

## Food as Human Right Infos

<http://www.fao.org/righttofood/>

## Our Publications



*The following publications have been produced by the Right to Food Unit.*

## Right to Food Guidelines

- [Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of the national food security](#), 2005

## Studies and Manuals

- [The Right to food Guidelines, Information papers and case studies](#), Book, 2006.
- [The Right to adequate food in emergencies](#), FAO legislative study number 77, 2003.
- [Gender and Law](#), FAO legislative study, number 76, 2002.
- [Women and the Right to Food](#), Right to Food study, 2008.
- [The Right to Food and the Impact of Liquid Biofuels \(Agrofuels\)](#), Right to Food study, 2008.
- [The Right to Food and Access to Natural Resources](#), Right to Food study, 2008.
- [The Right to Food in the context of HIV/AIDS](#), Right to Food study, 2009.
- [The right to adequate food and indigenous people](#), Right to Food study, 2009.
- [The right to food and indigenous peoples](#), Joint Brief, 2009.
- [Right to food and fisheries](#), Right to Food study, 2009.
- [The Right to Food and Access to Justice](#), Right to Food study, 2009. *[english]*
- [Droit à l'alimentation et accès à la justice](#), Right to Food study, 2009. *[french]*
- [Derecho a la Alimentación y Acceso a la Justicia](#), Right to Food study, 2009. *[spanish]*
- [Direito à Alimentação e Acesso à Justiça](#), Right to Food study, 2010. *[portuguese]*

## Training and Advocacy Materials

- [The Right to food in Practice, implementation at the national level](#), Paper 2006.
- [The Right to Food, Putting it into Practice](#), Brief 2005.
- [Voluntary Guidelines, the Human Right to Food](#), Flyer 2005.
- [Right to Food - Lessons learned in Brazil](#), Paper 2007.
- [Right to Food: Value Added for Food Security Work and Priorities for Action](#), Flyer 2009.

## Methodological Toolbox

- [Guide on Legislating for the Right to Food](#).
- [Methods to Monitor the Human Right to Adequate Food - Volume I](#).
- [Methods to Monitor the Human Right to Adequate Food - Volume II](#).
- [Guide on Conducting Right to Food Assessment](#).
- [Right to Food Curriculum](#).

- [Guide on Right to Food Budget Analysis.](#)

#### "Focus on" Series

- [Right to Food and Bioenergy](#)
- [Right to Food and Gender](#)
- [Right to Food and HIV / AIDS](#)
- [Right to food and Indigenous Peoples](#)
- [Right to Food and Access to Natural Resources](#)

#### "How to" Series

- [Conduct a Right to Food Assessment](#)
- [Analyze Budgets](#)
- [Legislate for the Right to Food](#)
- [Monitor the Realization of the Right to Food](#)

#### CD-ROMs

- Download our [CD-ROMs](#) from the Web

#### Cartoon Books for Kids

- [The Right to Food: A window on the world](#)

#### Newsletter

- Right to Food Newsletter N°1 - October 2007  
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- Right to Food FORUM Newsletter N°5 - February 2009  
[\[Low resolution, 713KB\]](#) - [\[High resolution, 1.62 MB\]](#)

#### Country Packages for FAO Country Representatives

- [What is the Right to Food](#), Brief 2007.
- [Questions and Answers](#), Flyer 2007.
- [Right to Food in Action](#), Brief 2007.
- 10 minute Speech, [Text](#) / [Power Point Presentation](#)
- 30 minute Speech, [Text](#) / [Power Point Presentation](#)
- [List of Right to Food Activities and Events](#), Document 2007.
- [On line Short Course](#), Flyer 2007.
- [E-Learning Resources](#), Flyer 2007.

#### Reports

- [Avances y Consolidación del Marco Legal e Institucional del Derecho a la alimentación en América Latina](#), 2008.
- [Institutional, policy and legislative framework of food security of Tajikistan](#), 2008 (English version).
- [Институциональная, политическая и правовая структура родовольственной безопасности Таджикистана](#) 2008 (Russian version).
- [Proyecto Promoción del Derecho Humano a la Alimentación Adecuada en Bolivia](#), 2008
- [Consultoría Coordinación Proyecto Promoción del Derecho Humano a la Alimentación Adecuada - Segunda fase](#), 2009

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## The right to food in national constitutions

<http://www.fao.org/DOCREP/W9990E/w9990e12.htm>

### **BANGLADESH Article 15 (*Provision of basic necessities*)**

"It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement of the material and cultural standard of living of the people, with a view to securing to its citizens... the provision of the basic necessities of life, including food, clothing, shelter..."

### **BRAZIL Article 227 (*Right to food for children and teenagers*)**

"It is the duty of the family, of society, and of the State to ensure children and adolescents, with absolute priority, the right to life, health, food, education, leisure, professional training, culture, dignity, respect, freedom, and family and community life, in addition to safeguarding them against all forms of negligence, discrimination, exploitation, violence, cruelty, and oppression."

### **COLOMBIA Article 44**

"The following are basic rights for children... a balanced diet..."

### **CONGO Article 34 (*Health, Aged, Handicapped*)**

"The State is the guarantor of public health. Every citizen shall have the right to a level of life sufficient to assure his health, his well-being and that of his family, notably food, clothing, shelter, medical care as well as necessary social services."

### **CUBA Article 8 (*The Socialist State*)**

"...as the power of the people and for the people, guarantees:... That no child be left without schooling, food and clothing."

**ECUADOR Article 19**

"...The right to a standard of living that ensures the necessary health, food, clothing, housing, medical care and social services."

**ETHIOPIA Article 90(Social objectives)**

"To the extent the country's resources permit, policies shall aim to provide all Ethiopians with access to public health and education, clean water, housing, food and social security."

**GUATEMALA Article 51(Protection of Minors and the Elderly)**

"The State will protect the physical, mental and moral health of Minors and the Elderly. It will guarantee them their right to food, public health, education, security and social insurance."

**Article 99 (Feeding and nutrition)** "The State will see to it that the food and the nutrition of the population meet the minimum health requirements. The specialized actions among themselves or with international organizations dedicated to public health to achieve an effective national food delivery system."

**HAITI Article 22**

"The State recognizes the right of every citizen to decent housing, education, food and social security."

**INDIA Article 47 (Duty of the State to raise the level of nutrition and the standard of living and to improve public health)**

"The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purpose of intoxicating drinks and of drugs which are injurious to health."

**Islamic Republic of IRAN Article 3 (State Goals)**

"...The planning of a correct and just economic system, in accordance with Islamic criteria, in order to create welfare, eliminate poverty, and abolish all forms of deprivation with respect to food, housing, work, health care, and the provision of social insurance for all."

**Article 43 (Principles)**

The economy of the Islamic Republic of Iran, with its objectives of achieving the economic independence of the society, uprooting poverty and deprivation, and fulfilling human needs in the process of development while preserving human liberty, is based on the following criteria: The provision of basic necessities for all citizens: housing, food, clothing hygiene, medical treatment, education, and the necessary facilities for the establishment of a family."

**MALAWI Article 13**

"The State shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving the following goals: Nutrition: To achieve adequate nutrition for all in order to promote good health and self-sufficiency."

**NICARAGUA Article 63**

"It is the right of Nicaraguans to be protected against hunger. The State shall promote programmes which assure adequate availability and equitable distribution of food."

**NIGERIA Article 16**

"The State shall assure, within the context of the ideals and objectives for which provisions

are made in this constitution,... that suitable and adequate shelter, suitable and adequate food, reasonable living wages, are provided for all citizens."

**PAKISTAN Article 38**

"The State shall provide basic necessities of life, such as food, clothing, housing, education and medical relief."

**PARAGUAY Article 53 (Children)**

"Every parent has the right and obligation to care for, to feed, to educate, and to support his children while they are minors. The laws will punish those parents who fail to comply with their duty to provide their children with food..."

**SOUTH AFRICA Section 27 (Health care, food, water and social security)**

"1) Everyone has the right to have access to:

a) health care services, including reproductive health care; b) sufficient food and water; and c) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.

2)The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of each of these rights..."

**Section 28(Children)**

"1) Every child has the right to:

a) a name and a nationality from birth; b) family care or parental care, or to appropriate alternative care when removed from the family environment; c) basic nutrition, shelter, basic health care services and social services..."

**SRI LANKA Article 27**

"The State is pledged to establish in Sri Lanka a democratic socialist society, the objectives of which include... the realization by all citizens of an adequate standard of living for themselves and their families, including adequate food, clothing and housing..."

**UGANDA Article 14 (General social and economic objectives)**

"The State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that... all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, decent shelter, adequate clothing, food, security and pension and retirements benefits."

**UKRAINE Article 48**

"Everyone has the right to a standard of living sufficient for himself or herself, and his or her family that includes adequate nutrition, clothing and housing."

**THE FOLLOWING COUNTRIES HAD NO MENTION OF THE RIGHT TO FOOD IN THEIR CONSTITUTIONS**

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada,

Cape Verde, Central African Republic, Chad, Chile, China, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Finland, Fiji, France, Gabon, the Gambia, Germany, Ghana, Grenada, Greece, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Democratic People's Republic of Korea, Republic of Korea, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, The Former Yugoslav Republic of Macedonia, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Republic of Moldova, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, the Netherlands, New Zealand, the Niger, Norway, Oman, Panama, Papua New Guinea, the Philippines, Poland, Portugal, Qatar, Romania, the Russian Federation, Rwanda, Saint Lucia, Saint Vincent, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somali, Spain, the Sudan, Suriname, Swaziland, Sweden, Switzerland, the Syrian Arab Republic, Taiwan Province of China, Tajikistan, United Republic of Tanzania, Thailand, Tibet, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Western Samoa, Yemen, Yugoslavia, Zambia and Zimbabwe.

#### NO CONSTITUTION TEXT WAS FOUND FOR THE FOLLOWING COUNTRIES

Bhutan, Bolivia, Botswana, Brunei Darussalam, Georgia, Lesotho, Saint Christopher and Nevis and San Marino.

### The human right to food and contemporary globalization

#### Asbjørn Eide

(October 11, 2008) The proclamation of the Universal Declaration of Human Rights by the United Nations General Assembly in 1948 was an essential part of the globalizing vision of the United Nations Charter. This vision was formed during World War II, heavily influenced by the Roosevelt administration in the United States and deeply inspired by the famous message by President Roosevelt to the U.S. Congress in January 1941 – the Four Freedoms Speech – in which he envisaged a new world order to be promoted when World War II had come to an end, ensuring four basic freedoms to everyone – freedom of speech, freedom of faith, freedom from want and freedom from fear – everywhere in the world.

It was a vision of global cooperation for common security and common wealth, through multilateral cooperation intended to replace unilateral self-assertion and power games. The vision in the Four Freedoms speech in January 1941 was repeated in the Atlantic Declaration between the United States and the United Kingdom in August 1941 and then built into the United Nations Declaration in January 1942, which inspired the drafting of the United Nations Charter, adopted in San Francisco in June 1945, and later elaborated in the Universal Declaration of Human Rights.

The establishment of the United Nations implied a commitment by states to work together to maintain international peace (UN Charter Article 1.1), to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace (Article 1.2) and to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion (Article 1.3).

This vision of a global cooperation for the maintenance of peace, equal rights and self-determination of peoples and for global solutions of problems of an economic, social, cultural and humanitarian nature underpinned by respect for human rights, was further elaborated by the adoption in December 1948 of the Universal Declaration of Human Rights, which spelled out the whole range of human rights that should guide the globalization process: Civil, political, economic, social and cultural rights. It was intended to be a cooperative process involving all nations and peoples on an equal level.

The process of globalization has unfortunately sixty years later (in 2008) become deeply controversial. This is mainly because the main pursuit by dominant actors has been to globalize the market without paying sufficient attention to the other elements required for sustainable global cooperation. There should have been cooperation rather than dominance, and priority should have been given to the broad package of human rights including economic and social rights for the vulnerable. Instead, priority has been given to vast accumulation in the hands of few under the name of economic growth.

### The right to food

The right to food which has formed part of internationally recognized human rights from their inception in 1948 has received increasing attention in recent years, not the least as a consequence of the food crisis. By internationally recognized human rights we refer in particular to those rights that are included in the International Bill of Human Rights – the Universal Declaration of Human Rights adopted in 1948 and the two Covenants on Human Rights, one on civil and political rights, the other on economic, social and cultural rights, both adopted by the international community through the General Assembly of the United Nations in 1948. These rights are recognized in the sense that the community of states have agreed that these are the valid human rights. It does not mean, of course, that all states respect all these rights in practice. It remains a continuing struggle to ensure that all rights are respected and enjoyed by all.

One illustration of the growing recognition of the right to food as a human right is the adoption by the FAO Council in 2004 of the guidelines for states to realize the right to food in the context of food security (see Arne Oshaug's contribution). Another example is that the UN Human Rights Council convened a special session in May 2008 to emphasize the importance of the right to food in the context of the soaring food prices, and another is that the Parliament of the European Union adopted on May 22, 2008 a resolution calling for the full implementation of the right to food.

In spite of this growing recognition and also the solemn commitments made by leaders of the world at the World Food Summit in 1996 and at the UN Millennium conference in 2000 to halve the number of hungry people, the stark fact is that there are more hungry people now than at the time of the World Food Summit. This is a dismal failure of the efforts made by world leaders to fulfill their commitments, and give grounds for suspicion that the commitments were not seriously intended to be followed up.

Realistically, we have to be aware that reduction of hunger does not have a high priority among influential decision-makers, particularly not if it conflicts with other aims that are considered more fruitful or beneficial from their perspective. Land reforms providing small plots for the landless and improvement of productivity for smallholders would substantially reduce hunger, but it would not provide much income into the coffers of the state, and it would be an obstacle to foreign or city-based capital investments in land. Economic growth through facilitation of large-scale investment and the expansion of international trade is more highly valued not only to ambitious entrepreneurs but also to national authorities, even if the benefits accrue to a limited number of persons and make others further impoverished. Significant tax incomes or royalties from investors are required to finance military expenditures, the national administration, and other expenses which are seen as desirable for national authorities. Modest but essential improvements for smallholders and the landless could significantly reduce hunger, but it will not provide taxes and other opportunities for central authorities and are therefore not encouraged. This is one of the reasons why hunger is so persistent in rural areas of developing countries.

### On contemporary globalization

Globalization in its present form is both a threat and a range of opportunities. As noted above, there was initially a vision reflected in the United Nations Charter of cooperative globalization for the solution of social and economic problems for all and for the realization of human rights, and there were efforts to follow it up by constructive developments in the early decades after World War II. It was severely hindered by the onset of the Cold War, when human rights of all kinds were frequently violated.

When that hindrance was slowly faded away new problems arose: A narrower, purely market-oriented globalization gained grounds in the 1980s, benefiting those who were already economically strong but distributing the benefits extremely unevenly and aggravating the situation for many vulnerable peoples. I have described the process in a more extensive article to which interested readers are referred [\[i\]](#).

The dominant trend in present processes of globalization is to expand the global reach for investments and to broaden market for profit. Corporations are the main tool used by investors in this process. International financial institutions mainly serve to promote this process. There is a relentless pressure for unrestricted global trade and investment, which in general terms can be beneficial if carried out between equal partners, but can be very harmful between highly unequal partners. The distributional impact within national societies is also highly unequal: Expanding international trade benefits some segments of national societies and is harmful to others.

Paradoxically, it is only in developed countries that groups such as farmers and organized labour, due to their political impact in the democratic process, manage to resist through subsidies and trade barriers some of the negative impact for them of free international trade. In most developing countries the truly vulnerable groups do not have the strength to resist the pressures of market globalization. For them, international trade can be doubly negative: They are neither protected against the harmful negative consequences arising from international trade on their established sources of livelihood, nor do they achieve the positive benefits that could have resulted for them had all trade barriers and subsidies in developed countries been eliminated.

This is sad, but at closer inspection it should not be surprising. Vulnerable groups in rural areas have little or no political influence even in political systems where formal democratic rules are applied, in spite of their significant numbers. It might be expected that they in a functioning democracy would have substantial impact, but they do not. Not only are they hungry which leaves them little energy beyond what is required for mere survival, but in many countries most of them are illiterate or semi-literate, with very little communication possibilities and with low levels of information about decisions made elsewhere which impact their livelihood.

Most members of the elite live in the urban areas  and it is the elite that determine the policy of their government.

In the present process of globalization, the international financial institutions are dominated by the developed countries, a fact which is also reflected in the voting rules for these institutions. To the extent that representatives of developing countries are given a voice in the decision-making of those institutions, they tend to be recruited from the national elite and have little motivation to protect the interests of the vulnerable but politically and economically insignificant groups. Should a pang of bad conscience occur, they can always fall back on the credo that in the long run the expanding investments, market and production will trickle down to the poor. But, as Keynes famously said, in the long run we are all dead, and what is very clear is that in the long run hundreds of millions will die from hunger while the markets expand.

### **Evictions and marginalization in the rural areas of developing countries**

Taking into account the factors mentioned above, there should be no surprise that little attention has been given to rural development except in the form of encouragement of large-scale investments or capital-intensive production which is beyond the reach of most of the smallholders. The kind of agriculture that has been promoted in the past has been of little or no help for the rural poor. In order to pay foreign debt (often recklessly incurred by political leaders) and in order to be more competitive in international markets, several governments of developing countries have encouraged the export of

national resources and agricultural products such as sugar, flowers, and coffee, in addition to timber and minerals. The new fascination is to go into production of liquid biofuel production.

In order to produce such agricultural products quickly, efficiently, and for a low and therefore competitive price, national governments have often encouraged the eviction or marginalization of indigenous peoples, smallholders and peasants (often women) and have made the land and resource extraction to investors and their corporations, to facilitate an economy of scale and more ♦modern♦ forms of production.

Measures to help smallholders such as farm subsidies and cheap credit policies has been opposed by international financial institutions and has fallen out of favor at the national level of many developing countries because it does not serve the interests of those who influence the government. Large parts of the rural population either become landless people who can be exploited for seasonal labor, or who migrate to the urban areas where they hope to have a better life, often in vain because there in many countries there are very limited employment opportunities available. The double effect of the push factor ♦ forcing the indigenous peoples or peasants out of their livelihood ♦ and the pull factor, the dream of a better life with low food cost in the urban areas ♦ are among the main factors in the rapid urbanization in the south.

To the extent these new urbanites in their shantytown dwellings are able to influence their governments, their main interest is to get cheap food, requiring the state to maintain artificially low food prices or to import from abroad at prices which cannot be met by the local producers. This further aggravates the situation of smallholders.

The situation has been aggravated during recent years by the soaring food prices which have seriously affected the urban poor and the landless rural people, but with no benefit to the smallholders who are not able to pay the higher costs of seeds, fertilizers and petrol. On the contrary, since the benefit of higher food prices can be obtained through an economy of scale, the attraction of higher food prices have further intensified the removal of smallholders in favour of investors going into large-scale, plantation-type production.

Biofuel production is likely to accelerate the trend towards concentration of land and the eviction of vulnerable groups. The production of biofuel has a much more drastic impact than other forms of intensive agriculture. Economy of scale is a key to its profitability, which implies that it will mostly be carried out on large-scale plantations. Smallholders are likely to have a minor space in this production, which requires an integrated industrial/agricultural organisation of production, factory processing, transport and distribution.

Plantation-type production is also much more attractive than other agricultural activities to non-local investors who are only interested in large-scale production which can be controlled from afar. Unless stringent regulations are put in place, it is likely that such production will speed up a negative process of evictions and marginalisation and to which there are no socially adequate safety nets, unless there is a full recognition of the problems and a willingness to take the necessary steps to minimize the risks.[\[ii\]](#)

A related factor is that of speculations in the commodities market involving futures on food commodities: This has contributed significantly to the soaring food prices. Speculators base themselves on political decisions such as the establishment of high quotas for biofuel consumption. Speculators have predicted that this would lead to higher prices for food and have therefore gone into speculative transactions which indeed has pushed the price upwards, with very harmful consequences for poor people.

### **Is there reconsideration under way?**

The present global policies for poverty eradication have failed miserably. The number of hungry people has grown. The high food prices are only to a very limited extent caused by temporary shortfalls in production, they are mainly the result of long-range policies including diversion of food resources to biofuel, the growing dependence on costly inputs such as fertilizers and petrol for

motorized machinery in food production, and speculation in land aimed at increasing profit for large-scale investors and in future food commodities.

The current crisis has generated soul-searching and increasing willingness to discuss and even to recommend significant changes in policies. The fascination with liquid biofuel for transport has significantly decreased in some quarters. Many have recognized that it neither reduces global warming nor improves in any significant way the access to renewable energy and that, on the contrary, biofuel production in the developing countries will have serious negative social and environmental consequences. Investors still persist, however, and many governments encourage them to do so. As long as there is a demand and they can make a profit, investors will continue until social and environmental objections become strong enough to stop it.

A highly important study, initiated by FAO and the World Bank called International Assessment of Agricultural Knowledge, Science and Technology for Development, was recently completed [\[iii\]](#). It contains significant pointers towards a new orientation of agricultural policy. It emphasizes the need to promote small-scale agricultural systems through development-oriented local government and through institutions such as cooperatives, farmer organizations and local business associations and unions to support small-scale farming systems, and to ensure greater and more effective involvement of women and the use of their knowledge, skills and experience.

Among the tools that could be used to bolster this reorientation is the human right to food, set out in Article 11 of the UN Covenant on Economic, Social and Cultural Rights whereby states recognize the right of everyone to the right to adequate food and to be free from hunger and to take steps to ensure that everyone can enjoy those rights, and also Articles 24 and 27 of the Convention of the Rights of the Child whereby the right of every child to sufficient nutrition and adequate standard of living are recognized and the obligations to take appropriate measures are set out. All states in the world are parties to the Convention on the Rights of the Child, with the two exceptions of the USA and Somalia.

There is a growing number of nongovernmental organizations focusing on economic and social rights. Some of them, in particular FIAN, focus particularly on the right to food. These organizations are becoming increasingly active and with an expanding network in developing countries.

The adoption in 2004 by states through the FAO Council of the Voluntary Guidelines on the Right to Food is another important contribution, and it has been greatly strengthened by the establishment of the Right to Food Unit of the FAO Secretariat.

Another positive factor has been the activities of the United Nations Special Rapporteur on the Right to Food, appointed by the Human Rights Council. The annual reports of the first Rapporteur, Jean Ziegler, helped significantly by specific examples to raise the awareness of the need to overcome the obstacles to the realization of the right to food, and his successor appointed in 2008, Olivier De Schutter, has shown his ability to move forcefully on this issue by convincing the UN Human Rights Council to hold a special session on the theme of the right to food in the context of soaring food prices (May 2008).

Real progress in the elimination of hunger will not be achieved, however, before states fully commit themselves to a human rights-based approach to development. Some states, including the United States, have not even ratified the Covenant on Economic, Social and Cultural Rights and are therefore not legally obliged to implement the right to food. Some of those who have ratified have done very little to implement their obligations, and there are hardly any sanctions which can pressure them to do so.

Economic growth in itself is no guarantee that hunger will be eradicated. India has had a fabulous economic growth in the last decade, but the conditions of the ordinary people have not improved much. India is a democratic country, and its experience demonstrates that landless and small landholders cannot through their democratic participation significantly improve their own situation ♦ a commitment by the elite to economic and social rights for all is required. While democracies can prevent mass starvation, it cannot without deliberate and targeted action prevent extensive, perennial, but silent hunger ♦ which is still widespread in South Asia and in many other developing countries.

The improvement of conditions in European countries during the late 19<sup>th</sup> century and the 20<sup>th</sup> century was not due simply to economic growth. To a large extent, the dynamics was the opposite: Because economic and social rights were recognized (safe tenure for smallholders, labour rights, rights of everyone to education, universal health services) economic growth was accelerated. Why so? Because more people became more productive and creative, with higher education and less hindered by hunger and diseases.

When political elites recognize that promotion of human rights including economic and social rights such as the right to food actually enhances sustainable economic growth, we can start to expect that freedom from want will become a matter of the past. In his Four Freedoms speech, Franklin Delano Roosevelt said that this was not something to be left to a distant millennium but something that could be achieved within his own generation. That did not happen ♦ but we are now in a new millennium, and it is high time that his vision is transformed into reality.

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#### Footnotes

[i] Asbjørn Eide: The importance of economic and social rights in the age of economic globalisation. Chapter 1 in Wenche Barth Eide and Uwe Kracht (eds.): Food an Human Rights in Development, volume 1 (2005). Intersentia, Antwerp and London.

[ii] For a detailed examination of these issues, see Asbjørn Eide: *The right to food and the impact of liquid biofuels (agrofuels)*. Study prepared for the Right to Food Unit of FAO, May 30, 2008. Found on <http://www.fao.org/righttofood/> (visited July 4, 2008)

[iii] The report can be found on <http://www.agassessment.org/>, visited July 4, 2008

[http://www.worldhunger.org/articles/08/hrf/a\\_eide.htm](http://www.worldhunger.org/articles/08/hrf/a_eide.htm)

## **Right To Food And Food Right As A Fundamental Universal Human Right And Key For The Maintenance Of World Lasting Peace And Prosperity**

It is obvious that food is a need which nobody can do without and it is becoming surely in large part a major human right issue today. Food is a necessity to every person since no person can live without it. The increase in famine, hunger, malnutrition and other food related problems in the world have motivated more commitment to food and to its production.

Access to adequate and quality food has been an important issue in [world politics](#). Historically and since immemorial times, people are known to have held protest against kings, presidents, prime ministers, rulers, governments or other leaders in fight for food. For example: the events leading to the French Revolution and Marie Antoinette attitude towards her subjects will be always studied and remembered as unfortunate historical occurrences caused by misery and hunger (le ventre affamé n'a pas d'oreilles = empty stomach is hard of hearing).

Similar protests are still being witnessed in the world today. The latest [world food](#) crisis led to demonstration, protest and even food related violence in many countries.

These aforementioned occurrences and the importance of food as number one of all needs to human existence add weight to food rights and mostly right to food as an important element of universal human rights susceptible to help in the eradication of poverty and the maintenance of peace and tranquility in the world today, if well implemented.

Right to food has been addressed in several conferences, various human rights documents and in research papers.

The world came to its sense to address food rights since the adoption of The Universal Declaration. Since then, the mere legal right confirming access to adequate food has been included in various human rights and legal documents. Following suit, some countries have included clauses on and enshrined right to food in their constitutions.

It is laudable to observe that even the countries that do not have explicit clauses of right to food, went ahead in accepting and signing to international documents that recognize right to food as a fundamental right. Show of force, without reservation, their commitment to the indispensable universal right to food.

In general overview, it is important to say there is no need to repeat the mere fact that food is an essential necessity to every human being ("Food security is a basic right" par 1). For a person to live, food is required. Not only ordinary food, but the food should be Adequate and of quality, and such food is required for people to live normal and healthy lives.

Even though the food production has increased in 21st Century, Access to adequate and quality food is not possible to every person on the planet (United States. Dept. of Agriculture 32). The world has witnessed increase in people suffering from famine, hunger and malnutrition, and effect of famine to children has been even more severe.

Although the fundamental responsibility to food falls on an individual person, the collective responsibility to food cannot be ignored.

Historical and political background of right to food gives evidence to the importance of food as an universal fundamental right and the history of the right to food has even longer history than the politics of malnutrition. The historical background of right to food shows the growth of access to food as a fundamental right. The Access to food as a right expands the responsibility to food from an individual to state and to community of states because of its global impact.

After many centuries of struggle for democracy, social justice and human rights, obligations for providing food have been increasingly made enforceable in some countries. Thus, explaining the fact that providing food has been a moral obligation of rulers for centuries. In history, rulers were expected to provide and maintain access to food for their subjects. Failure to provide access to food was viewed as failure in leadership.

It is obvious to say that Moral obligation to provide food is in a way different from right to food. While moral obligation is not enforceable, food as a right is an enforceable obligation (Schulz & Kracht 113).

In the past people under threat of famine or hunger would hold protests against rulers to force them to meet their moral obligation of providing food. Right to food, as a human right provides channels for forcing the State to meet its obligations towards its citizens. The

essence of right to food is to provide legal and procedural means for ensuring that authorities provide access to food for everyone. But even if the plea and several demands for right to food have been there for more than two hundred years, the idea is yet to be adopted by all the countries in the world.

If we look at the current state of food rights, World data on food related issues provide surprising information. It is estimated that more than Eight hundred million people in the world do not have adequate food. The effect of inadequate food and famine is even more severe in children. It is estimated that about forty thousand children die each day to hunger related cases. Most of the victims of famine and famine related problem constitute more of the poor. The high number of people suffering from food related problem continues to grow despite of high food production and consumption per capita ratio in some countries and the world in general (Craven 215).

While some people have excess food, others in other part of the world suffer from adverse lack of the same. Considering high production of food per capita in the world, it is fair to say that scarce access to food in other regions of the world is closely related to other social economic elements of life such for example, lack of source of income that can lead to poverty and hunger.

Food problems in the world can be viewed in two perspectives. In one hand, food is not available to the people and the unavailability of food can lead to famine. In the other, food is available but some people cannot access it (Eide par 5).

It is known that earlier campaigns on access to food have focused on making food available to all. To conform to right to food, many countries emphasized on improving food production through reforms and technology. However, it has shown so far that this approach is not always effective when poor people are not involved in the production. With technology and mechanization of agriculture, food production is made for commercial purpose while the poor fail to access food despite of high food production ("Right to food: A fundamental human right" par 7). In this case, the overall yield per hectare cannot be used to evaluate access to food in statistics. Also, the Right to food involves other variable such as quantity, nutrition value and culture.

As a fundamental necessity, access to food will remain an important human right issue.

Without human rights, the principles of democracy, good governance, justice and law or order would not have the real meaning in their implementation. Therefore, the notion of right to food is very important for the mankind in all countries on this planet.

As the time goes, it is a trend to see that Most countries' constitutions contain at least a chapter on the bill of rights or a charter of rights or either a chapter and sections pertaining to human rights that state the rights provided to the people within the territory. Also, it is certain that [United Nations](#) has played an important part and role to the growth in human rights in the world as we know them today. The [United Nations](#) was formed after the world had experienced very severe human rights issues during the Second World War.

The vision for Universal Human Rights was developed during the war after basic human rights of most people were overlooked in the war. The post war vision was a world with freedom to speech, faith, freedom from fear and freedom from want.

Universal Declaration on human rights provides the most important foundation to growth in human rights. United Nations General Assembly proclaimed the Universal Declaration of Human Rights in 1948 as a guideline to universal human right (Orend 25). The vision implied global cooperation to fight against global problems, common responsibility to security and wealth.

The global unity was to replace unilateral assertion that had led to war but promote multilateral cooperation for common good (Gross 33).

The growth in the vision for unity for common good was first manifested through declaration between United Kingdom and United States of America in 1941. Then, in 1942, United Nations incorporated the vision in its United Nations Declaration. This global cooperation inspired the drafting of United Nations Charter in 1945 and Universal Declaration of Human Rights in 1948.

Formation of United Nations showed the determination with which member states had deep faith in cooperation, global peace and in solidarity or working together for common good. By being a member, a State commits itself to maintain peaceful relations and to respect and be friendly to other member countries. The member countries also promised to do anything possible for universal peace (Gross 33). Member States also promised to cooperate with other nations in order to solve international humanitarian, cultural, economic or social problems. Above this, the member States must be committed to uphold human rights of their citizens and other people with disregard to race, political affiliation, religion, sex or language.

The vision for global cooperation was stamped by adoption of Universal Declaration of Human Rights. The declaration implied that global peace and cooperation was not possible without respect of fundamental human rights. Global social, cultural, humanitarian and economic solution could not be possible without respect to basic human rights. The Universal Declaration of human Rights elaborates the range of human rights that should be available to every human being (Eide & Alfredson 17).

Various steps have been taken toward global cooperation. Although there are various successes to human rights, some of the rights stated in the declaration are yet to be achieved in all countries.

Right to food is seen as a fundamental right to human being.

Since the inception of human right through the declaration of universal human right, right to food has taken a central point in other human rights' documents that came after the Declaration of Human Rights. Internationally recognized human rights' documents that recognize the right to food include international Bill of Human Right, the Covenants on Human Rights, and social, economic and cultural rights. These mentioned international documents on human rights were adopted through the General Assembly of Human Rights. Governments that ratify these documents imply that they agree to uphold the contents of the documents.

Although the rights are recognized in various countries, this does not necessarily imply that there are respected in practice, but it gives at least a bright hope to future practice of the human rights including the right to food as legitimate human right..

One example of global recognition of right to food as a fundamental right is the recognition of food security as a state responsibility. Food and Agriculture Organization council passed a guideline to food security in 2004. The guideline recognizes the right to food by focusing on food security (FAO - Food and Agriculture Organization of the United Nations 37). The trend in world leaders to recognize the need for guaranteed food security is an indication that right to food is a fundamental right (Gonsalves & Human Right Law Network 59).

The ambitious United Nations' Millennium Goals show the commitment of global leaders to a better world through provision of human rights. One of the millennium goals is to reduce the number of people suffering from hunger by half. The World Summit held in 1996 also recognized the need to address access to food in all parts of the world (Feyter 125).

Despite of the commitments made by globe leaders to reduce hunger in the world, the numbers of people suffering from hunger have increased rather than decreased. This trend is an indication that measures that are more positive and objective should be taken to guarantee right to food other than just make mutual empty promises and non effective commitments.

Although most world leaders agree that access to food is a fundamental right, there is laxity in fulfilling this right, thus, creating hindrance to the right to food (Williams 171).

Almost one **billion people in the world are hungry right now**. Reducing hunger in the world seems not to be a priority in core decision makers. The right to food is set aside for other aims that are thought to be of priority by the leaders (Skoet & Stamoulis 78). For example, reform on land policies to allow land to majority of poor would improve food security in a bigger way. However, most world leaders cannot agree to such a reform with preference to income from commercialized agriculture (Christensen 123).

Priority on commerce has led to competition between nonfood commercial crops and food crops. Even where the land reforms are taking place, they are not well adequately applied. There is abuse of power and many transgressions on individuals' human rights. Several countries in the third world found themselves without any adequate agriculture and food production after their independence from colonial masters. One of the mere reasons is the inequity in implementation of land transfer and the lack of vision in the distribution and implementation of the same well written land reforms. [Politicians](#) want to grab all the left land and they have no will to use what it takes to make the land productive. The land and the farm workers are being managed by remote control using cell phone (Zimbabwe).

Right to food has been addressed in various international documents. After the Universal Declaration on Human Rights was adopted, human rights advocates paid more attention to political rights, which seemed to be urgent due to the Second World War. However, as most political rights in the declaration are already in place, there is more increased attention to social and economic rights. Right to access to food is part of social and economic right provided by the declaration (Austin & Tomasevski 67).

Article 25(1) of the Universal Declaration of Human Right states the importance of food as a human right. "...Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, Housing and medical care and necessary social services..." ("The Universal Declaration on Human Rights" art 25(1)). This article makes it clear that access to food is an essential component to social economic rights.

The International Convention on Economic, Social and Cultural Rights elaborates the social economic rights provided in the Universal Declaration of Human Rights. Article 11(1) of this document offers and insists a lot on individuals having the right to adequate food. The article also emphasizes the need for other humanitarian commodities such as clothing and a standard of living ("International Convention on Economic, Social and Cultural Rights" art 11). This article emphasizes on the need for every member state to commit itself to upholding right to standard of life, where access to food is recognized as one of the components to standard of life.

The objective of human rights is to uphold human dignity for all individuals in the world other than just meet their psychological needs. This human dignity is manifested more in ability of every person to provide for herself other than being provided for (Tomasevski 89).

The response to problems of malnutrition in the world is highly based on compassion (Kent 21). International response to food problems range from small feeding programs to large-scale response, and through international bodies such as World Food Program, United Nations Children's Fund, World Bank and other nongovernmental organizations.

The right to food is closely related to the right to life. Everyone has the right to be free from hunger. It is the most fundamental and enabling human right of them all. Without food, nobody will thrive, nobody will function and nobody will live. Since a person cannot live without access to food, clauses that provide for right to life also imply the right to food. Article six of International Convention on Civil and Political Rights, adopted in 1976, provide for the right to life. " ..Every human being has the inherent right to life..." ("International Convention on Civil and Political Rights" art 6). The term inherent in this article shows that the right to life is absolute and not be denied. Article 1(2) of the same document protects human being from interference on their means of getting food. "In no case may a people be deprived of its own means of subsistence." ("International Convention on Civil and Political Rights" art 1(2)).

International Convention on Economic, Social and cultural Rights and Convention on the Right of the Child provide clauses on right to food that are binding to all member states. Article 24 of Convention on the Right of the Child compels member states to provide essential things to a child including water and adequate food ("Convention on the Right of the Child" art 24).

Various countries have included the right to food in their constitutions. Brazil, Congo, Ukraine, Paraguay, Peru, Pakistan and India are some of the countries that have included the right to food in their constitutions ("The right to food in national constitutions" par 2-9). Uganda, South Africa, Nicaragua and Ukraine recognize explicitly the right to adequate food for everyone.

Although the implementation of clauses on right to food may not be successful, at least the inclusion of right to food in the constitutions is a giant step toward overall rights to food for everyone.

For the Right to food in United States and Canada is a complex subject. Right to food is not explicitly stated in both United States of America and Canada's constitutions. Despite of this omission, the right to food could be implied through precedence or implied in other clauses of both countries' constitutions.

For example, the right to food is not explicitly stated in the United States Bill of Rights. However, the bill of rights provides for the rights that could be related to the right to food.

Right to food is considered as a social economic right such as right to land, good environment, just wages or personal security and pursue of happiness (Cohen & Messer 152). Despite of this, the same right is also implied in the civil and political rights. Observations from countries that do not respect civil and political rights show that citizens of such countries suffer from dire social economic problems (Russell & Chapman 83).

The right to speech and freedom of assembly, guaranteed in the US's Bill of Rights create a good opportunity for achieving of the social economic rights.

Right to assembly and free press create the needed environment to demand for social economic provisions.

In addition to the Bill of Rights, the [US government](#) is a signatory to the Universal Declaration of Human Rights, International and Convection on Social, Economic and Cultural Rights. USA also passed the Convention on the Right of the Child, a binding treaty, although it did not ratify it. Despite of the earlier commitment to right to food, United States of America is reluctant to inclusion of right to food in UN charter. This reluctance is not malicious, because USA is one of the first and best countries that care about human rights, human dignity and the well being of citizens. Americans as individuals are compassionate people.

Unfortunately enough, it goes without forgetting that in 2002's World Food Summit, United States was the only country that was opposed to the right to food.

Even though right to food is not incorporated in Canada's constitution, Canada has a Charter of Rights which is stronger than the Bill of Rights passed in the United States, because the Charter of Rights is integral part of the Constitution of Canada. Canada is known as the world's Human Rights Champion. Canada has dedicated itself to a variety of global conventions that tackle right to food (Riches par 4).

In the recent past, Canada has also committed itself to various international declarations that address the right to food. The country supports FAO's Declaration of Food Security in 1996, World Declaration on Nutrition in 1992 and Declaration on Social Development. And in 2002's World Food Summit, Canada distanced itself from USA by siding with the world for the Right to Food. Canada is a very compassionate State and for example when the USA is still struggling within itself to provide health insurance to the big segment of its less fortunate of the society without health insurance, Canada has accomplished that decades ago and nobody on Canadian soil goes medically uninsured.

In summary, Canada and the United States of America, both countries are known to be at the summit of leading democracies in the world and are where the major food problems to feed their citizens do not or hardly could occur.

In conclusion, the Right to food is an important human right issue today. Hunger dulls the intellect, hinders development and thwarts productivity. Enough food is produced twice over every year than is needed to feed the world. There is no reason for anyone to live hungry without food. Advocates for right to food use the phrase "Food first" to show the importance of availability to food above other priorities.

Food is a necessity that none can live without; hence, it should be given a priority. Article 25(1) of Universal Declaration on Human Right defines right to adequate food as a fundamental right. International Convention on Economic, Social, and Cultural Rights, and Convention on Right to Child are some of the international conventions that have addressed the right to food. Various international declarations on right to food show the trend towards global right to food.

Some countries such as India, Brazil, Paraguay and South African already have enshrined clauses on right to food in their constitutions. We hope the world will increasingly understand and recognize the trend to make the right to food as a priority for the healthy mankind enshrined in their Constitutions. Then, governments will be directly legally held accountable and would be aware of their obligations toward the people and citizens in the respective countries.

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