rights of the United Nations. Article 25 of the declaration recognizes that "everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food . . . , and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control." Today, 47 years later, the right to food is still not available as a legal right at the international or country level, although it has since been asserted in many international documents.

The International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly in 1966, further formalized the right to food as a basic human right. Article 11 of the covenant affirms that "the State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food." The same article states,

The State Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures including specific programmes, which are needed

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

By 1989, 85 states had signed the covenant.
What Is the Right to Food?

The international declarations asserting the right to food do not imply that states shall be responsible for directly fulfilling individuals' need for and right to food. Rather, the state is obligated to facilitate individual efforts to meet food needs by creating an economic, political, and social environment that will allow all of its people to achieve food security. Hunger and malnutrition are caused not just by a lack of economic activity, but also by poverty, income disparities, and lack of access to health care, education, clean water, and sanitary living conditions. It is the obligation of the state to redress these problems. Only when individuals do not have the capacity to meet their food needs for reasons beyond their control, such as age, handicap, economic downturn, famine, disaster, or discrimination, does the right to food imply that the state must physically provide food.

Fulfilling the Right to Food

A large number of international agencies have formed to fulfill the right to food through research on the causes of hunger and corresponding action to eradicate hunger and malnutrition.

In 1974, the World Food Conference held by the United Nations in Rome produced a Universal Declaration on the Eradication of Hunger and Malnutrition that offered a vision of eliminating hunger within a decade. The governments at the conference described the causes of hunger as social inequalities, conflict, neocolonialism, and racial discrimination. They declared "that within a decade no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacities will be stunted by malnutrition."

Since 1920 more than 120 international declarations, conventions, and resolutions have addressed various issues related to the right to food, according to Katarina Tomasevski of the University of Utrecht. The 36 member states of the World Food Council met in Cairo in 1989 to review global hunger 15 years after the World Food Conference, assess effectiveness of current policies, and propose specific action in a Programme of Cooperative Action. Also in 1989, 24 advocates, planners, and scientists from 14 countries met in Bellagio, Italy, to set nutritional goals that included halving world hunger by the year 2000. The United Nations set similar goals at the World Summit for Children of 1990. The UN International Conference on Nutrition in 1992 also set forth a World Declaration and Plan of Action for Nutrition.

Most major global conventions, even when not directly addressing food and nutrition, have touched on this right. The 1992 Earth Summit set targets for poverty reduction, health improvement, and improvement in child nutrition as essential components in a sustainable future. The International Conference on Population and Development in Cairo in 1994 named high child mortality, lack of health and sanitation, and inadequate mother's health and nutrition as major problems in the population debate.

Since the first declarations, the world has made significant progress in reducing the incidence of malnutrition and increasing global food security. Energy, protein, and micronutrient deficiencies have declined significantly. Early warning systems and well-managed humanitarian assistance have averted deaths from famine due to natural disaster. East Asia cut its number of food-insecure people by 50 percent in two decades. The factors that contribute to food security are today much
better understood, and it is now possible to define concrete goals along the way to achieving nutritional security or freedom from hunger at the country level. Freeing the world from hunger, however, is still very much an unrealized dream. Of late, the international community has set more modest, specific targets on nutrition. These targets focus on (1) reducing vitamin and mineral deficiencies, (2) reducing malnutrition among women and children, (3) diminishing hunger in the poorest households, and (4) eliminating deaths from famine. These new goals, such as halving world hunger by the year 2000, are still unlikely to be attained.

**Translating Right into Law: What Are the Roadblocks?**

In the context of international covenants and declarations, human rights are not legal rights, but general standards that must be set out in legal norms before they become enforceable. The United Nations, in adopting the Universal Declaration of Human Rights of 1948, had expected human rights to go through a legal clarification process to become part of national as well as international legal systems. This process has occurred to some extent for political and civil rights, but not for economic, social, and cultural rights. The latter, including the right to food, have been treated as aspirational rights or goals, which should be achieved through economic development.

Although they continue to endorse the right to food, states have not translated this right into specific legal obligations, nor are there any effective national or international mechanisms to supervise the implementation of this right. International economic law in general has developed separately and is not based on human rights considerations. The Geneva Conventions of 1949 and their protocols of 1977 provide a legal basis for safeguarding the right to food of prisoners and civilians during war, but the same right is not safeguarded during times of peace.

The International Covenant on Economic, Social and Cultural Rights adopted a procedure for countries to report their progress on human rights to a Working Group of Government Experts, replaced in 1987 by the Committee on Economic, Social and Cultural Rights. The working group was not able, however, to efficiently monitor states' progress because of the vagueness of the rights and of state obligations, as well as insufficient guidance to signatories on reporting.

Countries have offered various justifications for not enacting the right to food as a legal right: enforcement would be prohibitively expensive to the state, it is impossible to define economic and social rights in legally enforceable terms, protecting these rights would involve redistribution of privately held resources, and such rights can be easily abused by repressive governments. The most likely cause, however, is a lack of political will to adopt policies that lead to a more equitable income distribution within and between countries.

According to the United Nations Declaration on the Right to Development, "The human being is the central subject of development and should be an active participant in and beneficiary of the right to development." However, the failure of states to target development toward the poorer individuals in their populations and to eradicate hunger has convinced several concerned groups of the need to create a legally binding obligation for states to take action against hunger.

Several international organizations, including the Netherlands Institute of Human Rights, the International Law Association, and the UN Subcommission for the Prevention of Discrimination and the Protection of Minorities, have tried to help establish a legal right to food, but without much success thus far.
Conclusion

2020 Vision research indicates that although the global food supply may continue to be sufficient to feed the world to the year 2020, the incidence of malnutrition and food insecurity will remain high unless current national and international policies and priorities are changed. Perhaps this then is a time for the international community to examine its fundamental objective in development. If the individual really is the “central subject of development,” then a concerted shift may be needed in economic development policies to provide each individual with the most rudimentary of human needs: food.

Goals of the World Summit for Children

The 1990 World Summit for Children set a number of goals to be achieved by the year 2000, including the following:

- reduction in severe and moderate malnutrition among children under five to half of 1990 levels;
- reduction of the rate of low birth weight (2.5 kilograms or less) to less than 10 percent;
- reduction of iron deficiency anemia in women by one-third of the 1990 levels;
- virtual elimination of iodine deficiency disorders;
- virtual elimination of vitamin A deficiency and its consequences, including blindness;
- empowerment of all women to breast-feed their children exclusively for four to six months and to continue breast-feeding, with complementary food, well into the second year;
- institutionalization of growth promotion and its regular monitoring in all countries; and
- dissemination of knowledge and supporting services to increase food production to ensure household food security.

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