

**OPERATIONALIZING THE RIGHT TO FOOD:
POLITICAL, ECONOMIC AND MORAL ARGUMENTS FOR AND
AGAINST FEEDING THE HUNGRY ACCORDING TO
THE UNITED NATIONS FRAMEWORK**

The image features a large, faint watermark of the Mahidol University logo in the background. The logo is circular, with a central emblem depicting a traditional Thai architectural structure, possibly a stupa or a temple tower, surrounded by decorative elements. The emblem is set against a light blue background within a larger yellow circular border. Thai script is visible around the perimeter of the logo.

SARAH DOYLE

**A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
THE DEGREE OF MASTERS OF ARTS
(HUMAN RIGHTS)
FACULTY OF GRADUATE STUDIES
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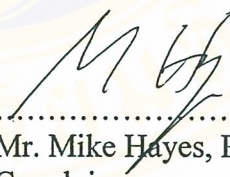
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was submitted to the Faculty of Graduate Studies, Mahidol University
for the degree of Master of Arts (Human Rights)

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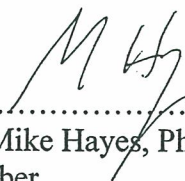
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*The worst decision you will ever have to take is to stop reading and start writing.
You will never know all there is to know about your subject, but you will know more
than most people and there is a certain urgency about getting the word out.
The main thing is not to be afraid you can't contribute to knowledge we all need.
You can read, cant you?*

Susan George (1977)

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I enjoyed writing every word of this thesis, and I believe in every word of it as well. I cannot imagine a day without food so I would like to dedicate this to those who have to.

Sarah Doyle

OPERATIONALIZING THE RIGHT TO FOOD: POLITICAL, ECONOMIC AND MORAL ARGUMENTS FOR AND AGAINST FEEDING THE HUNGRY ACCORDING TO THE UNITED NATIONS FRAMEWORK

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M.A. (HUMAN RIGHTS)

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ABSTRACT

Freedom from hunger is widely accepted as a fundamental human right, and there are structures in place within the legal framework of the United Nations (UN) to meet and fulfil this right. However, world hunger still persists. This thesis is based on the premise that world hunger persists because there is not enough food to be provided for the world population. Rather, there are economic and political factors which inhibit food redistribution and access to food for people in certain parts of the world. This thesis argues that alleviation of world hunger can be achieved by working within the UN's existing legal framework for the right to food. An operational process is given to demonstrate how the international framework for the right to food can be turned into reality at the national level, and how this process could be put to work.

The thesis explores arguments which have been given both for and against feeding the hungry as a solution to world hunger. The moral, economic and political rationales used by critics to argue against feeding the hungry ranges from the 'lifeboat' argument of sacrificing the weakest, to economic arguments protecting the needs and interests of the people from affluent donor countries. The thesis counters these arguments by detailing the obligation of a human right to food. In conclusion the gap between the principle of the right to food and the actual eradication of world hunger still exists because of the failures by states, either because they are unable or unwilling, to implement the right to food.

**KEY WORDS: HUMAN RIGHT TO FOOD/ UNITED NATIONS/ POLITICAL
ECONOMY OF FOOD/**

76 pages

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ABBREVIATIONS

| | | |
|-----------------------|---|---|
| CEDAW | - | Convention on the Elimination of All Forms of Discrimination Against Women |
| CESCR | - | Committee on Economic, Social and Cultural Rights |
| CRC | - | Convention on the Rights of the Child |
| FAO | - | Food and Agricultural Organisations |
| HRCS | - | Human Rights Correspondence School |
| HSA | - | Human Security Alliance |
| ICCPR | - | International Covenant on Economic, Social and Cultural Rights |
| ICESCR | - | International Covenant on Civil and Political Rights |
| IFAD | - | International Fund for Agriculture and Development |
| IFPRI | - | International Food and Policy Research Institute |
| Limburg Principles | - | <i>Limburg Principles</i> on the Implementation of the ICESCR |
| Maastricht Guidelines | - | Maastricht Guidelines on Violations of Economic, Social and Cultural Rights |
| OHCHR | - | Office of the High Commission for Human Rights |
| UDHR | - | Universal Declaration on Human Rights |
| UN | - | United Nations |
| UNDP | - | United Nations Development Fund |
| Voluntary Guidelines | - | Voluntary Guidelines to Support the Progressive Realisation of the Right to Food in the Context of National Food Security |
| WFP | - | World Food Programme |

CHAPTER I

HUMAN RIGHTS AND THE RIGHT TO FOOD

The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger....

International Covenant on Economic Social and Cultural Right (Article 11)

1.1 Introduction

In the world of today there is an alarming gap between discussion of the human right to adequate food (hereinafter the right to food) and the reality faced by those who experience hunger. In academic terms, this can be referred to as the gap between theory and reality. If the 'theory' refers to the legal mechanisms that promote the right to food and the 'reality' refers to the 25,000 people dying each day due to hunger and hunger related illnesses, (FAO 2006) then clearly this gap is both substantial and undeniable. Freedom from hunger is widely accepted as a fundamental human right, and there are structures in place within the legal framework of the United Nations (UN) to meet and vindicate this right. Why then, does this gap between the theory of the right to food and the reality exist?

There are multiple arguments for and against feeding the hungry as a solution to world hunger. This thesis aims at understanding the different factors affecting the efforts to eradicate world hunger including the operational process of the right to food and arguments for and against feeding the hungry. It argues that the persistence of world hunger is a result of both the failures of the operational process of the UN's legal framework and the political and economic conditions surrounding the right to food.

According to the World Food Programme (n.d.) the sensation of hunger, which is a lack of food in your stomach, is universal. But there are different manifestations of hunger which can be measured in three different ways. According to the World Food Programme (2009) under-nourishment is used to describe the status of people whose food intake does not include enough calories (energy) to meet minimum physiological needs for an active life. At present, there are above 1 billion undernourished people worldwide, most of them in developing countries (WFP 2009).

Secondly, malnutrition means 'badly nourished', but is more than a measure of what we eat or fail to eat. Malnutrition can be characterised by inadequate intake of protein, energy and micronutrients and by frequent infections and diseases. Starved of the right nutrition, people will die from common infections like measles or diarrhoea.

Wasting is an indicator of acute malnutrition that reflects a recent and severe process that has led to substantial weight loss. This is usually the result of starvation and/or disease (WFP 2009).

Hunger is most common in parts of East, Central and South Africa and South East Asia. According to the WFP (2009) hunger exists due to 5 main causes: nature, war, poverty trap, agriculture infrastructure and over exploitation of environment. In response to a call from states parties to the ICESCR, the Committee on Economic Social and Cultural Rights (CESCR) adopted in its General Comment No. 12 a more comprehensive definition of the right to food. This included that hunger is as a result of "natural disasters, the increasing incidence of civil strife and war in some regions and the use of food as a political weapon. The comments go on to identify the root problem of hunger and malnutrition as lack of *access* to food and not lack of food, inter alia because of poverty.

The right to food recognises a key component, the fundamental right everyone has to be free from hunger, and in turn places obligations on state actors to meet and vindicate this right. This thesis will examine the fundamental right to be free

from hunger, as articulated in the International Covenant on Economic Social and Cultural Rights (ICESCR).

Economic and political factors that dominate food redistribution and access to food throughout the world thrive as a result of failures of states to implement and monitor the right to food according to the operational process of the right food in order to assist in a meaningful translation of the right to food from theory to reality for farmers and fishermen etc. Whilst there are sound and logical arguments to suggest that in order to serve the needs of the most number of people we must control a number of key resources - including food – to save the lives of future generations, these arguments do not offer a legitimate explanation for the existence of world hunger. These arguments serve to strengthen the political, economic and moral counter arguments of feeding the hungry. It will be argued that the alleviation of hunger can be achieved by working within the already existing framework of the UN. This can be done by acknowledging that the UN and the international community as a whole has a responsibility to protect people, communities and states from hunger, and a responsibility to promote their right to food, at the very least. The responsibility to protect doctrine was given further value by the UN when Secretary-General Ban ki-Moon released a report on 12 January 2009 entitled *Implementing the Responsibility to Protect*, the first comprehensive UN document on the Responsibility to Protect (International Coalition for the Responsibility to Protect n.d.).

1.2 Human Rights

Sen questions the legitimacy of human rights by asking “How can human rights have any real status except through entitlements that are sanctioned by the states, the ultimate legal authority?” (Sen 1999: 227). Sen contends that the demands of human rights are unrealistic considering the relationship between states and the UN – the state being the ultimate sovereign authority.

A human right, by its definition are “rights inherent to all human beings” (OHCHR 2009) and according to Amnesty International (2009) “Every human right is a universal claim, something which all people everywhere are entitled to, simply because they are human”. Therefore, a human right, by its definition exists, whether it has been integrated into a national legal framework or not. A discernable distinction between human rights as defined by Sen and human rights defined by the United Nations is that it is far easier to access and validate a human right when they have been enshrined in a national law. Sen’s critique brings to our attention the justiciable nature of human rights and the distinction between a person’s ability to exercise their human rights which are recognised by the UN as universal “aspiring legal entities” (1999: 229) and legislated rights as those that are enshrined in national law, and “sanctioned by the state as the ultimate sovereign authority” (1999: 228). At a level of implementation human rights are easier to realise if they are given effect to by the state through legislation.

1.3 The United Nations System

On the 16th of June 1945, after the Second World War, 51 nations gathered in San Francisco and agreed to establish an international organisation known as the UN. The UN Charter, adopted in 1945, states that the UN was established in order to “save succeeding generations from the scourge of war” and “to re-affirm faith in fundamental human rights, in the dignity and worth of the human person”. The stated aims of the UN are to promote and facilitate co-operation in international law and security, social progress, economic development, human rights and world peace.

The UN High Commissioner for Human Rights (OHCHR) is charged with monitoring the realisation – and violation – of all human rights including the right to adequate food. Organisations such as the Food and Agriculture Organisation, the International Fund for Agricultural Development, the UN Development Programme and the WFP share responsibility in providing financial technical and food assistance.

The UN's established principle of sovereign non interference is founded on the principle of territorial integrity and non-intervention by external actors. Proponents of this system advocate that state affairs are strictly private and that nation states have a fundamental right to political self-determination. As a result of this, the UN's founding document - the UN Charter – recognises “nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.” (1945) According to Freeman the UN introduced the concept of human rights into international law without altering the concept of sovereignty (Freeman 2002).

Following from this, any instrument or mechanism established by the UN cannot be legally enforced without the establishment of proper monitoring bodies. Whilst the nature and the authority of the UN is founded on the sovereign non interference of all its member states, in 2005 the United Nations General Assembly Member States embraced the Responsibility to Protect in paragraph 138 and 139 of the Outcome Document of the 2005 World Summit (International Coalition for the Responsibility to Protect n.d).

The UN established principle of sovereign non interference also gives rise to other criticisms that impede the realisation of the right to food, including the legitimacy critique (which has been briefly discussed above) which alludes to the relationship between the individual, state and UN. This critique stipulates, as observed by Sen, that unless a right is enshrined in law “how can human rights have any real status except through entitlements that are sanctioned by the state, as the ultimate legal authority” (Sen 1999:228).

1.4 The Right to Food

The right to food – an economic right, a member of the livelihood or sustenance rights family – was first enshrined in the Universal Declaration on Human Rights (UDHR) in 1948 and strengthened with the adoption of the International Covenant on Economic Social and Cultural Rights (ICESCR) in 1976 when it stated in Article 11 that:

The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food...

The right to food is made up of three components (Kalin et al. 2004) including the right to adequate food, the right to be free from hunger and the right to water. The right to food in a biological sense is different to the right to food in a human rights sense because the latter focuses on the fulfilment of key concepts such as dignity and respect.

Firstly, according General Comment No. 12 issued by the CESCR, the right to adequate food refers to food pertaining to four core values - dietary needs, cultural or consumer acceptability, availability and accessibility. Together, these core values stated in this General Comment declare that,

The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture. The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.

Secondly, the right to food is made up of a core minimum or fundamental human right to be free from hunger. Article 11 (2) of the ICESCR states that it is “the fundamental right of everyone to be free from hunger”, (1976) recognizing the “Kantian” style obligation of states to ensure that no one is hungry and that immediate steps are required in order to satisfy this core minimum.

Thirdly, whilst the right to water is not mentioned specifically in human rights instruments, it is widely recognised that it is of paramount importance in the realisation of the right to food. According to Peter H. Gleick (1999) more than a billion people in the developing world lack safe drinking water and nearly 3 billion people lack the sanitation systems necessary for reducing exposure to water related diseases. The right to water is an implicit right inherent within the right to food and increasingly relevant in the discourse surrounding the right to food and its fulfilment.

The right to food contains elements of availability, accessibility, adequacy, acceptability and sustainability and links to other human rights and to human dignity. The right to food is, as stated in the CESCR's General Comment No. 12, therefore,

the right of every man, woman and child alone and in community with others to have physical and economic access at all times to adequate food or means for its procurement in ways consistent with human dignity.

According to Kent, the meaning of the human right to adequate food is to be found in the difference between the following two claims: "Everyone should have adequate food" and "Everyone has the right to adequate food" (2005: 1). The second statement has three implications according to Kent. Firstly, that there is a normative claim (what ought to be the case), secondly, the corollary obligations to ensure the realisation of this right, and finally, the establishment of institutional arrangements to ensure the realisation of the right to food.

1.5 The Concept of the Right to Food

The right to food aspires to several core values which make up the concept of the right to food - these include that the right to food is universal, that food must be achieved in a dignified way and is dependent and related to other rights.

1.5.1 The Right to Food is *Universal*

The right to food is universal. This means that it is not based on merit or granted only to those who "deserve" it (FAO 2009). The right to food does not discriminate against any factors such as race, colour, gender or ethnicity. The use of food as a weapon in conflict areas or war zones is the most deliberate cause of hunger - armed conflicts violate the right to food by destroying food stocks, crops, livestock and farm equipment (FAO 2009).

1.5.1.1 Women and the Right to Food

The role of women in the fulfilment of the right to food is very significant. Women are responsible for "more than 50 per cent of household

production of food but they only own 2 per cent of the land and receive only 1 per cent of the resources allocated to agricultural enterprise” (ActionAid n.d).

Women are especially vulnerable to violations of the right to food because of the role they play in many communities, including collecting, cooking and preparing food for the whole family. Because of this the UN has protected the role of women in the fulfilment of the right to food by promoting specific provisions relevant to women, expectant and lactating mothers such as Article 12 of the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW) when it states

“States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.”

1.5.2 Everyone has the Right to Enjoy Food in a Dignified Way

The emphasis placed on the individuals’ right to feed themselves with dignity¹ and not be fed, is paramount in the realisation of the right to food. Within the context of the right to food there are several meanings and connotations which make reference to the procurement of food with dignity.

Firstly, “The right to food is not about charity, but about ensuring that all people have the capacity to feed themselves with dignity” (FAO 2006). The provision of charity should respect the individual’s inherent dignity and be distributed with a view to short-term assistance only. The emphasis here is on the individual being self reliant and not becoming dependent on this food aid. According to Collins “the right to food should not and cannot be addressed in terms of the right to charity, the right to be a recipient, the right to so called food aid, the right to surplus of some nations or farmers” (Collins cited in Alston, and Tomaševski n.d:148). Secondly, begging, demeaning assistance and scavenging are all viewed as undignified means of procuring food, and are thereby a violation of the right to food.

¹ Whilst the term dignity has not been given any formal definition by international bodies, it is constantly invoked in order to infer a moral or ethical worth and treatment of all people. For the purpose of this investigation, dignity is assumed to mean an innate human quality, a sense of worth that all humans possess.

Kent contends that “human rights are mainly about upholding human dignity, not about meeting physiological needs. Dignity does not come from being fed. It comes from providing for oneself” (2005:3).

1.5.3 The Right to Food is Interdependent and Interrelated to Other Rights

With the concept of universality and dignity in mind, it becomes clear that the right to food cannot be realised without the fulfilment of other livelihood rights and civic and political rights including rights to health, work, education, property and freedom of assembly and association, freedom of information, social security and women’s rights (FAO 2009).

A person’s purchasing power will undoubtedly reflect their ability to procure food in local or global markets. If people have no work and therefore no wage, their ability to rely on themselves for acquiring food with dignity is seriously compromised. For many unskilled workers, education should not be a pre-requisite towards gaining employment and lack of education should not be viewed as an obstacle to creating work opportunities. However, education is necessary for basic information on healthcare, nutritious diets and proper nutrition. Adequate health care is important as a means in itself and also for the monitoring of the intake of adequate and nutritious food, so that a healthy lifestyle can be maintained. The right to property is important for several reasons, including as a necessity for food production and for use as capital for borrowing and investing.

Underpinning the realisation of the rights outlined above is the implementation of civic and political policies. Freedom of association will guarantee that people have the right to demand policy change that could negatively impact on their ability to procure food. Freedom of information such as free press will guarantee that the people have access to warning systems which could assist in the prevention of famines, food shortages and food crisis. The right to social security, which is especially important for vulnerable groups such as the elderly, people with disabilities, expectant mothers and the sick, will guarantee the right to assistance from the state or

community in times of need. Women are key actors in the production and procurement of food and effective protection of women's rights to incorporate recognition of their responsibilities as care providers. Food production and feeding are important facets in the realisation of the right to food for all (FAO 2009).

1.6 The Progressive Realisation of the Right to Food

In order to best understand how this objective can be achieved I must first investigate the meaning of Article two of the ICESCR which states that,

*Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the **maximum of its available resources**, with a view to **achieving progressively the full realisation** of the rights recognised in the present Covenant by all appropriate means, including particularly the **adoption of legislative measures** (emphasis added by author).*

General Comment No. 12 states that the principal obligation is to take steps to achieve progressively the full realisation of the right to adequate food. This imposes an obligation of States to move as expeditiously as possible towards that goal.

The fact that the full realisation of most economic, social and cultural rights can only be achieved progressively, does not alter the nature of the legal obligation of States which requires that certain steps be taken immediately and others as soon as possible (see Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, published by the International Commission of Jurists 1997). However, the terms "available resources" and "progressively realise" does not pertain to all provision set forth in the ICESCR. The core minimum to be free from hunger does not under any circumstances justify a state's non-compliance. (Donati and Vidar 2008). Nor can states justify derogations or limitations of certain rights recognised in the ICESCR because of different social, religious and cultural backgrounds.

According to Kent, "limitations in available resources necessarily limit achievements with regard to the standard of living, but nonetheless, there is the requirement of continuous improvements" (2008:52). In addition to this, Donati and Vidar observe that the provision of Article 2 on denoting "the maximum of its

available resources toward the realisation of the right to food can be used both to encourage more resource allocation or as an excuse not to take action because of lack of resources” (2008:24). However the Limburg Principles on the Implementation of the ICESCR, published by the UN Commission on Human Rights (1987), obliges states to provide “minimum sustenance rights for every one regardless of the level of economic development in a given country” to the core minimum right to be free from hunger.

The “progressive realisation” component of Article 2 of the ICESCR is often incorrectly thought to mean that states under a certain level of economic development are not obliged to realise certain rights. Progressive realisation is intended to mean that all states have committed to take steps as quickly as possible to move towards the realisation of the right to food. Article 2 should, in theory, positively affect the realisation of the right to food by demonstrating flexibility to member states. However, in reality these components outlined above reflect the UN’s established principle of sovereign non interference which therefore providing states with ways to justify their inaction and non-compliance.

According to Chapman (1996) the language of progressive realisation is based on the pretext that state parties would take their responsibilities seriously. This informs us that the process from rhetoric to “support for international human rights has not translated into implementation” (Chapman 1996: 27).

1.7 The Right to be Free from Hunger

The right to food comprises a core minimum, the right to be free from hunger. Article 11 of the ICESCR states that,

States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger....

Pursuant to this Article 11.2 recognises that more immediate and urgent steps may be required in order to ensure “the fundamental right to freedom from hunger and malnutrition”. According to General Comment No. 12, states have a core

obligation to mitigate and alleviate hunger as provided for in Article (11), even in times of natural and other disasters, at the very least.

The purpose of the core minimum of the right to be free from hunger is to ensure the provision of food in times of natural or manmade disaster to ensure that people are never hungry, at the very least. The obligation to provide food, which can be broken down into the obligation to fulfil and obligation to facilitate, recognises the fundamental right people have to be free from hunger. Events such as the Asian tsunami, Cyclone Nargis and the Haiti earthquake threaten the survivor's access to food and their ability to grow their own food. Lack of access to nutritious food and the inability to grow food can have negative effect on the political and social environment.

At all times, a person must be free from hunger - which includes under nutrition, malnutrition and wasting. As stated in Article 11(2), this means that state parties to the ICESCR are required to take;

Individually and through international cooperation the measures, including specific programme:

- 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.*

Violations of the Covenant occur when a State fails to satisfy what General Comment No. 12 refers to as

a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights (...). Thus, for example, a State Party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, violating the Covenant.

1.8 Violations of Human Rights

A violation of human rights occurs when a state does not respect, protect and fulfil human rights. With regard to the right to food, the CESCR has interpreted this to mean:-

1. when food is not adequate
2. when food is not available
3. when food is not accessible
4. when food does not meet a person's dietary needs
5. when food is not free of adverse substances
6. when food does not respect a person's culture or religion

Freeman notes that non-government economic organisations such as multi-national corporations are now “recognised as important players in the violation and potentially the promotion of human rights” (2002: 132). In addition, he contends that the dominant human rights problem in the contemporary world is “...the gap between human rights ideals and law on the one hand and the reality of gross human rights violations on the other...” (Freeman 2002:132-133) and notes that the causes of this gap are not primarily legal or cultural but political and economic.

A violation of economic, social and cultural rights occurs when a State pursues, by action or omission, a policy or practice which deliberately contravenes or ignores obligations of the Covenant, or fails to achieve the required standard of conduct or result (Chapman 1966).

A violations approach towards the right to food would enable a state or the international community to take pre-emptive actions against any action or inaction that would result in the violation of the right to food in order to reduce “the human suffering that otherwise might be overseen during promotion of progressive realisation” (Chapman 1996:2).

According to Chapman (1966) it is the focus on “progressive realisation” which needs to be changed in order to properly assess a states compliance with economic social and cultural rights. Chapman goes on to say that without effective monitoring “states cannot be held accountable for implementation of, or be made liable for violation of, these rights (Chapman 1996: 23). Chapman contends that monitoring progressive realisation is an ineffective means to evaluating the fulfilment of economic social and culture rights and instead advocates a “violations approach” which includes identifying violations “in order to rectify and end abuses” (1966: 35).

1.9 International Efforts to Promote the Right to Food in International Human Rights Law

Historically, the right to food has not always been given the attention it presently receives. Affluent countries in the West have “always known it is Christmas, but there is a world outside our window”² and due to media the Western world only realised this during the events of the Ethiopian Famine in 1984. The existence of famines can be traced back for centuries, well before the establishment of the UN charter of 1945, where it is stated that the UN shall promote “higher standards of living, full employment, and conditions of economic and social progress and development”. This provision was developed further with the adoption of the UDHR in 1948 and then with the adoption of the ICESCR in 1976. The right to food is now explicitly mentioned in 10 UN declarations and treaties and implicitly referred to in 5. There are 22 sovereign states that recognise the right to food or nutrition within their national law (FAO 2009). The European Union Convention on Human Rights (Article 2) states that “Everyone’s life shall be protected by law”. The African Charter on Human and People Rights (Article 16) recognizes that “every individual shall have the right to enjoy the best attainable state of physical and mental health”.

² This is a quote from Bob Geldof’s 1984 musical hit “Do they know it’s Christmas?” It was aimed at raising awareness and money for the victims of the 1984 – 1985 Ethiopian famine.

In 1974 the UN held its first ever World Food Conference and stated “every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop their physical and mental faculties” (UN 1974). Following the failure of this idealistic ambition, almost a dozen statements for ending hunger were made, but all have failed to significantly reduce the number of hungry people. At present, there are two identifiable global goals to end world hunger, namely the World Food Summit Plan of Action and the Millennium Development Goals. The World Food Summit Plan of Action was adopted by the 1996 World Food Summit (and was subsequently reinforced by the 2002 World Food Summit) and comprises seven commitments to reducing the number of hungry people in the world by half by 2015. Goal 7.4 called for a clarification of the implementation of the right to adequate food in the ICESCR. In 2000 world leaders agreed to a list of eight goals aimed at sustaining development and eliminating poverty, called the Millennium Development Goals (hereinafter MDG). Goal number one is to “eradicate extreme poverty and hunger” (2007). However, despite these goals, the number of hungry people in the world continues to increase.

1.10 State Obligations under International Human Rights Law and the Right to Food

Under international human rights law the primary relationship is between the state and the individual under its jurisdiction – the state being the duty bearer and the individual being the rights holder.

The CESCR’s General Comment No. 12 identifies three levels of obligations referring to the right to food: to respect, protect and fulfil (including obligations to facilitate and provide). This trichotomy of obligations is interpreted in the following way:-

1. To *respect* existing access to food and not take any measures that result in preventing such access;
2. To *protect* individuals against people who may deprive them of the right to food;

3. To *fulfill (facilitate)* by proactively engaging in activities that strengthen people's access and utilisation of resources and means to ensure their livelihood, including food security;
4. To *fulfil (provide)* directly for victims of natural disaster and other disasters when individuals or groups cannot enjoy the right to food for reasons beyond their control.

Article 2 of the ICESCR outlines that the provisions of the treaty must be achieved to the “maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant”. The 1987 Limburg Principles outline the nature and scope of obligations of state parties under the ICESCR.

Kent (2005) argues that an obligation equates to *legally binding* obligations and responsibilities refer to a softer mandate, often a moral one. In addition to this, Sen (2008) believes “rights” are only enforceable if states choose to include them into national law. To give effect to rights (a claim) there must be a corollary duty (an obligation), both of which must be enshrined into national law. Even though the principle of obligation is a basic tenet under international law, the principle of sovereign non interference overrides it. Legislated human rights are thereby more suitably understood to obligate the duty bearer, whilst other non-legislated human rights are understood to carry with them a strong moral responsibility.

1.11 Obligations of Non State Actors

Section 20 of CESCR's General Comment No. 12 states that “all members of society, individuals, families, local communities, non-governmental organisations, civil society organisations as well as the private business sector have responsibilities in the realisation of the right to adequate food” (1999). This is important as it acknowledges that whilst states have the ultimate authority on legislating human rights, and also of sustaining the conditions required in order to uphold these rights, other sectors, mainly that of private business, play a major role in the violation of the

right to food. According to Kent “no global actor should do anything that interferes with the capacity of states to ensure the realisation of their people’s right to food or any other right” (Kent 2005: 204).

According to an interactive dialogue held by the Human Rights Council with the Special Rapporteur Olivier de Schutter on food - the responsibilities and obligation of non state actors including agribusiness in the realisation of the right to food was emphasised. However this focus was met with opposition when it stated “others, including the US, the EU and Norway, stressed that the primary human rights responsibility with regard to the right to food rests with States.”

Non state actors play an increasing role in the violation of the right to food. Agribusiness such as Cargill, Bayer Nestle and Du Pont not only produce food, they also dominate the production and distribution of important fertilisers, tools and resources required by farmers. The disproportionate share held by agribusiness in the food supply chain means that they are often more powerful than States themselves. The actions of non state actors, especially agribusiness need to be controlled and monitored in order to assist in the realisation of the right to food.

1.12 Summary

The right to food serves to protect and promote access to food regardless of race, religion, ethnicity or place of birth and we have already examined the standards, mechanisms and commitments established by the UN in order to ensure this. In the following chapters we will investigate further if these measures are enough to serve the interest of the hungry, or are the prevailing political, economic and moral arguments against feeding the hungry resulting in the violation of the right to food.

1.13 Outline of Thesis

Chapter one of this thesis will provide the conceptual frame work for this research. The right to food will be key in this study, and will be discussed at length in this chapter. This chapter will talk about, inter alia, the key concepts of the right to

food, the progressive realisation of the right to food, the fundamental right to be free from hunger, violations of the right to food and the relative efforts to guarantee this right in international law.

Chapter two of this thesis will examine the operational process of the right to food within the UN legal framework. For the purpose of this research, an “operational process”, involving six specific stages aimed at highlighting the process from right to reality, has been established. This process will serve to assist states toward a meaningful translation of the right to food from theory to reality.

Arguments against feeding the hungry are unpalatable to most. However, the tension that is created when we discuss arguments for and against feeding the hungry leaves space for tantalising dialogue. The fact of the matter is that “not every one really wants to do what needs to be done to achieve development or the ending of hunger... sometimes the will is not there” (Kent 2005:207). Chapter three investigates the economic, political and moral arguments against feeding the hungry and their conceptual impact on the human right to food, and in turn how these arguments may contribute to the gap between theory and reality. These arguments will mainly encompass the arguments and actions that directly result or lead to hunger.

Chapter four of this thesis will investigate how “investment in the further development of the right to food can also be justified on moral, political and economic grounds” (Rae et al 2007:279). Counter-arguments against feeding the hungry examine different reasons why we should feed the hungry, including the economic impact of poverty reduction, the political impact of social unrest and conflict and moral arguments including enforceable and non enforceable giving.

CHAPTER II

THE OPERATIONAL PROCESS OF THE RIGHT TO FOOD WITHIN THE UNITED NATION'S FRAMEWORK

*A disturbing gap still exists between the standards set in Article 11 of the Covenant
and the situation prevailing in many parts of the world*

(General Comment No. 12 of the Committee on Economic, Social and Cultural Rights, 1999)

2.1 Introduction

For the purpose of this study I have devised a *six stage operational process* which will be used as a tool to show the process from 'right to reality' (please view diagram 1 on page 30) in order to offer a meaningful translation of the right to food. These stages include the foundation, interpretation, articulation, implementation, justiciability and fulfilment of the right to food. A number of key instruments will be drawn upon including the UDHR, the ICESCR, General Comment No. 12 and the Food and Agriculture's Organisations (FAO) Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food.

Within the larger human rights context, this operational process will serve to detail further goals and standards relevant to the right to food which have been promoted by the UN. The object of this process is to highlight what is needed in order for a human right to become reality. I will do this to illustrate the development of human rights from moral claims into legislated rights supported by sovereign states and backed by the UN. The thesis will then consider the impediments or barriers to achieving this realization. Viewing the fulfilment of a human right as a process which involves the fulfilment of one stage before progressing to the next stage will enable persons, institutions and organisations to target problem areas or weak spots that may involve violations of this right.

I have already examined in earlier sections how the concept of progressive realisation does not always translate into physical support from states. Is the process from rhetoric to action impeded by a state's failure to protect, respect and fulfil the right to food?

This chapter will begin by highlighting the emergence of international human right instruments pertaining to the right to food, including human rights treaties and the Special Rapporteur on the right to food. Secondly, this chapter will draw on the established UN principle of sovereign non interference founded in the UN Charter (Article 2.7). Whilst it is clear that the nature and authority of the UN will not change, it will be argued that the principle of sovereignty needlessly gives justification to states that are unwilling or unable to implement right to food in their national frame works. I will argue that the legal mechanisms promoted by the UN are effective tools ready to be adopted by states. I will discuss "Legitimacy critique" - proposed by Amartya Sen - which stipulates that, in a broad human rights context, in order for a right to mean anything it must be incorporated into law. Each section will attempt to assess whether a particular stage of the operational process restricts or aids the realisation of the right to food.

2.2 The Emergence of International Human Rights Instruments

Separate ideologies between the drafting parties of the Western countries and Communist bloc countries resulted in the establishment of two separate treaties - the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Western countries emphasised the significance of civil and political rights, while Communist countries emphasised economic and social rights. The twin covenants offer a more comprehensive and expansive list of civil and political and economic, social and cultural rights originally listed in the UDHR. The UDHR together with the ICCPR and the ICESCR make up the International Bill of Human Rights (IBHR).

The ICESCR and ICCPR are intended to legally bind member states. The ICESCR, due to its main body of support originating from the developing world and communist block countries, was given an “inferior” legal and political status in the UN (Normand and Zaidi 2008: 145). The twin covenants also touch upon cultural rights which include rights to peace, a healthy environment, and development, to humanitarian aid and to share in the world cultural heritage.

In 1976 The ICESCR (and the ICCPR) came into force. The ICESCR is of vital importance in relation to the right to food, because not only does it elaborate on the definition of the right to food, it also outlines the obligations and responsibilities of states. The 155 state parties to the ICESCR must report regularly to ECOSOC. However, in 1985 ECOSOC created the Committee on Economic Social and Cultural Rights (CESCR) to monitor implementation of the covenants' provisions. The ICESCR is the only treaty that did not establish a corollary monitoring body from the beginning. In 1987, over ten years after the ICESCR entered into force inspired by the CESCR comments, the Limburg Principles were established to outline the nature and extent of state obligations to the Covenant. Following from the establishment of the Limburg Principles; in 1997 the Maastricht Guidelines were agreed upon to elaborate on the Limburg Principles as regards the nature and scope of violations of economic, social and cultural rights and appropriate responses and remedies. The Maastricht Guidelines made a distinction between two important elements of state obligations to protect, respect and fulfil – namely the obligation of conduct and the obligation of result. The obligation of conduct is evaluated based on the action taken towards realising a particular right, such as the implementation of legislative measures. The obligation of result is evaluated based on the achievements of certain targets, such as decreases in child mal nourishment.

In 2000, the Special Rapporteur on the Right to Food, Mr. Jean Ziegler, was appointed. The post is currently held by Olivier de Schutter, who was appointed on the 26 March 2008. It was created to reinforce the World Food Summit Plan of Action in eradicating World Food Hunger. The Special Rapporteur is part of the special procedures adopted by the UN as fact finding experts to combat and deal with human rights violations. Their unique role is given special attention in the UN family

due to their independent expertise in their field, consequently their role is often idealized by individuals, NGOs and the UN, and because their role is completely voluntary the Special Rapporteur can justify their activity through passion in achieving human rights recognition in their field and belief in the UN system.

On the 18 June 2008, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was unanimously adopted by the General Assembly and was opened for signature in 2009. This document provides the CESCR with competence to receive and consider individual and inter-state communications regarding violation of the rights stipulated in the Covenant in member states. Ratification by at least ten countries is required for the Optional Protocol to come into force. To date, the document has been signed by 32 states, but no one country has ratified it so far (as of April 2010).

In order for there to be an effective legal framework to enforce human rights there must be an effective enforcement procedure, a process for adjudicating individual rights cases and resources to address the outcome. At a national level, a state must introduce a legal human rights framework into their law. There must be a monitoring system and the right must be justiciable through a court of law.

I will now begin to discuss the 6 stage operational process. This operational process aims to investigate such questions as: does the persistence of hunger and malnutrition in a world capable of supplying food for all, highlight the failures of achievement of UN legal instruments and mechanisms?

2.3 Stage 1: Legal Foundation

This section is concerned with the legal foundation of the right to food and its legitimacy. A number of key instruments will be drawn upon including the Universal Declaration of Human Rights (UDHR) and the ICESCR. The foundation of the right to food infers the presence of the right to food in international law. Within the UN legal framework, the legal foundation of the right to food and its corollary duty can be found in the UDHR and the ICESCR.

Article 25 of the UDHR states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food...” and Article 29 states that “Everyone has duties to the community in which alone the free and full development of his personality is possible”. Even though the text of the UDHR is not legally binding, it is commonly held as customary international law due to the obligation to adhere to its principles upon entry into the UN¹.

The ICESCR offers a more comprehensive and developed list of what the right to food means by further recognising the fundamental right to be free from hunger. Pursuant to Article 11 (1) the ICESCR states

The State Parties to the present Covenant, recognising the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, 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 utilisation 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.

The UN, because it is restricted through its limited scope and authority by sovereignty, allows member states to justify their unwillingness to implement that right to food in their national frameworks. However, the provisions concerning the right to food in the UDHR, combined with what is offered in the ICESCR provides a thorough foundation for “aspiring legal entities” pertaining to the right to food. The

¹ Currently, there are 192 members of the UN.

right to food as articulated by the UN mechanisms and instruments provides State Parties with the capacity to adopt legislative measures. This framework includes the Voluntary Guidelines to support the Progressive Realisation of the Right to Adequate Food produced by the FAO in 2004, which provides states with formulations and recommendations for adopting legislative measures. In addition to this is the Limburg Principles, issued in 1987, which describe the nature and extent of state obligations. According to the FAO Guide on Legislating on the Right to Food (2009) “The protection of human rights through constitutions is the strongest form of legal protection as constitutions are considered the fundamental or supreme law of the country “

Sen contends that human rights only exist if they are enshrined in law. The claim which suggests that the right to food is only protected if it is in law is not entirely accurate. The right to food can also be protected through civil rights, criminal law and also welfare policy. However, if the right to food is protected through legislation it gives individuals the capacity to access justice more readily if this right were to be violated. The legislation of basic needs means the state has recognised these needs as legal entitlements; the needs are now legislated human rights. This also affects the justiciable nature of the right to food and will enable a person, group or community to access justice through the courts.

Through the provision of a comprehensive list of claims relating to the right to food, the UN has provided and interpreted an ethical and dynamic framework to be adopted by states, therefore conceptually aiding the realisation of the right to food. The legal foundation of the right to food within the UN framework gives capacity to states to adopt legislative measure, it is imperative that states do so in order to give effect to all of the stages in the operational process. However, if a state is unwilling or unable to respect, protect and fulfil the right to food, the UN is often unwilling or unable, due to the principle of sovereign intervention (and the politicised nature of the Security Council), to stop states in acting in ways to the detriment of its people.

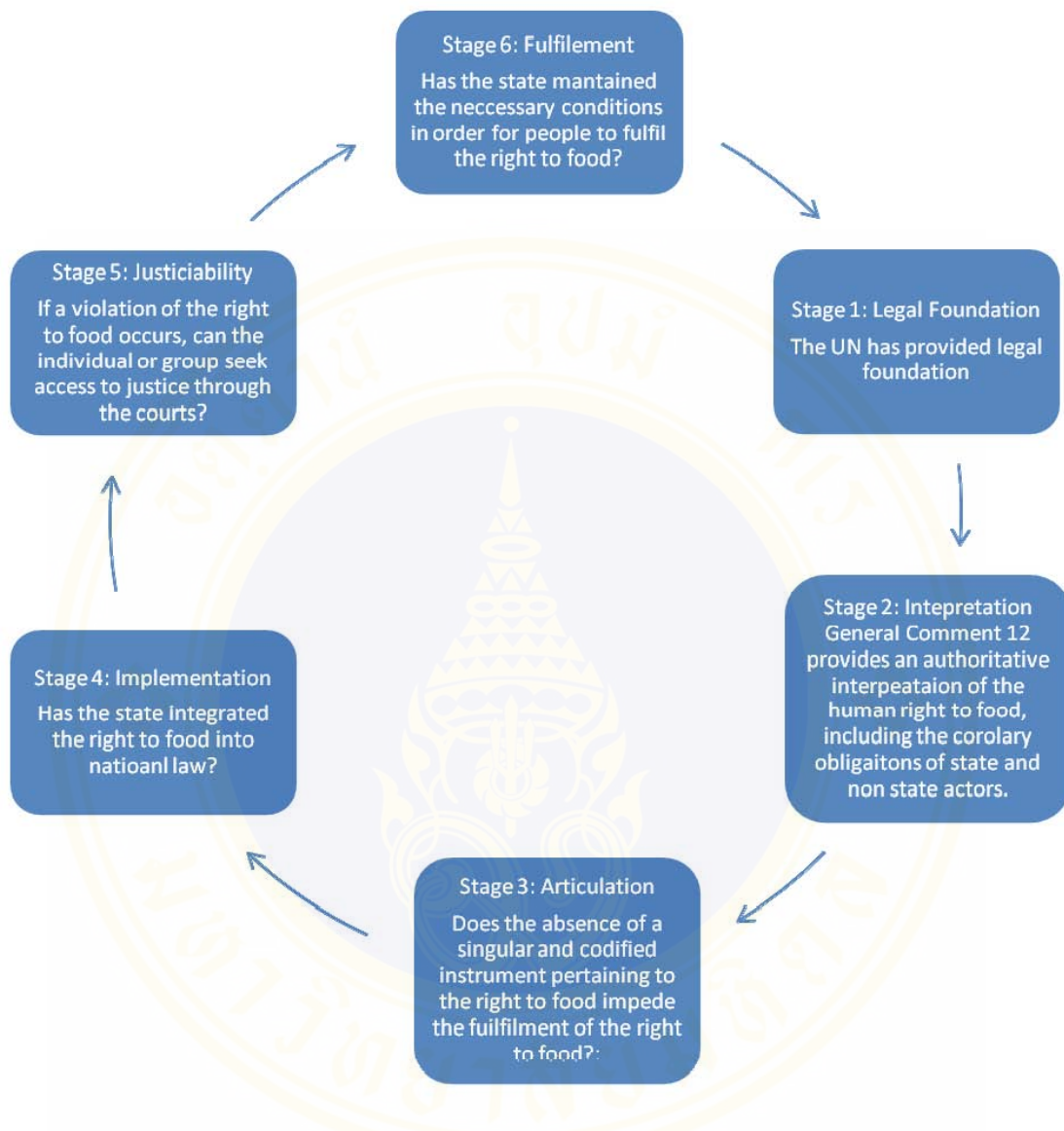


Diagram 1 The Operational Process of the Right to food, making a right a reality

2.3.1 Stage 2: Interpretation

This section is concerned with the authoritative interpretation of the right to food and will focus on one key instrument known as *General Comment No. 12 The Right to Adequate Food* issued by the CESCR. Specific reference is made to Article 11.

A General Comment is an interpretation of the content of the provisions, either related to a specific Article or to a broader thematic issue (UN fact sheet no.30). It is generally understood that the purpose of a general comment is to assist State

parties in fulfilling their reporting obligations and to provide greater interpretative clarity as to the intent, meaning and content of the Covenant.

Following from a request by state parties at the 1996 World Food Summit for a “better definition of the rights relating to food in Article 11 of the Covenant” (Kent 2005:50) the CESCR formulated *General Comment No. 12* which interprets the core content of the right to food to imply that,

the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture: the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyments of other human rights.

The emphasis placed above on food being available, food being acceptable and food being accessible is extremely important. This interpretation highlights the need of food to be of a sufficient standard in order to meet and respect a person's dietary and cultural needs and the right to foods interrelatedness between the right to food and other rights. The progressive realisation of the right to food and the provision of food in emergency situations must always meet these conditions. For example, the provision of food in times of natural disasters must not force people to choose between sending their children to school or collecting this food.

General Comment No. 12 (paragraph 6) also observes that the right to food “must not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients”. Following from the interpretation of the right to food, it is now explicit that the right to food is universal, linked with dignity and inter-related with other human rights and that the right to food is not about minimum calories or nutrients or pre-packaged meals.

Not only does General Comment No. 12 deal with the normative content of the right to food, it also addresses the nature of state and non state obligations at a national level, framework legislation, monitoring, remedies and accountability, and international obligations (Kent 2005). Kent describes this statement as a definitive contribution to international jurisprudence (Kent 2005).

General Comment No. 12 (paragraph 5) acknowledges that “fundamentally, the roots of the problem of hunger and malnutrition are not lack of food but lack of access to available food, inter-alia because of poverty, by large segments of the world’s population”.

General Comment No. 12 is considered an authoritative interpretation of the ICESCR, not a legal one; therefore state parties to the ICESCR are not obliged to all the provisions of this interpretation. Nevertheless, it strengthens the capacity of states by clarifying the content of the legal foundation of the right to food.

2.3.2 Stage 3: Articulation

This section is concerned with the explicit or implicit mention of the right to food in human rights instruments, and the forms which this can take.

There are approximately 15 instruments with explicit or implicit reference to the right to food that serve as a further articulation for vulnerable groups such as children, breast feeding women and refugees². The right to food is commonly described by references to adequate food, food security, nutrition or freedom from hunger. As seen in the UDHR and the ICESCR, the right to food is referred to as a right to an adequate standard of living... including food. Pursuant to this is the right to be free from hunger as stipulated in the ICESCR. The Convention on the Rights of the Child stipulates that member states must “combat malnutrition” and provide “adequate nutritious foods and clean drinking-water”.

² The right to food is explicitly referred to by the following: The Declaration on the Eradication of Hunger and Malnutrition was adopted by the World Food Conference in 1974, The Innocenti Declaration on the Protection, Promotion and Support of Breastfeeding (1990), The World Declaration and Plan of Action on Nutrition (1992), The Rome Declaration on World Food Security (1996), The Declaration of the High-Level Conference on World Food Security (2008), The MDGs (goal number 1), the World Food Summit Plan of Actions (1996), the Convention on the Rights of the Child (Article 24). The right to food is also implicitly referred by the following the UN Charter (Article 55), The ICCPR (Article 1 and 6), The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflict (Protocol II, 1977), The International Covenant on the Protection on the Rights of all Migrant Workers and Members of their families (1990).

However, with a broad spectrum of treaties outlining the right to food for various groups it can potentially pose certain restrictions: mainly that the right to food might be unevenly promoted and protection for certain groups might be easier to achieve than others. Nevertheless, the right to food refers to all people everywhere; the lack of a codified instrument should not restrict a State's willingness or capacity to implement the right to food in its laws.

2.3.3 Stage 4: Implementation

This section is concerned with the implementation of the right to food at a national level, and will be very closely linked to the justiciability of the right to food. A number of key instruments and agencies will be drawn upon including the "Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food, the Limburg Principles on the Implementation of the International Covenant of Economic Social and Cultural Rights" (hereafter the Limburg Principles), the ICESCR (Article 2) and the UN Charter (Chapter VII), the FAO and the WFP.

As already mentioned the UN's legal foundation for the right to food provides a comprehensive framework to be adopted by States. But, as a result of the UN principle of sovereign non interference, however adoption and implementation of these measures into a states national legal framework is entirely up to member states. Nevertheless Article 2 of the ICESCR "requires" states to adopt legislative measures, enshrining the right to food into the law. In support of this there are a number of UN agencies and specialised agencies mandated with the responsibility to assist states towards the realisation of the right to food for all.

The FAO of the United Nations is a specialised agency of the UN. The roles of the FAO include four main areas in hunger reduction including in developed and developing countries. These roles include disseminating knowledge, bringing expertises to the field, sharing policy expertise and providing a meeting place for countries. In response to the 1996 World Food Summit the FAO established an inter-governmental working group for the drafting of the Voluntary Guidelines to assist to States to achieve the progressive realisation of the right to food. The main objective of

the Voluntary Guidelines is to “provide practical guidance to States in their implementation of the progressive realisation of the right to adequate food in the context of national food security, in order to achieve the goals of the World Food Summit Plan of Action” (Voluntary Guidelines 2004). According to the FAO (2008), there are only twenty-one countries that have enshrined the right to food in their constitutions, either for all citizens or specifically for children³. However, no country has instituted specific legislative measures to implement this right (FAO 2008). FAO’s Right-to-Food Unit has created a methodological toolkit on the implementation of right-to-food policies called the *Guide on Legislating for the Right to Food* (GLRF 2009). This methodological toolkit can assist states towards their obligation of conduct. The afore mentioned Guide acknowledges that “whilst constitutional provisions are termed rather broadly, a frame work law on the right to food can elaborate further on this rights and thus make it operational in practice” (FAO 2009)

The World Food Programme is the emergency food branch of the UN and provides food in times of natural or manmade disaster, thereby providing “international cooperation and assistance” in order for states to fulfil their obligation of result and ultimately the right to food.

After the ICESCR entered into force, the Limburg Principles, inspired by the CESCR comments became an official UN document. The principles describe the nature and extent of state obligations. There are 103 individual Principles formed to address "the complexity of the substantive issues covered by the ICESCR", the provisions of which are sometimes vaguely worded. Specific to the right to food, paragraph ten of General Comment No. 12 of the CESCR considers the lack of basic food, shelter, health care, etc., to be a violation, similar to Limburg’s Principle 25's 'minimum subsistence' language. Ten years after the Limburg Principles came into force the Maastricht Guidelines were formulated to deal with the changing nature and role of states with regard to economic, social and cultural rights. But it is the Voluntary Guidelines that provides member states with guidelines for giving effect to

³ Including Bolivia, Brazil, Columbia, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Nicaragua, Paraguay, Congo, Ethiopia, Malawi, Nigeria, South Africa, Uganda, Bangladesh, India, Iran, Pakistan and Sri Lanka.

the right to food. The establishment of the Voluntary Guidelines provides member states with a positive framework for adopting legislative measures.

In 2004 the Voluntary Guidelines were established and serve to guide states on ways to adopt legislative measures to internalise (through national law) and externalise (through, for example bilateral trade agreements) the right to food through improved food security. It does this by highlighting issues such as development, economic policies and market strategies to provide enabling environments and also by further discussing international measures. Kent contends that the process to establish the Voluntary Guidelines “replaced the idea of creating a code of conduct on the right to adequate food” because it represented a move away from “acknowledging any sort of firm obligation on the part of the international community with regard to the human right to adequate food” (Kent 2005:58). In addition to this Kent (2005:59) describes how Norway would have “preferred the expression “code of conduct” instead of voluntary guidelines because it is clearer and more definite”. However, Rae et al (2007: 281) describes the guidelines as "a tool to empower the poor and hungry to claim their rights and thus, also an additional instrument to accelerate attainment of the WFS and MDGs”.

Whilst the UN has provided states with the adequate instruments for the realisation of the right to food and FAO of the UN has provided states with adequate instruments for the implementation of the right to food for all, the UN does not adequately enforce this right at a national level. The established UN principle of sovereign non interference needlessly gives justification to states that are unwilling or unable to implement the right to food within national frameworks. Normand and Zaidi contend that as a consequence of the weakness of the implementation measures devised by the UN, “international law of human rights has from its inception focused more on the rhetoric promoting a common standard of achievement than on meaningful legal protection for facing violations of their human dignity”. (2008: 146)

Progression from rhetoric to action is impeded by a state's unwillingness or inability to adopt these measures. Chapter VII of the UN Charter has given rise to successful intervention in countries such as South Africa (during Apartheid) and

Ethiopia (during the 1984 famine). Realistically, the nature and authority of the UN is unlikely to ever change, so an effort must be made to work within the framework that has already been provided and to use these instruments to the benefit of mankind. The UN has already recognised the significance of the responsibility to protect and this can be, without changing the already existing frame work, be adopted in order to ensure that people are always free from hunger.

2.3.4 Stage 5: Justiciability

This section will discuss the justiciable nature of the right to food. The term ‘justiciability’ refers to the ability to claim a remedy before an independent and impartial body when a violation of a right has occurred or is likely to occur. Justiciability implies access to mechanisms that guarantee recognised rights (ICJ 2008).

The justiciable nature of the right to food implies that if the right to food had been violated, the victim or victims can hold the respective government accountable. As previously mentioned, due to the division of interests between Western and developing and Communist countries when formulating the twin Covenants, the jurisprudence on food only goes back approximately 10-15 years, and is still to this day inferior to the jurisprudence surrounding civil and political rights.

According to General Comment No. 12 (para. 32) “any person or group who is a victim of a violation of the right to adequate food should have *access to effective judicial or other appropriate remedies* at both the national and international level” (emphasis added by author). It goes on to say “the incorporation in the domestic order of international instruments recognising the right to food... should be encouraged” (para.33). The Human Rights Correspondence School contends that ensuring “the right to food is a duty of the state, but ensuring that the state carry out this right is a public duty of the citizenry”. (HRCS 2009)

The significance of justiciability surrounding the right to food means that the victim can pursue justice by holding the perpetrator (which under International human Rights Law will be the state) accountable for their role in failing to respect,

protect and fulfil the right to food. According to the International Commission on Jurists (2008) “such legal remedies are particularly important when the matter at stake is the violation of human rights, which are, by definition, rights inherent to the human being’s condition and identity”. The ability to proceed through the judicial system can also establish country precedents, thereby giving effect to the right to food in case law in systems where case law exists. Access to justice for victims of hunger is made easier in countries that have given legal effect to the right to food, unless that state has acted upon stage 4 (implementation) of this process, stages 5 and 6 are far more difficult to achieve.

2.3.4.1 Justiciability and Civil Society

However, the obvious drawback here is that not everyone possesses the resources or abilities necessary to pursue access to the right to food through the courts. Manifestations of hunger can more easily appear as a violation of the right to food whilst progressive realisation may not, but the justiciability of the core minimum of the right to be free from hunger will be more challenging to pursue because the victims may not be near a court or may not have enough money to seek legal representation.

Civil society plays a huge role in helping people who otherwise are not able to pursue access through courts seek redress for the violations made against them. In situations where violations are taking place, the individual in question should approach the local village chief, and immediately engage civil society with their case. In April 2001, an Indian based NGO called the People Union for Civil Liberties (PUCL) filed a petition with the Supreme Court on the right to food. They had taken on the issue after there were widespread starvation deaths in the state of Rajasthan during the droughts of the late 1990s and early 2000s, despite excess grain being stored in the Food Corporation of India’s godowns. They petitioned the Court to enforce the food schemes already in place, such as the Mid-Day Meals Scheme from 1995, and to enforce the Famine Code, which permits for the release of grains in times of famine. This petition triggered a public interest litigation case on the right to food. The petition by the PUCL was grounded in the right to food, derived from the right to life (Rutledge 2008).

The most obvious restriction to this stage is that individuals have been made principle agents for the fulfilment of the right to food in a world where the body which has interpreted and articulated this right recognises the principle of sovereign non interference. As previously mentioned the concept of human rights was introduced without changing the concept of sovereignty, therefore conceptually hampering the capacity of the individual to achieve the fulfilment of the right to food. States that have integrated into their laws mechanisms to promote and protect the right to food have in effect given their citizens the capacity to seek access to justice. However, when a state has not taken measures to promote and protect the right to food they do not acknowledge at any stage where a person's responsibility to fulfil the right to food ends and government duty to intervene begins. As Rousseau said, "Entre le faible et le fort, c'est la liberté qui opprime et c'est la loi qui libère", meaning that freedom from hunger will come through the implementation of the right to food under national and international law (ICHRP 2009).

2.3.5 Stage 6: Fulfilment

This section will examine the conditions necessary to fulfil the right to food including good governance and the presence of democratic characteristics. Stages 4 and 5 of the operational process demonstrate potential restrictions in the fulfilment of the right to food. However, it also serves to highlight the states inability or unwillingness to maintain the conditions necessary to realise the right to food, which in turn acts as a huge obstacle towards the realisation of this right.

According to General Comment No. 12 (para. 6),

The right to adequate food is realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement

Economic access to food implies the affordability of the foods⁴. Physical access refers to the availability of food. This does not just mean that there must be

⁴ The 2007/2008 food crisis exemplifies the violation of the right to affordable food. The food crisis was not a reflection of global food shortages by any means. The food crisis was a reflection of price inflation moving across the globe.

access to food available for purchase in markets. A basic tenet of the right to food is to ensure equitable access (FAO 2008). So the right to food also means that individuals must have access to land in order to produce their own food. The right to food is intimately linked with the right to property and the right to land⁵.

Certain democratic characteristics such as free press, free elections, multiple political parties, access to justice, transparency and civic participation will ensure that governments constantly act in the interests of the citizenry and if they do not they can be held accountable. However, under-pinning the fulfilment of the right to food and the minimum core is the State's willingness and ability to take the steps necessary to realise this right.

According to a report compiled by the International Policy on Human Rights Protection (2009), corruption can seriously undermine the realisation of the right to food. In addition to this the report also notes that corruption in food programmes and schemes designed to meet the needs of socially vulnerable people may also prevent them from obtaining food; when a person embezzles funds from a food programme, or diverts food into the black market for personal profit, the right to food of those who are embezzled is clearly compromised (IPHRP 2009).

2.4 Summary

The objective of this 6 stage operational process was to show the steps required in order to make human rights a meaningful reality. The foundation stage of the operational represents the first stage where the states must act to utilise what has been provided for by the UN. The legal foundation and interpretation stage of the process identifies the legal framework concerning the right to food. The articulation stage of the operational process recognises different ways food can be protected and promoted, and for whom. The UN must endeavour to increase pressure on

⁵ As a result of the 2008 food crisis, food prices on important commodities such as flour, wheat and rice increased by almost 200% in price. This left rural poor and small farmers with decreased income and as a result of debts following from this; land was lost in order to pay them back these debts. This is a violation of the right to food.

governments to take the necessary steps to eradicate world hunger. The hungry do not need another international instrument outlining the normative content of the right to food and their right to assistance, this right has been articulated well.

The right to food has been much better defined, and ways to implement and realise it have been proposed. However, insufficient steps towards implementation have been taken at the national levels, and the right to food is therefore far from being realised for all." (McGreevy 2008). In the implementation stage, I first noticed that the established UN principle of sovereign non interference could potentially restrict the realisation of the right to food. It is in the countries best interests (politically, economically and morally) to eradicate world hunger and they themselves must act in ways that address the root causes of hunger in their own country. If they are failing to do so, like so many countries are, the UN must put pressure on these countries until there are noticeable changes. The justiciability stage will emphasise the legitimacy of the right to food by enabling citizens to gain access to justice for any violations of the right to food. The concluding stage of the operational process represents the final stages towards the realisation of the right to food. Once the legislative measures have been put in place and the conditions that are required in order to ensure these are monitored, fulfilment of the right to food is inevitable.

This chapter has stressed the need to integrate the right to food at a national level, but I recognise that a new impetus must come from the international level in ensuring that pressure remains high on governments to realise the right to food for all. Kent asks is the "global community evading its responsibilities by focusing on the deficiencies at local and national levels?" (Kent 2008: 38). If a state is failing to take steps to eradicate hunger either through bad governance or corruption, is the UN responsible?

The UN serves to inspire and guide states towards the integration of all human rights, including the right to food, into law. In acting in accordance with its stated mandate the UN has not failed to address the problem of world hunger because it has successfully outlined what is needed to be done to end world hunger. This area of UN and FAO action is positive. Nevertheless, when the UN introduced the concept

of human rights in the UN Charter, without changing the concept of sovereignty it needlessly gives justification to states that are unwilling to act in ways to benefit the hungry millions. It is not necessary to change the already existing frame work of the UN in order to realise that the UN and the International community has a responsibility to protect people's right to be free from hunger – at the very least – and that this is conducive with the provision set out in Article 11 of the ICESCR, where it states that everyone has a right to be free from hunger and this can be achieved “individually and through international co-operation”

The realisation of the right to food is a moral, political and economic imperative; as Jean Ziegler has noted “it is an outrageous scandal that the number of hungry people continues to rise in a world where food is plenty” (2008).

CHAPTER III

ARGUMENTS AGAINST FEEDING THE HUNGRY

Food is a weapon. It is one of the principle tools in our (sic US) negotiating kit
(Butz quoted in George 1974: 179)

3.1 Introduction

The UN promotes the right to be free from hunger, and emphasises that an important element of this is the right to feed oneself with dignity. Nevertheless, present day realities will show not all people enjoy the right to food. Irrespective of the instruments, mechanisms and arguments concerning the right to food and the right to be free from hunger, hunger still exists. What economic, political and moral arguments exist that could explain the gap between the theory and reality surrounding the human right to food and the situation prevailing in many parts of the world?

The arguments in this chapter do not offer a comprehensive list of why hunger exists, rather they are intended to suggest what political, economic and moral motivations may be provoked to justify not feeding hungry people. Arguments against feeding the hungry attempt to encapsulate the adverse effects that feeding the hungry through the distribution of food aid can have on population, unchecked immigration and expenditure of the affluent countries (mainly in the West or Developed North). Hardin (1977) argues against helping the needy in order to preserve the life of future generations in affluence nations, while Fletcher argues that food aid should be given discriminately. Townsend argues that for many, hunger provides the motivation to work. Meanwhile, others contend that feeding the hungry is too expensive and that refusal to provide food aid is an effective means to exert political dominance over a country. This will be discussed below.

Whilst these justifications may appear detestable to some, it must be remembered that they are not detestable to all for if it were so agreeable to feed the hungry, would hunger still exist? Initially this chapter will begin with a brief background on the political economy of food and will then proceed to discuss economic, political and moral arguments against feeding the hungry

3.2 The Political Economy of Food

The political economy of food refers to the production, distribution and consumption of food and its relationship with governments. Susan George (1977: xvi) – a well known political scientist and writer on global social justice, debt, third world poverty, development and hunger - points to political and economic factors that tell governments, people and corporations that hunger can be a source of profit and a tool of economic and political control: a means of ensuring effective domination over the world at large. Hence, governments and other groups such as agri-businesses feel there is much to be gained (money) and lost (money) if the hungry are not fed. The role of governments and multi-national agri-business of the (mainly) affluent countries is key when evaluating why the hungry are not fed as it is these groups that have a disproportionately large share in food production and food distribution.

How can hunger be a tool of economic control? In the present day, it is by and large huge multinational agribusinesses that dominate food production and distribution worldwide¹. Not only do agribusinesses control the production and distribution of food, according to Professor Ray Goldberg agri-business can be defined as “all production and distribution of farm supplies, production operations on farms, and the storage, processing and distribution of farm commodities and processed foods (Goldberg [1966] cited in George: 1977: 132). These huge corporations are interested in growing cheap food and selling dearly. According to George this is “mainly to Western markets that can afford to pay” (1977: xvii).

¹ Susan George describes how most of the world depends on American production of cereals for its food imports and she goes on to say that this means that giant American multinational food companies such as Cargill and Continental Grain (George 1977: 117) are the main suppliers.

How can food be a tool of political control? Governments and their relations with each other through trade and food aid have significant impact on the distribution of food. According to Millstone and Lang (2003: 68), governments use various means to support their own agriculture and manufacturing industries by controlling exports and imports. These measures include the use of tariffs (taxes on imported goods) and subsidies (forms of financial assistance paid by governments to farmers). Often food is exported from countries where famine and hunger is endemic. The distribution of food aid is also seen as a means to exert political dominance over a country. This is generally done with the use of conditions; this form of food redistribution can lead to the perpetuation of hunger.

The concept of food sovereignty is also an important tool in evaluating the role of the political economy of food and in promoting equitable access to food for all. The term food sovereignty is used to promote the rights of people's, communities and states right to define their own food production so that it will not be the subject of international market forces. Food sovereignty is based on the reversal of discriminatory trading policies adopted by governments in order for people, communities and states to be able to control their livestock and agricultural systems and production. According to the International NGO/CSO Planning Committee for Food Sovereignty (2002), the basic principles underlining food sovereignty are four-fold; These include the right of all peoples to food sovereignty, the right of local populations to manage and control local resources, the need to move towards sustainable, agro-ecological methods of food production, the need to give primacy to food security and food sovereignty principles when considering trade measures.

Food sovereignty is ultimately about political, economic and social determination to control methods of food production and redistribution. It can positively strengthen the concept of the right to food in many ways. With growing numbers of livelihoods being affected by unfair trading practices and policies, the food sovereignty is becoming increasingly prominent. During these times people will often become displaced and lose valuable resources so it is important that these unfair practices are reversed in order for people to maintain their control over their livelihood.

Promoting food sovereignty as a means to achieve the right to food will enable farmers, pastoralists, fishermen and so on to be the source of their own independence and growth. They will not rely on others for hand outs and will be able to develop and enhance their own skills as a mean for providing for themselves and their family with dignity.

Food sovereignty is also concerned with ownership including ownership of land and resources. The realization of other rights such as the right to property and also the right to work are extremely important in the realisation of the right to food and the right to be free from hunger.

3.3 Political Arguments Against Feeding the Hungry

Political arguments against feeding the hungry are the most comprehensive and complex. Many believe that hunger helps protect the world against runaway population growth (Kent 2008: 213). In addition to this some people believe that by serving the needs of an under-developed and starving population, affluent nations not only prolong the suffering of underdeveloped and starving populations, but also contribute to the destruction of affluent nations, through the exhaustion of resources that would otherwise be used to preserve future generations. Initially this section will look at the effects these arguments will have on national security through a practical application of Garrett Hardin's Lifeboat Ethics. Following from this, this section will discuss how refusal to provide food aid is an effective means to exert political dominance over a country.

Thomas Malthus - a political economist from the 19th century - discusses the problems of population growth versus food production in his essay "An Essay on the Principle of Population" (1798). He claims food production will not be able to sustain the growing population and calls this the Malthusian Catastrophe. According to Malthus, food production increases arithmetically, as in 1>2>3>4, but human population grows geometrically, as in 2>4>8>16. The relevance of concerns surrounding population growth in contemporary times is defended by its relationship to the environment, mainly to land and water (it does not deny that there have been

long term improvements in food production per capita (Dyson 1996: 11). This neo Malthusian argument still has at its core concerns that population growth will outstrip food production, which is exasperated by factors such as land degradation and water irrigation due to climate change.

3.3.1 Practical Application of Garret Hardin's Life Boat Ethics

In this section I take Bangladesh as a case study to demonstrate how the argument against feeding the hungry, as proposed by Garret Hardin in his essay "Lifeboat Ethics: The Case Against Helping the Poor", maybe applied. The case study also applies the five "additions" which Hardin used to expand his argument. According to his argument by serving the needs of an underdeveloped and starving population, affluent nations not only prolong the suffering of underdeveloped and starving populations, but also contribute to the destruction of affluent nations, through the exhaustion of resources that would otherwise be used to preserve their future generations. In arguing for Hardin's proposal against helping the needy, this section also addresses the harsh reality of life in Bangladesh, namely, a high and dense population, prolonged and intense support from the UN WFP, a falling land mass as a result of climate change and flooding, as well as the persistent famines and seasonal hungers that traumatise the nation, in arguing for Hardin's proposal against helping the needy. I will discuss whether rich nations have contributed to the impoverishment of the poor, as suggested by Onora O'Neill (1975), and addresses the implications for Hardin's arguments.

Some of the earliest recorded famines in Bangladesh (or the region formally known as East Bengal) dates back to the third century BC. Since then, Bangladesh has been affected by the Bengal Famine of 1770 where 10 million people died, the Great Famine of 1896-1898 where approximately 5.5 million people died and the famine of 1943 where an estimated 1.5 to 4 million (Sen 1981) people lost their lives. Then, in 1974, following severe flooding a famine hit yet again, wiping out approximately 1 million people.

Over the past 35 years the WFP has distributed more than 14.6 million tons of food in Bangladesh. In 2008 alone 161,630 metric tons of food was served to over 7 million people (WFP 2009). In 2009 the WFP served a further 10 million people and spent \$US25million on food aid. The Global Hunger Index has identified the situation in Bangladesh as “alarming” (WFP 2009). As this section examines, such a programmed re-enforces the poverty cycle, leading to the conclusion that it makes little sense to actively pursue a policy of supporting the adult population in what is already a vastly over-populated, environmentally devastated and economically dependent country.

Garett Hardin, an ecologist and author, discusses in his 1977 article the difficulties that foreign aid and immigration create for affluent nations. In response to these difficulties, Hardin, with the use of a lifeboat metaphor, devises the notion of Lifeboat Ethics. Hardin compares rich nations to lifeboats, and stresses the necessity that these lifeboats retain a "safety factor" of surplus room, food and resources so that future generations can be safeguarded. This, suggests Hardin, can be achieved by refusing access or granting handouts to poorer people, swimming metaphorically in the sea around them. In essence, Hardin argues against helping the needy so that the lives of future generations in affluent nations can be preserved. He describes three potential responses for the lifeboat, or affluent nation:

- 1) Admit according to his or her needs, and as our needs are all the same everyone Should be admitted.
- 2) Only let in the equivalent of the safety factor.
- 3) Admit no one.

For Hardin the third response is the most effective as “foreseeable future survival demands that we govern actions by ethics of the lifeboat. Posterity will be ill-served if we do not” (Hardin, 1977: 14). All three options are examined below.

In his essay Hardin expands his argument with five "additions", which address reproduction, the creation of a World Food Bank², Eco-Destruction and a Green Revolution, the Tragedy of the Commons and finally, Immigration. Hardin's

² The idea behind Hardin World Food Bank can be likened to the UN World Food Program (WFP)

reference to reproduction relates to the increase in the human population to a point where a disaster or accident would cause sufficient human death to below the land's carrying capacity³. He uses the concept of a World Food Bank, into which affluent nations would distribute food for the benefit of poorer nations, to illustrate the unsuitability of giveaway programmes. Such strategies, he argues, would diminish the capacity of poorer countries to learn for themselves and would also sacrifice the wealthier nation's safety factor. According to Hardin the bank, in the long-term, would lead to an escalation in the population of poorer nations, meaning that there would be more mouths to feed in the long term. Hardin's reference to eco destruction and green revolution describes how wealthier nations can cause harm to poorer nations through well-intentioned aid, reflective of the well-known expression "give a man a fish, feed him for a day, teach a man to fish, feed him for his life." The food programmes initiated by wealthy nations inevitably lead to an increase in the populations of recipient countries, and the environment in these countries is ill-equipped to deal with swollen ranks of humanity. Hardin's tragedy of the commons relates to the exploitation of resources by individuals who lack private property, and the coinciding responsibility (rights and responsibilities must be considered together) to care for that land⁴. The commons refers to the land and its resources; the tragedy is the destruction of this land by mankind. It is this allocation of resources that concerns Hardin. The final issue is immigration, which would, according to Hardin, accelerate the destruction of the environment as people relocate towards the food source on offer. In summary, Hardin's additions support his argument for refusing to help the hungry, harsh as this may seem. This case study of Bangladesh will show that due to the aforementioned decrease in land mass, economic dependence on food aid and climate sensitive sectors such as agriculture, forestry and fisheries, as well as mass migration, the case against helping Bangladesh deserves consideration.

³ Land carrying capacity refers to the maximum extent to which ground or soil area may be exploited without degradation or depletion.

⁴ For more information regarding Hardin's Tragedy of the Commons please refer to his 1968 essay titled Tragedy of the Commons.

Perhaps the most challenging issue faced by Bangladesh is the problem of climate change and the impact it has on land and immigration. Whilst it has been claimed that due to sedimentary deposits from the Ganges, the Brahmaputra and 200 other rivers, the country is actually growing (see Maminul Haque Sarker of the Dhaka-based Centre for Environment and Geographic Information Services), this claim is questionable. Dr Atiq Rahman, a leading author of the UN intergovernmental Panel on Climate Change report, asserts in an interview broadcast on BBC that "The rate at which sediment is deposited and new land created is much slower than the rate at which climate change and sea level rises are taking place" (2008). He maintains that many people living along the coast of Bangladesh have observed that sea levels are higher now than in their grandparents' day (BBC 2009)⁵. In 2005, some 500,000 people from the Bhola Island in Bangladesh lost their homes as a result of flooding. Further studies have shown that by the turn of the century, if sea levels keep rising, the entire population of Bangladesh could become refugees, which would put huge pressure on neighbouring India (Rajesh 2008). The disappearing land mass which has been caused by melting glaciers from the Himalayas, early monsoon rains and river erosion depicts a different type of tragedy striking the commons. This tragedy has resulted in a massive loss of agricultural land. Whilst it is not within the scope of this paper to provide an evidentiary account of climate change, there is evidence to support the claim that carbon emission release has caused a significant rise in global temperatures (see UN's Intergovernmental Panel on Climate Change). This climate change and loss of land mass indicates that mass migration from Bangladesh to neighbouring India is probable. With India's already explosive population of over 1.1 billion people making it the second most densely populated country in the world, it is clear that such an incursion from Bangladesh would have a potentially overwhelming disastrous effect⁶.

⁵ This is a summarised excerpt taken from a BBC interview with Dr Atiq Rahman, featured in an Article written by Mark Dummet called "Bangladesh landmass is growing".

⁶ According to an FAO (2009) policy brief "Climate change threatens agricultural production through higher temperatures and changes in rainfall patterns, and increased occurrences of droughts and floods, especially in areas that are already prone to climate-related disasters. Poorest regions with the highest levels of chronic hunger are likely to be among the worst affected by climate change".

It is clear that practical application of Lifeboat Ethics is complex and difficult; all Hardin's additions are inter-connected and can rarely be considered in isolation. Furthermore, Hardin did not take climate change into account when he wrote his essay. Below, the three possible responses of Hardin's lifeboat, as listed above, are examined with respect to climate change.

1. Affluent nations have been held responsible for the majority of carbon emissions released into the atmosphere, and a disproportionate effect of these emissions has been imposed on poorer nations such as Bangladesh, a country with an annual greenhouse gas emission of 45.56 million tonnes⁷ (EIA 2007). By law, because climate refugees do not fall within the international definition of a refugee, wealthy nations (Hardin's rich lifeboats) are not under any obligation to help them. In light of this, whatever assistance the rich lifeboat chooses to give to Bangladesh must be carefully and critically assessed. The first possible response identified by Hardin is based on unrestricted immigration. However, such a policy would lead to the exhaustion of resources and the commons, and in the long-term, the inevitable destruction of the rich lifeboat.
2. The second response identified by Hardin, of only catering for unused capacity, could, over time, have similar consequences. This option is favoured by some in light of the disproportionate effects of carbon emissions that lead to climate change. It is reflected in O'Neil's argument that rich lifeboats are morally obliged to help those in need by giving up their unused capacity to prevent "unjustifiable deaths"⁸ (O'Neill 1975). However, the rich lifeboat must contend with the difficult decision as to who is accepted onto the lifeboat. It must be decided if admittance should be granted on a first-come, first served

⁷ This disproportionate effect is made very clear when we compare the figure from Bangladesh to the US which had an annual green house gas emission of 6006.71 million tonnes.

⁸ In her essay titled "Lifeboat Earth", O'Neil assumes that people have a right not to be killed unjustifiably and that everyone has a corresponding duty to prevent or postpone death from famine. She describes a corollary of this claim in that if we do not do something we shall bear some of the blame for the death (O'Neill 1975)

basis, if the strongest should be welcomed, or if it is those most in need who should be accepted.

3. The third hypothesis put forward by Hardin suggests that no-one should be accepted onto the lifeboat, to ensure the survival of the people in the rich lifeboat. He accepts that this response may be abhorrent to some, but argues against its dismissal. For Hardin the sheer volume of those in need must be considered. There are approximately 25 million Bangladeshi climatic displaced persons seeking refuge throughout Bangladesh and its neighbouring countries (HSA 2008). India, as the most likely destination of these refugees, is clearly not in a position to cope. India is still a developing country and is rife with poverty and hunger. An incursion from Bangladesh would cause enormous problems for the people of India, where resources are already severely limited. At any rate, unrestricted, ad-hoc handouts are not in the best, long-term interest of those in need. Crucially, this third option would allow the rich lifeboat to safeguard resources needed for future generations.

In his essay Hardin emphasises the importance of birth control and birthing rights when assisting a poor nation. According to Hardin "In a crowded world of less than perfect human beings, mutual ruin is inevitable if there are no controls" (1977:19). For Hardin, in the circumstances of a population incursion, birthing rights should be allocated to families so that a measure of control over population levels can be achieved. "Foreseeable future survival demands that we govern actions by the ethics of the lifeboat" (Hardin 1977:20). Over a period of time, Hardin insists, if effective population control was exercised, population levels could be brought back to manageable levels. Such a policy has effectively reduced the population of China by almost 300 million people in the 25 years since its existence (Rosenberg 2008). Eventually, this policy of birth control would enable a rich lifeboat to retain its unused capacity, and to save it for its own future security.

This section has already addressed the extensive food aid the UN WFP gives to Bangladesh. According to Hardin a World Food Bank such as the WFP is a commons in disguise, and also, that international aid programmes frequently inspire mistrust and antagonism. Such a situation arose during the 1974 famine when the US refused to offer any assistance to Bangladesh until ties were cut with Cuba. Political intervention such as this does little to re-enforce faith in development aid. Indeed, it can act as a deterrent to its effective operation. The WFP, whilst saving lives through its emergency rations, is only offering short-term assistance to a country that is clearly vulnerable to bouts of seasonal hunger (BIDS 2004) and periodic famine. This short-term assistance feeds the poverty cycle by enabling a population to go “unchecked” (Hardin 1977:21). Furthermore, it fails to offer any sustainable solution to a country like Bangladesh which is environmentally devastated and economically dependent. In an interview with Nancy Pearlman on the subject of the tragedy of the commons (Hardin interview 1990), Hardin commented that encouraging a nation to become parasitic through the adoption of such a strategy is futile. This can be likened to the current strategy of the World Food Programme.

In relation to the environment, it is clear that the higher the population the greater will be the greenhouse effect generated by pollution. When this is combined with the "green revolution", the destruction of the environment is accelerated. Thus the advent of the “green revolution” may not be considered a sustainable solution for world hunger in the long run. The green revolution refers to industrialised nations' attempts to increase food production through programmes such as miracle rice and miracle wheat.⁹ But such "do-gooding" as convincingly argued by Hardin (1966), merely serves to relieve the guilty consciences of those living without hardship. There is little point in offering good intentions as an excuse for the suffering of poorer nations. As has been long chorused by philosophers and academics, the solution to world hunger lies in the proposed solutions' ability to sustain itself. Aid to poorer nations must have a long-term view. Population control is the defining issue. Feed

⁹ Miracle rice and miracle wheat are genetically modified crops adapted to increase resilience towards harsh weather conditions. Miracle rice was developed by Henry Beachel and miracle wheat developed by Norman Borloug

the starving millions and they will survive only to produce more starving millions (Rachels 1977).

In response to Hardin's essay, a number of conclusions can be drawn. Firstly, the application of Hardin's Lifeboat Ethics in a modern context provides evidence that food should not merely be handed to the needy. Limiting the freedom of the individual through the control of birthing rights must be considered. Food aid is not merely for the immediate present; future generations must be taken into account. In relation to climate change, the safety factor of affluent nations may have to be sacrificed and unused capacity donated to climatic refugees. Furthermore, the populations of wealthy nations must accept the uncomfortable situation of seeing beyond the immediate trauma of a poor population devastated by hunger, natural disaster or economic trauma. Simply distributing aid merely feeds the cycle of poverty. The harsh immediacy of Lifeboat Ethics has undoubted long-term benefits. Hardin would contend that in the case of Bangladesh, by withholding aid, humankind can feel more secure that future generations in affluent nations have a happier and safer place to live.

3.3.2 Political Dominance and Arguments Against Feeding the Hungry

Reasons why the hungry are not fed are also due to the political motivations of the affluent country. The distribution of food aid and threatening to withdraw food aid is an effective way of exerting influence.

Whilst many of the rights held in the ICESCR have been enacted into law in the US, for example, the right to food has not. According to an "Interpretative Statement" issued by the US "the attainment of the right to adequate food or fundamental right to be free from hunger is a goal or aspiration to be realised progressively that does not give rise to any international obligations" (FAO 1996). The United States signed the ICESCR in 1979 but has yet to ratify it. At the 2002 World Food Summit the US opposed the right to food and advocated increased focus

...on a greater role for the private sector, including advancing the interests of biotechnology firms. The Bush administration also supported more trade liberalization, obedience to the dictates of the World Trade Organization, and additional so-called HIPC (Highly Indebted Poor Countries) structural adjustment, which includes budget slashing, privatization, and market opening for the world's poorest countries.

The US is one of the biggest donors of food aid to the WFP. Nevertheless, the US government had been at the forefront of efforts to limit aid untying generally. It is the US government, which lobbied the strongest for food aid and technical cooperation exemptions within the current Organisation of Economic Co-Operation and Development (OECD)¹⁰ aid untying policy (ActionAid 2003). Food aid is a powerful tool to the US because not all US food aid is free, it is often traded for US dollars, and priority is given to countries who agree to certain conditions (Millstone and Young 2003: 29).

3.4 Economic Arguments Against Feeding the Hungry

Economic arguments against feeding the hungry were observed by Joseph Townsend in his “A Dissertation on the Poor Laws in England of 1786” when he describes how hunger can be a motivation for work.

Hunger is not only a peaceable, silent, unremitted pressure, but, as the most natural motive to industry and labour, it calls forth the most powerful exertions: and, when satisfied by the free bounty to another, lays a lasting and sure foundation for goodwill and gratitude. (Townsend 1990: 89)

Kent observes that the “hunger problem helps to ensure that many people will not only work, but will work cheaply. That is surely a blessing to those who benefit from the fruits of their labour” (2008: 212).

¹⁰ The OECD is an organisation made up of the 30 developed countries who discuss and develop economic and social policies.

According to Millstone and Lang (2003) governments in receipt of food aid may use it to support their own economic targets. In addition to this they state that extensive food aid will depress local food prices, keeping wages low and enabling the cheap production of export products that generate foreign exchange.

3.5 Moral Arguments Against Feeding the Hungry

This section will examine moral arguments against feeding the hungry. Initially I will look at how proximity factors in a person's desire to help. Following from this I will then examine a utilitarian perspective to world hunger.

3.5.1 Proximity and Moral Arguments Against Feeding the Hungry

Peter Singer, in his essay "Famine Affluence and Morality", proposes a utilitarian moral principle to guide our decision in helping the needy. He suggests that "if it is in our power to prevent something bad from happening (death and suffering due to lack of medical care, food and shelter), without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it" (Singer 1977: 17). Singer asserts that we have a duty to prevent something bad from happening and this duty is not affected by one's proximity to the bad thing. However, proximity to a problem plays a great role in a person's desire to help. It is not incorrect to say that you will care more about those who are around you. People will often feel more inclined to assist those close to them, whether in their own community or country. According to Kent (2008), people will go to considerable lengths to improve the nutrition status of a loved one. However Kent also acknowledges that "if you were my second cousin twice removed I might not be so eager to help" and in addition to this also suggest that "the level of caring generally diminishing with greater distance" (2008: 213).

3.5.2 Utility and Arguments Against Feeding the Hungry

Feeding the hungry, according to Hardin, means those who are saved will survive and reproduce, so the next generations will be larger. Therefore the underlying cause of starvation will not be addressed. Starvation will continue to persist and the population will continue to grow. Hardin feels that eventually there will be too many people to feed. By feeding the hungry – Hardin suggests - we will be creating more

misery and will therefore be acting immorally, not only due to the misery caused to those who are hungry, but to the affluent who are running out of resources.

To adopt a utilitarian view on the problem of world hunger would force us to consider the effect feeding the hungry would have on those who are feeding the hungry, in other words the affluent. There are approximately one billion hungry people in the world, or in other words there are approximately five billion people in the world who are not hungry. Moral support for “Life Boat Ethics” comes from theologian Dr. Joseph Fletcher who proposes that food aid be given discriminately. Fletcher argues that food aid should be withheld from countries that have exceeded their carrying capacity. He suggests that “any action, however criminal can be right depending on the situation” and states that he “hates the idea, but cannot resist the lifeboat logic” (Fletcher quoted in George 1974: 181). Garret Hardin states “I have a sentimental interest in our children and our grandchildren: I would like them to live in a better world. That’s what I’m trying to do: shake people up so our grandchildren can live in a better world”. (1977:24)

3.6 Summary

According to Ghua Khasnobis et al “Enforcing the right to food increasingly means delivery under extremely difficult circumstances not simply of the right quantity, but also of the right quality” (2007: 259). It also means the delivery of food in emergency situations and supporting other entitlements inter-related with food such as inter alia the provision of adequate education in order to learn about proper nutrition and access to work in order to gain ownership of food. Preventing hunger by ensuring the right to food can be costly, as we have already seen food production and distribution is dominated by large multinationals whose main interest is to produce food cheaply and sell dearly. Governments will exercise their control by using food as a political tool to get what they want.

The operational process of the right to food outlined in chapter 2 illustrates the six stages in the fulfilment of a right. The arguments that have been outlined above are conducive with stages 4 and 5 of this process because states often lack the will in

order to do what is needed to be done to fulfil the right to food, and the authority and nature of the UN will not permit it to force its standards upon its members states. Therefore, the arguments that have been suggested above outline many compelling motivations that explain the gap between our talk of the right to food and the reality faced by those who experience hunger.

Political factors dominate the discourse surrounding arguments against feeding the hungry, and to a lesser extent economic and moral arguments. However, some of these political arguments are not convincing enough in themselves and do little to explain why hunger exists. Neo-Malthusian arguments suggesting that population growth will outstrip food production were demonstrated with a practical application of Garret Hardin's Life Boat Ethics. It is absurd to suggest that this damage can be mitigated by refusing to feed the hungry in an attempt to control the population. In order for any meaningful and long lasting impact to be made on the environment it is the affluent nations that must curb carbon emissions, as they are the ones responsible for the majority of emissions damaging the environment.

Population growth will naturally increase the demand for food and "if scarcity occurs then prices will rise and eventually farmers will be stimulated into producing more food" (Dyson 1996: 6). However, the actions and attitudes of some multinationals and governments are in fact the reason why hunger exists, and is compounded by a states unwillingness to provide food aid fit for its intended purpose and the UN inability to enforce this. Powerful corporations allegedly act to fulfil the right to food by flooding local markets with cheap and often nutritionally inadequate foreign foods, violating the right to food. Governments who establish harmful trade barriers and policies protecting some people but violating other people's rights also contribute to the protracted state of world hunger.

CHAPTER IV

ARGUMENTS FOR FEEDING THE HUNGRY

Necessitous men are not free men. Hunger and poverty is the stuff out of which dictatorships are made

(Former US President Franklin D. Roosevelt)

4.1 Introduction

The hungry are fed because, according to Kent “there is only one good reason to end hunger: we care about each other. Ending hunger is the right thing to do” (2008: 215). Reasons for feeding the hungry can in fact also be grounded in sound economic or political concepts that at times can be of more interest to States and corporations than the moral justifications of eradicating hunger.

Arguments for feeding the hungry describe when, how and by whom food should be distributed to in order to prevent hunger. The hungry are fed, by means of food aid, when a violation of their right to food has occurred and they are no longer able - for reasons beyond their control - to feed themselves. The hungry are most frequently fed by means of food aid. As identified by Baxi, the flow of South-South resources for promotion and protection of human rights is miniscule in comparison to the flow of North-South resources (2002: 121). The US and the European Union are the largest contributors of food aid and for the purpose of this research will be referred to as the affluent (ActionAid 2003). Most food aid is shipped from one country to another, and to a lesser extent is purchased locally and paid for by a donor.

The World Bank (2006) contends that investing in malnutrition can have significant economic returns. Rae et al (2007) state that hunger can manifest itself into social unrest and political instability. This chapter will begin with a brief outline of how the hungry can be fed and then will continue to investigate the impact feeding the

hungry from an economic, political and moral perspective has on the right to food. A number of key concepts will be drawn upon including poverty reduction, political stability and finally non-enforceable giving and enforced giving.

4.2 Food Aid: How are the Hungry Fed?

Food aid is governed by activities of bilateral development co-operations agencies, multilateral institutions, and NGOs. It is used to support food assistance in countries eligible for aid (ActionAid 2003). Food aid can be broken down into three forms: programme food aid, project food aid and relief food aid. Food aid should ensure the right to food but in practice it often undermines the right to food. Poorly managed food aid can have adverse effects on regular access to food, therefore violating the right to food. According to ActionAid “besides providing food in emergencies and saving the life of the sufferer, in some cases the nature and process of current food aid practices have violated the right to food”. (2003:2) The provision of food aid in emergency situations is a moral imperative but food aid should, as far as possible, be provided for in ways that do not adversely affect local producers, markets and should be organised in ways to facilitate the return to self-reliance (Donati and Vidar 2008: 65). The provision of food aid in General Comment No. 12 outlines the obligation of states to provide food aid when persons for reasons beyond their control can no longer enjoy the right to adequate food.

4.3 Economic Arguments For Feeding the Hungry

Economic arguments for feeding the hungry place additional value on the right to food because it means we can assess the impact that feeding the hungry will have from an economic point of view. It is widely realised that reducing hunger and malnutrition is an investment that can have significant economic returns because it leads to more healthy and productive individuals, which reduces the need for social expenditure and contributes to increased national output (Rae et al 2008:279). According to the World Bank better nutrition can reduce the spread of contagious

diseases and increase economic productivity. These impacts, whilst indirectly helping the hungry, are not motivated by their needs alone.

In addition, the Copenhagen Consensus Report 2008 – a report compiled by a number of leading world economists - illustrated a list of 10 challenges facing the globe, including hunger and malnutrition. This report outlines the value of specific investment opportunities and describes investing in malnutrition as having “tremendously high value compared to costs”. (2008) According to a report issued by the World Bank titled “Repositioning Nutrition as Central to Development”; the WB has identified three major economic reasons for intervening to reduce malnutrition. Firstly there is the effect the reduction in malnutrition would have on market outputs and secondly the effect on economic growth.

The third issue is particularly important in considering and evaluating the economic impact on the right to food. The impact poverty reduction has on the right to food implies not only positive effects on the right to food itself, but also on other rights that are inter-related or inter-dependent on the right to food, such as the right to work and the right to property. Economic access to food is vital in order to realise the right to food. Due to this, the next part in this section will investigate the impact poverty reduction has on the right to food. This section will draw upon two key concepts including poverty reduction and economic access to food.

4.4 Poverty Reduction and the Right to food

The FAO (2009) recently estimated that for the first time in history over one billion people in the world are now going hungry: one in 6 people in the world. Globally, 200 million people have been added to the ranks of the 1.3 billion living on less than \$US2 a day. For some of the poorest countries in the world, the current economic crisis has come on the back of a food and fuel crisis in early 2008 which led to food riots on the streets of many countries (Irish Times 2009).

Urban Jonsson recognises that “hunger has become almost inseparable from poverty” (1987: 22). The WB describes poverty as people in the developing world living on less than \$US1.25 a day. The importance of the relationship between food and poverty was also defined in Goal 1 of the MDGs, when in 2000, at the Millennium Summit of the UN, 189 UN member countries supported the creation of the MDGs which aims to target basic needs of people living in poverty. Goal number 1 of the MDGs - which aims to “eradicate extreme poverty and hunger” - recognises the urgency in reducing poverty as a means of contributing to the reduction of world hunger. Goal 1 (a) aims to reduce by half the proportion of people living on less than a dollar a day, goal (c) aims to reduce by half the number of people who suffer from hunger. The above information shows us that the relationship between food and poverty is undeniable.

Poverty can often be measured by the prevalence of hunger (Jonsson 1987: 24) as employment and income are needed in order to buy food by those who need it. In March 2009, The Bank of Zambia warned that “a collapse in incomes reduces peoples’ capability to meet their basic social and human needs such as food, health, shelter and education. The likely consequence over time is social upheaval.” (Bank of Zambia 2009)

The relationship between food and the individual can be viewed in terms of ownership of food and can be achieved through trading, producing, inheriting or buying. Sen states that “ownership of food is one of the most primitive property rights” (1982: 45) and goes on to say that “a person will be exposed to starvation if, the ownership that he actually has... does not contain any feasible bundle including enough food” (1982: 3). Ownership relations, or the relationship between the owner and the commodity are according to Sen one kind of entitlement relation and the problem of starvation within this is linked “more generally to poverty” (1982: 12). Not only is poverty alleviation important as a means to eradicate hunger, but eradicating hunger is also important as a means to reduce poverty. The WB (2006) states that “malnutrition slows economic growth and perpetuates poverty through three routes— direct losses in productivity from poor physical status; indirect losses from poor cognitive function and deficits in schooling; and losses owing to increased health care

costs”. It is imperative that in order to own food, an individual has physical and economic access to food or to the land, resources and tools required in order to procure food. Ensuring the right to work and the right to property will assist in the realisation of the right to food.

4.5 Economic Access to Food

Access to food – which can be determined in two ways - is an essential part of the fulfilment of the right to food. Physical access refers to the availability of food and also to the resources needed to produce food, for example access to land and to tools. Economic access refers to how affordable the food is, or in other words, it refers to a person’s ability to buy food. General Comment No. 12 (para. 7) recognises that the “core content of the right to adequate food implies... the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights” and in addition to this recognises that “economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised”.

The economic interests of the affluent can assist in the realisation of the right to food, nevertheless it is important not to get wrapped up in these arguments. The right to food and the obligation to provide food is based on the inalienable and intrinsic right of all human beings to food. The Committee on World Food Security states that hunger is the consequence of lack of access to adequate and safe food, which is essentially an extreme instance of market failure, in the sense that those people most in need of food are the least able to express this need in terms of effective demand. The economic incentive for feeding the hungry positively impacts upon poverty reduction and increase access to work, which highlights the inter-relatedness of all human rights. Whilst these economic impacts are not motivated by the needs of the hungry alone, they are indirectly contributing towards and therefore strengthening the fulfilment of the right to adequate food.

4.6 Political Arguments For Feeding the Hungry

Political arguments for feeding the hungry will draw upon a number of key concepts mainly what the effect of a well fed population will have on political stability.

Firstly, hunger could be viewed as a threat to national security of migrant receiving countries and it has been argued that reducing malnutrition and improving access to food in developing countries can help stem the flow of migrants from those countries (Kent 2005). Secondly, reducing hunger in the world by means of reducing population growth has been argued to have the effect of reducing environmental damage (Eckholm [n.d.] cited in Kent 2005). The third issue is particularly important in considering and evaluating the political impact on the right to food, especially following the food riots during the 2007-2008 food crises. Rae et al (2007) highlight how, from a political point of view, it has been shown time and again how hunger and poverty, manifested by too many people without hope in their lives, can contribute to social unrest and conflict .

4.6.1 Political Stability and the Right to food

The 2007 – 2008 food crisis witnessed a dramatic increase in worldwide food prices, causing massive political instability in countries such as Bangladesh, Brazil and Egypt, to name but a few. The effect of these price increases meant that people could no longer afford to buy basic foods such as rice, which was reported to have increased in price by 75% (WB 2009). Cereals including rice, maize and wheat are the staple foods of around four billion people in the world (Millstone and Lang 2003). As we have already seen economic access to food – which is an essential part of the fulfilment of the right to food – is determined by how affordable the food is. These price increases resulted in mass political instability - such as riots - across developing countries.

In April of 2007, thousands of Bangladeshis protested in the capital of Dhaka to demand a wage increase to deal with the soaring price of basic foods in the country and during the protest dozens of people were injured by police. This is clearly

a reaction to the violation of the right to food, as people were unable to buy basic commodities. We can also see from this example the significance of ensuring that “personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised” (CESCR). According to the FAO,

At the international level, there appears to be a growing recognition of the threat to peace and security posed by hunger and extreme deprivation. Local conflicts over scarce resources can quickly spread into regional conflicts with massive destabilising impacts, preventing any serious consideration of the long term food security issues in the affected countries. It is in the self interest of all countries to avoid such situations.

In addition to this, the Millennium Development Project also expressed concern that the people who suffered from poverty and hunger might eventually rise up and threaten those more well off than themselves (Kent 2008).

The lack of access to food can also lead to political instability in the form of social unrest and conflict. It is imperative to maintain peace and political stability in a country that the population has regular access to adequate food, or the means to procure it.

4.7 Moral Arguments For Feeding the Hungry

Authors such as Singer, Arthur, Aiken, La Follette, Rachels and Narveson all argue that those suffering from hunger must be fed. Singer adopts a utilitarian perspective and believes that “if it is in our power to prevent something bad from happening without sacrificing something of comparable moral significance than morally, we ought to do it”. (Singer 1977) Arthur believes that “if it is in our power to prevent death of an innocent without sacrificing anything of substantial significance then we ought morally to do it”. (Arthur 1977: 39) Aiken (1977) believes that people have a moral right to be saved. La Follette believes in the innocence of hunger’s victims (1977). Rachels believes that we should give up meat to ease world food and energy shortages (1977) and Narveson believes that feeding the hungry is a matter of non-enforceable charity, as opposed to a matter of enforceable justice (1999).

Moral arguments for feeding the hungry are complex, yet incredibly compelling. They place the needs of the hungry at the very centre and evaluate how best to assist by interpreting their needs over a broad spectrum of rights and claims, including their right to be saved from hunger and their right to be free from hunger, their right to assistance and our moral obligation to help them. This section will not contest the moral right a person has to food and to be free from hunger. Initially this section will evaluate how this moral right can be delivered based on two approaches devised by Jan Narveson – former professor of Philosophy and author. The first approach is that feeding the hungry is a matter of justice, or in other words it is enforceable. The other approach is that feeding the hungry is a matter of charity, and in other words is not enforceable.

Is feeding the hungry something we “ought” to do or something we “must” do? According to Narveson (1999), if the obligation to feed the hungry exists then there is a distinction to be made between charitable giving and governments forcing people to give. Narveson (1999) contends that feeding the hungry is a matter of charity and not a requirement of justice. I will argue that feeding the hungry is a matter of charity also, and that “enforceable” feeding is wrong as it will often lead to violations of the right to food. The following sub sections will explore each approach to giving and its impact on the right to food.

4.7.1 Feeding the Hungry as a Matter of Justice and its Impact on the Right to food

According to Narveson justice would require that the hungry are fed and that our “actions can be constrained by others to ensure our performance” (Narveson 1999:51). According to Narveson ways of enforcing this could include taxes imposed by governments. Methods of feeding the hungry, as I have already noted include forms of food aid that can be distributed from one country to another.

Is it wrong that an individual is compelled by a government to feed the hungry? Whilst there is a basic duty of states to assist the broader international community in times of need, feeding the hungry should not be handled by governments alone. US imports of food aid have had huge negative impacts on local economies, particularly in Africa. The shipping of corn from the US, where it is

heavily subsidised, to African nations can serve to increase poverty and dependence on aid by destroying domestic production (ActionAid 2003).

If some people were not compelled to give to feed the hungry, it is likely that the hungry would never get fed and that their suffering would go unnoticed by much of the world. The altruistic intentions of nations are not always guided by economic or political policies. According to George “States use the means they have at their disposal to promote their own economic advantage and their foreign policy objectives” (1977:192). Due to this forced donations of money through taxes to corrupt food programmes could mean that people are inadvertently contributing to the violation of the right to food by causing disenfranchisement or loss of dignity to the beneficiary of food aid.

4.7.2 Feeding the Hungry as a Matter of Charity and its Impact on the Right to food

Charity, according to Narveson, is “from the heart” and in addition to this he states that it is motivated by a “desire to help people simply because they need it.”(Narveson 1999:12) Feeding the hungry through the provision of food aid is about the needs of the hungry and their right to food. Narveson (Narveson 1999:72) contends that,

one of the good things we can do in life is to make an effort to care about the people in life we don't ordinarily care or think about. This can benefit not only the intended beneficiaries in distant places, but it can also benefit you, by broadening your perspective.

From this perspective, feeding the hungry can have the most impact when it is considered to be a matter of charity, in other words when it is not enforced. Whilst it is important to ensure that this charity does not lead to the violation of the right to food either through disenfranchisement of the individual, or through loss of dignity, feeding the hungry as a matter of charity infers that the motivations for helping are purely in the beneficiaries best interests.

4.8 Summary

We are still confronted by a perturbing gap between our talk of the right to food and the reality faced by those who experience hunger and the number of hungry people in the world still continues to rise. The UN promotes and protects the right to food through various instruments and mechanisms, and I have recently examined why from an economic, political and moral perspective we should act in ways to fulfil the right to food by feeding the hungry.

The reasons for feeding the hungry are broad and compelling. From an economic and political perspective it has been highlighted how these arguments can give additional value to the right to food vis-a-vis its impact on poverty reduction and maintenance of political stability. According to the American Economist Julian L. Simon “the ultimate resource is people – skilled, spirited, and hopeful people who will exert their will and imagination for their own benefit, and so inevitably for the benefit of us all” (Simon quoted in Dyson 1996: 6).

Moral arguments for feeding the hungry are compassionate and provide us with the most compelling and justifiable reasons for feeding the hungry as they are the most akin to the right to food. Moral arguments against feeding the hungry are based on the effects feeding “them” would have on “us”, an uncompassionate and fanatical defence. Kent suggests that arguments against feeding the hungry are “morally defective” because it is assessed on the effects feeding the hungry will have on “our” welfare and interests. (2008:211)

Moral arguments for feeding the hungry are based on the needs and interests of the hungry alone and truly reflect the nature of the right to food. It is important that the altruistic and charitable intentions of people are nurtured and sincere, not enforced. When feeding the hungry is overwhelmed by political and economic incentives we lose sight of the real value of the right to food.

CHAPTER V

CONCLUSION

Food for all is a necessity. Food should not be a merchandise, to be bought and sold as jewels are bought and sold by those who have money to buy. Food is a human necessity, like water and air; it should be available.

Pearl Buck (1892 – 1973).

5.1 Introduction

Hunger and hunger related illnesses cause 25,000 human deaths every day. Food is a human right and food is a human necessity. However, the production and distribution of food is dominated by large multinational corporations and governments whose actions and practices are not always conducive to the needs and interests of the hungry. According to Kent (2008) hunger persists because of the powerlessness of the poor and the indifference of the rich. According to the WFP there is enough food in the world to feed everyone. Hunger is not inevitable, even for such countries as Malawi where harsh geographical and geological conditions present increased challenges to the population to produce and access food. The CESCR's General Comment No. 12 outlines the obligation of states to provide food for people in times of inter alia natural disasters.

A human right, by its very nature and definition is a legal and inalienable entity established to protect and promote an individual's happiness, health and security. So far I have developed a 6 stages operational process of the right to food needed to make a right a meaningful reality vis-a-vis a legal framework within States and supported by the UN. The UN, in providing the legal foundation, interpretation and articulation of the right to food has established a framework to be adopted by states.

Nevertheless, this research has criticised the UN established principle of sovereign non interference for giving justification to states that are unwilling to

integrate the right to food into their law. As already mentioned, according to the FAO Guide on Legislating on the Right to Food (2009) “The protection of human rights through constitutions is the strongest form of legal protection as constitutions are considered the fundamental or supreme law of the country”. This gives justification for the criticism made against the UN established principle of sovereign non interference and therefore strengthens the conviction that in order to make a sustainable impact on the fulfilment of the right to food, the right to food must be integrated in to law. Whilst I have recognised that the nature and authority of the UN is unlikely ever to change, I have suggested that one must work within this framework.

Chapter one highlights the violations of the right to food, and chapters two, three and four explore certain political, economic and moral arguments for and against feeding the hungry, its impact on the right to food, and role of the UN. Ultimately, a violation of the right to food occurs when a person is no longer able to feed themselves with dignity. For 25,000 people every day, this violation results in death. For reasons beyond their control 25,000 people die every day because their government has failed in their international obligation to provide food this is a violation of the right to food and the right to dignity.

The UN was established to inspire hope between all human beings. It serves as a guide for states and persons in their interactions with each other and aims to promote and facilitate cooperation in international law and security, social progress, economic development, human rights and world peace. The presence of hunger anywhere in the world could initially suggest that the UN is failing in its task. The UN has established principles that promote and protect the right to food, and within the already existing framework it is conceptually possible to realise the responsibility to protect people’s right to be free from hunger, at the very least. Economic and political reasons for not feeding the hungry continually result in the deaths of thousands of people every day. Governments and multinationals do not act in ways that are conducive to the needs and interests of the hungry; because of this they should dutifully observe the political and economic arguments for feeding the hungry which have been outlined in chapter four. It is no longer just morally outrageous that the hungry are not fed, it is also a political and economic scandal that the thousands of

men, women and children are left to die. Governments must control the multinational corporations within their territory and acknowledge that a well-fed, happy and healthy population is the best thing money can buy.

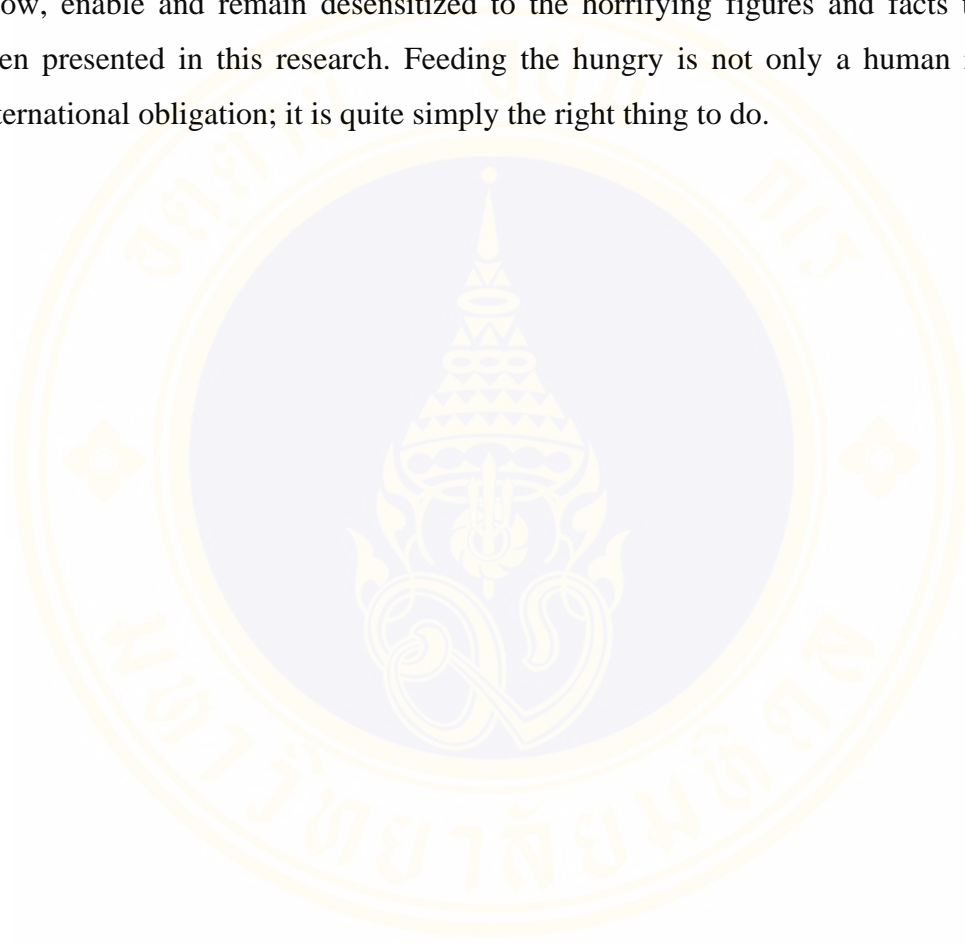
The alarming and disturbing gap between the theory and reality of the right to food requires immediate attention and resolution. In chapter one of this research I asked why this gap exists, and questioned whether it is because of the operational process of the right to food within the UN frame work or is it based on political, economic or moral arguments *for* or *against* feeding the hungry? It is the opinion of this author that the gap exists because those who have the power to alleviate world hunger are not interested in doing so. The failures of states –whether due to inability or unwillingness – to implement the operational process of the right to food that would fight against many prevailing economic and political conditions represents a huge obstacle in the fight against world hunger, and it is for these reasons that hunger exists.

This research expanded upon the operational process of the right to food within the legal framework of the UN, and drew on a number of key instruments including the UDHR and the ICESCR. The UN framework is paramount in the realisation of the right to food for all. For there to be a meaningful solution to the problem of world hunger, human rights must be fully integrated into national law and the violation of international human rights law must be stopped immediately.

This research has presented political, economic and moral arguments for feeding the hungry and drew on a number of key concepts including poverty reduction, access to work and social and political unrest. Arguments for feeding the hungry provide ways that positively impact the right to food by examining the political, economic and moral implications of these incentives. Nevertheless, economic and political arguments should not be considered part of the human rights language surrounding the right to food. As we have already noted a human right is an intrinsic and inalienable quality inherent to all human beings, it cannot be measured or quantified. Arguments against feeding the hungry are by and large, as suggested by Kent, “morally defective” (2008:211). Arguments against feeding the hungry focus on

the needs and interests of those who are feeding the hungry, and are incompatible with the principle underlining all human rights.

Death from lack of food is a tragedy of the greatest kind. It is a sad reflection on humanity that some people, governments and multinational corporations allow, enable and remain desensitized to the horrifying figures and facts that have been presented in this research. Feeding the hungry is not only a human right and international obligation; it is quite simply the right thing to do.



REFERENCES

- ActionAid. 2003. Food Aid, *An ActionAid Briefing Paper*. [Online] Available at: http://www.actionaid.org/docs/food_aid_briefing.pdf [Accessed 22 September 2009].
- ActionAid. 2008. *Failing the Rural Poor: Aid, Agriculture and the Millennium Development Goals* [Online] Available at: <http://www.actionaid.org/docs/failing%20the%20rural%20poor%20-%20aid,%20agriculture%20and%20the%20millennium%20development%20goals.pdf>. [Accessed 22 September 2009].
- Aiken, William. 1977. "The Right to be Saved from Starvation", in *World Hunger and Moral Obligation*. Eds. William Aiken and Hugh La Follette. New Jersey: Prentice Hall. 85-102.
- Alston. P and Tomaševski. K (eds). 1984. "The Right to Food". [Dordrecht: Martinus Nijhoff Publishers, for the Stichting Studie- en Informatiecentrum Mensenrechten.
- Amnesty International [2009] [Online] Available at: <http://www.amnesty.org>. [Accessed 20 September 2009].
- Amnesty International [n.d.] [Online] Available at: <http://www.amnesty.org>. [Accessed 20 September 2009].
- Arthur, John. 1977. "Rights and Duties to Bring Aid", in *World Hunger and Moral Obligation*. Eds. William Aiken and Hugh La Follette. New Jersey: Prentice Hall. 37-49.
- Bank of Zambia 2009. [Online] Available at: <http://www.whitebandaction.org/en/readings/oxfam-international/09-03-31/how-global-crisis-hitting-zambia-and-mining-companies-are-taki>. [Accessed 11 August 2009].
- Baxi, Upendra. 2002. *The Future of Human Rights*. Oxford University Press, New York.

- BBC Website. 2008. Mark Dummet. *Bangladesh Land Mass is Growing* .[Online] Available at: <http://news.bbc.co.uk/2/hi/7532949.stm> [Accessed 8th February 2009].
- Buck, Pearl [n.d.] [Online] Available at: <http://www.foodreference.com/html/qmoney.html>. [Accessed 15th September 2009].
- Chabara, Rajesh. 2008. "Climate Change Refugees Seek a New International Deal". [Online] Available at: <http://www.climatechangecorp.com/content.asp?contentid=5871>. [Accessed 18 February 2009].
- Chapman, Audrey, R . 1996. "A Violations Approach for Monitoring the International Covenant on Economic, Social and Cultural Rights", in *Human Rights Quarterly*. The John Hopkins University Press. 23-66.
- Collier, Paul. 2008. "The Politics of Hunger: How Illusion and Greed Fan the Food Crisis". *Foreign Affairs*. 67-79.
- Copenhagen Consensus Centre. 2008. *Copenhagen Consensus Report*. [Online] Available at: <http://www.copenhagenconsensus.com>. Accessed 14 February 2009.
- Darwin, Charles. 1857. [Online] Available at: <http://darwin-online.org.uk/content/search-results?pageno=2&freetext=slavery&pagesize=50&sort=date-descending>. [Accessed 17 April 2009].
- Donati, Federica and Vidar, Margaret. 2008. *Global Obligation for the Right to Food*. Ed. George Kent. Rowman and Littlefield. 47 – 89.
- Donne, John. [Online] Available at: http://www.goodreads.com/author/quotes/77318.John_Donne. [Accessed 9th December 2008].
- Energy Information Administration. 2007. [Online] Available at: <http://www.guardian.co.uk/environment/datablog/2009/dec/07/copenhagen-climate-change-summit-carbon-emissions-data-country-world>. [Accessed 20th April 2010].
- European Union. 1999. *The European Union Convention on Human Rights*. The European Union. [Online] Available at: http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/133501_en.htm. [Accessed 8 January 2009].

- Food and Agricultural Organisation (FAO). "Voluntary Guideline to Support the Progressive Realisation of the Right to Food in the Context of National Security". 1953.
- Food and Agricultural Organisation (FAO). 1996. *Report of the World Food Summit*. [Online] Available at: <http://www.fao.org/docrep/003/w3548e/w3548e00.htm#Annexii><http://www.fao.org/docrep/003/w3548e/w3548e00.htm#Annexii>. [Accessed on 1 April 2010].
- Food and Agricultural Organisation (FAO). 2006. *The State of Food Insecurity in the World*. [Online] Available at: <http://fao.org/docrep/fao/009/a0750e/a0750e00.pdf>. [Accessed 2 September 2009].
- Food and Agricultural Organisation (FAO). 2008. *Briefing Paper: Hunger on the Rise*. [Online] Available at: <http://www.fao.org/newsroom/common/ecg/1000923/en/hungerfigs.pdf>. [Accessed 2 September 2009].
- Food and Agricultural Organisation (FAO). 2009. *Guide on Legislating for the Right to Food*. Rome.
- Food and Agricultural Organisation (FAO). Committee on World Food Security. 2001. *Mobilizing the Political Will and Resources to Banish World Hunger*. FAO. [Online] Available at: http://www.fao.org/DOCREP/004/Y1780E/y1780e06.htm#P0_0 [Accessed on 13 March 2011]
- Freeman, Michael. 2002. *Human Rights, an Interdisciplinary Approach*. Cambridge: Polity Press
- George, Susan. 1977. *How the Other Half Dies*. New Jersey: Allanheld, Osmun and Co.
- Gleick, Peter H. 1999. *The Human Right to Water*. Pacific Institute for Studies in Development and Security, Elsevier: USA.
- Guha-Khasnobis, Basudeb. S. Vivek . 2007. "Rights-Based Approach to Development: Lessons from the Right to Food Movement in India", in *Food Insecurity, Vulnerability and Human Rights Failure* eds Basudeb Guha-Khasnobis, Shabd S. Acharya and Benjamin Davis. Palgrave Macmillian.
- Hardin, Garret. 1990. *An Interview with Nancy Pearlman*. [Online] Available at: http://www.garretthardinsociety.org/articles/art_tragedy_of_the_commons.html. [Accessed on 4th February 2009].

- Hardin, Garrett. 1977. "Lifeboat Ethics: the Case against Helping the Poor", in *World Hunger and Moral Obligation*. Eds. William Aiken and Hugh La Follette. Prentice Hall, New Jersey. 11-21.
- <http://religionhumanrights.com/Law/icescr/ratification/usshr.strategy.ratification.htm>. [Accessed 12 January 2009].
- http://www.allacademic.com//meta/p_mla_apa_research_citation/2/5/0/5/7/pages250577/p2_50577-1.php. [Accessed on 11th February 2010]
- <http://www.mindfully.org/Food/Right-To-Food30jun02.htm>. [Accessed on 6 March 2010].
- <http://www.nls.ac.in/distanceeducationnotes/PGDHRL/IESCR.pdf>. [Accessed 10 January 2009].
- Hulme, David and Binayak, Sen. 2004. "Chronic Poverty in Bangladesh: Tales of Ascent, Descent, Marginality and Persistence", in *The State of the Poorest 2004/2005*. Bangladesh Institute of Development Studies. 85-87.
- Human Rights Correspondence School (HRCS). [Online] Available at: <http://www.hrschool.org/>. [Accessed 4th April 2009].
- Human Security Alliance (HSA). 2007. *Challenges of Climate Change in Bangladesh: A Human Security Concern*. [Online] Available at: <http://www.iht.com/Articles/2007/03/04/opinion/edbangla.php>. [Accessed 7th February 2009].
- Implementing the Responsibility to Protect. 2009. [Online] Available at: <http://www.responsibilitytoprotect.org/index.php/about-rtop/the-un-and-rtop> [Accessed on 13 February 2010]
- International Coalition on the Responsibility to Protect (ICTtoP). 2010. [Online] Available at: <http://www.responsibilitytoprotect.org/index.php/publications/core-rtop-documents>. [Accessed on 16 April 2010].
- International Commission of Jurists (ICJ), *Courts and the Legal Enforcement of Economic, Social and Cultural Rights. Comparative Experiences of Justiciability*, 2008, Human Rights and Rule of Law Series No. 2, [Online] available at: <http://www.unhcr.org/refworld/docid/4a7840562.html> [accessed 25 May 2010]

- International Commission of Jurists (ICJ). 1987. *The Limburg Principles on the Implementation of the ICESCR*. [Online] Available at: http://www.acpp.org/RBAVer1_0/archives/Limburg%20Principles.pdf. [Accessed 10 January 2009].
- International Food Policy Research Institute (IFPRI). 2008. *Global Hunger Index: The Challenges of Hunger*. [Online] Available at: http://www.welthungerhilfe.de/fileadmin/media/pdf/WHI/GHI_2008.pdf [Accessed 11th December 2008].
- International Policy on Human Rights Protection (IPHRP). 2009. [Online] Available at: <http://www.hrsolidarity.net/mainfile.php/2002vol12no06/2243/>. [Accessed 15 July 2009].
- International Policy on Human Rights Protection (IPHRP). 2009. [Online] Available at: <http://www.ichrp.org/>. [Accessed 10 October 2009].
- IRIN ASIA. 2009. "South Asian Countries Unite to Combat Climate Change". [Online] Available at: <http://www.alertnet.org/thenews/newsdesk/IRIN/120389fc5ce2472ac93641e691074a76.htm>. Accessed 7th February 2009.
- Ishay, Micheline. 2008. *The History of Human Rights : From Ancient Times to the Globalization Era*. California University Press.
- Jonsson, Urban. 1987. *Food and Nutrition Bulletin*. The United Nations University Press Volume 3, Number 2, April 1981 [Online]. Available at: <http://www.unu.edu/unupress/food/8F032e/8F032E00.htm#Contents> [Accessed on 20 March 2010]
- Kalin, Walter, Muller, Lars and Wythenback, Judim. (eds.) 2004. *The Face of Human Rights*. Baden: Lars Muller Publishers.
- Kent, George. 2005. *Freedom from Want: The Human Right to Adequate Food*. Georgetown University Press.
- Kent, George. 2008. *Global Obligation for the Right to Food*. USA: Rowman and Littlefield Publishers.
- Koskenniemi, Marit. 1999 *The Universal Declaration of Human Rights, A Common Standard of Achievement*. Eds. Gudmundor Alfredson and Asbjorn Eide. Martinus Nijhoff.

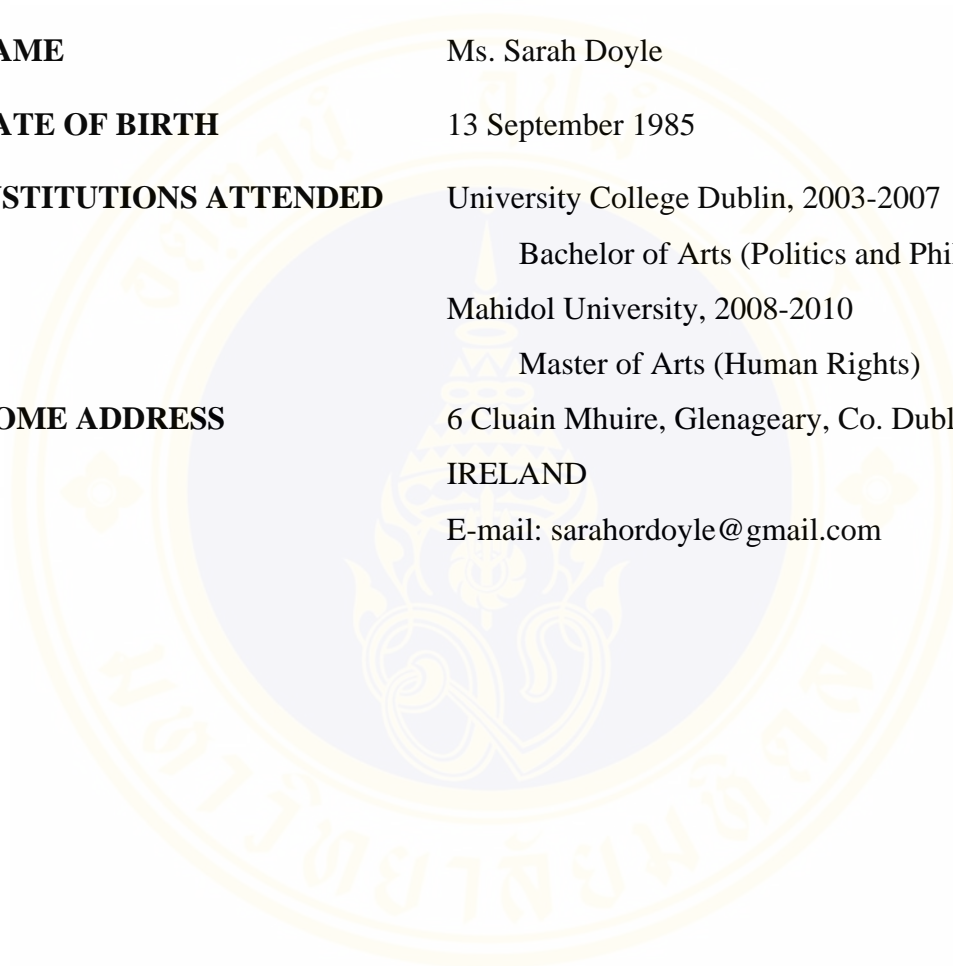
- La Follette, Hugh. 1977. "The Right to be Saved from Starvation", in *World Hunger and Moral Obligation*. Eds. William Aiken and Hugh La Follette. New Jersey: Prentice Hall. 85-102.
- Malthus, Thomas. 1978. *An Essay on the Principle of Population*. [Online] Available at: <http://www.esp.org/books/malthus/population/malthus.pdf>. [Accessed 10 February 2009].
- Masstricht Guidelines on Violations of Economic, Social and Cultural Rights (Masstricht Guidelines). 1997. [Online] Available at: http://www1.umn.edu/humanrts/instreet/Maastrichtguidelines_.html. [Accessed on 14 February 2010]
- McGreevy, Ronan. 2008. *Robinson Opposes Aid Cut*, The Irish Times. [Online] Available at: <http://www.irishtimes.com/newspaper/ireland/2008/0710/1215537705911.html>. [Accessed 5 September 2009].
- Millstone, Erik and Lang, Tim. 2003. *The Atlas of Food : Who Eats What, Where and Why*. University of California Press.
- Moyo, Dambisa. 2009. *Dead Aid*. Farrar, Straus and Giroux.
- Myers, Kevin. 2008. *Africa is giving nothing to anyone apart from AIDS*. [Online] Available at: <http://www.independent.ie/opinion/columnists/kevin-myers/africa-is-giving-nothing-to-anyone--apart-from-aids-1430428.html>2008. [Accessed 8th February 2009]
- Narevson, Jan. 1999. *Moral Matters*. University of Waterloo, Canada: Broadview Press, 2nd ed.
- Narveson, Jan. 1977. "Morality and Starvations" in *World Hunger and Moral Obligation*. Eds. William Aiken and Hugh La Follette. New Jersey: Prentice Hall. 49-66.
- Normand, Roger and Zaidi, Sarah. 2007. *Human Rights at the UN : the Political History of Universal Justice*. Indiana University Press.
- Nowak, Manfre. 2003. *Introduction to the International Human Rights Regime*. Martinus Nijhoff.
- Office of the High Commissioner of Human Rights (OHCHR). 2009. [Online] Available at: <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>. [Accessed on 13 September 2009].

- O'Neill, Onora. 1977 "Life Boat Earth", in *World Hunger and Moral Obligation*. Eds. William Aiken and Hugh La Follette. New Jersey: Prentice Hall. 148-165.
- Pogge, Thomas. 2008. *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. Cambridge: Polity.
- Rachels, James. 1977. "Vegetarianism And the Other Weight Problems ", in *World Hunger and Moral Obligation*. Eds. William Aiken and Hugh LaFollette. New Jersey: Prentice Hall. 180- 193.
- Rae, Isabella, Thomas, Julia and Vidar, Margaret. 2007. "The Right to Food as a Fundamental Human Right: FAO's Experience", in *Food Insecurity, Vulnerability and Human Rights Failure*. Eds. Basudeb Guha-Khasnabis, Shabd S. Acharya and Benjamin Davis. Palgrave Macmillian.
- Rome Statute of the International Criminal Court Explanatory Memorandum. 2005. [Online] Available at: http://www.opsi.gov.uk/si/si2005/draft/em/uksidem0110736710_en.pdf. [Accessed 14 February 2009].
- Rosenberg, Matt. 2008. "China's One Child Policy: One Child Policy in China Designed to Limit Population Growth". [Online] Available at: <http://geography.about.com/od/populationgeography/a/onechild.htm>. [Accessed 10th February 2009].
- Ruteldge, Jenifer Geist. 2008. "A Child's Right to Food: India's Mid-Day Meals Program". University of Minnesota.
- Sen, Amartya. 1999. *Development as Freedom*, Oxford University Press.
- Sen, Amartya. 2008. *Poverty and Famines*. Oxford University Press.
- Singer, Peter. 1977. "Poverty, Affluence and Morality", in *World Hunger and Moral Obligation*. Eds. William Aiken and Hugh La Follette. New Jersey: Prentice Hall. 23-36.
- Steiner, Henry J and Alston, Philip. 2000. *International Human Rights in Context : Law, Politics, Morals*. 2nd ed. Oxford University Press.
- The World Bank (WB) (n.d.) [Online] Available at: <http://www.worldbank.org/>. 2009. <http://www.wfp.org/countries/bangladesh>. [Accessed 14th February 2009].

- The World Bank (WB). 2006. *Repositioning Nutrition as Central to Development, A Strategy for Large Scale Action*. <http://siteresources.worldbank.org/NUTRITION/Resources/281846-1131636806329/NutritionStrategy.pdf>. [Accessed 14 September 2010]
- Townsend, Joseph. 1990. "A Dissertation on the Poor Laws in England", in *Economic History of the English Poor Law, 1750 – 1850*. Ed George Boyer. Cambridge University Press.
- United Nations (UN), *Committee on Economic Social and Cultural Rights General Comments*. 1999.
- United Nations (UN). 1945. *United Nations Charter*. The United Nations.
- United Nations (UN). 1948. *Universal Declaration on Human Rights*. The United Nations.
- United Nations (UN). 2004. *Convention on the Rights of the Child (CRC)*. The United Nations. [Online] Available at: <http://www.unicef.org/crc/>. [Accessed 14 February 2009].
- United Nations (UN). 1974. *Report of the World Food Conference*. 1974. New York. [Online] Available at: <http://www.un.org/en/development/devagenda/food.shtml>. [Accessed on 18 March 2010].
- United Nations (UN). 2005. *Outcome Document of the 2005 World Summit*. 2005. [Online] Available at: http://www.responsibilitytoprotect.org/index.php?option=com_content&view=article&id=398 [Accessed on 18 November 2010]
- United Nations Development Project (UNDP). 2005. *Human Development Report*. [Online] Available at: <http://www.undp.org>. [Accessed 14 February 2009].
- United Nations Intergovernmental Panel on Climate Change. 2009. [Online] Available at: <http://www.ipcc.ch/>. [Accessed on September 14th 2009]
- United Nations Millennium Development Goals (UNMDGs). 2007.
- United Nations Security Council Resolution 1674 . 2006. [Online] Available at: <http://www.undemocracy.com/S-RES>. [Accessed 11 September 2009].
- United Nations. 1976. *The International Covenant on Economic, Social and Cultural Rights (ICESCR)*. The United Nations.

- Whitman, Deborah B. *Genetically Modified Foods: Harmful or Helpful: Pro Quest*. [Online] Available at: <http://www.csa.com/discoveryguides/gmfood/overview.php?SID=v8atvdvdjualrrjrr21e7pcuf4>. [Accessed 5 December 2008].
- World Food Conference. 1974. *Report of the World Food Conference*. [Online] Available at: <http://www.eclac.cl/cumbres/3/43/FAORLC-41001WorldFoodConference.doc>. [Accessed 17 January 2009].
- World Food Programme (WFP). (n.d.) [Online] Available at: <http://www.wfp.org/>. Accessed on 14 February 2010.
- World Food Programme (WFP). 2009. [Online] Available at: <http://www.wfp.org/>. Accessed on 14 February 2010.
- Ziegler, Jean. 2008. [Online] Available at: <http://www.righttofood.org/new/html/JeanZiegler.html>. [Accessed 12 September 2009].

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