

FOOD SECURITY IN AN INTERNATIONAL PERSPECTIVE

Kavita

Assistant Professor, Department of Law, Kurukshetra University, Kurukshetra, Haryana, India

INTRODUCTION

Food security is a mean of guaranteed access of all humans to all essential nutrition necessary for their survival. It refers to condition of household's or country's ability to provide future physical and economic access to sufficient safe and nutritious food that fulfils the dietary needs and food preferences for living an active and healthy lifestyle. The case for urgent action in the food security is now compelling. We are at a unique moment in history as diverse factors converge to affect the demand, production and distribution of food over the next 20 to 40 years. The requirement of a growing world population will be hard to be satisfied as critical resources such as water, energy and land are becoming increasingly scarce. The food system must become sustainable, while adapting to climate change and substantially contributing to climate change mitigation. It is the need of the hour to multiply our efforts to address hunger, which continues to affect so many. Food is an essential element that all human beings must have access to in order to live. Access to the minimum essential food which is sufficient nutritionally adequate and safe as well as acceptable, physically accessible are considered to be the basic human rights. Human rights are those which are fundamental for living and for normal human existence¹

RIGHT TO FOOD

As we know that food, shelter, clothes are the basic need of human being the right to food being a fundamental right must be enjoyed by all for the realization of other human rights. Human being cannot survive without food so it is closely connected with the right to life and right to health. It is not possible to separate right to food from other human rights.² Human beings are entitled to right to adequate food people should not be deprived of their basic right to food. Right to life is meaningless in the absence of right to food. The fact to be noted that while the nation states are enjoying their success of attaining self sufficiency in food production but death rate of people due to starvation and malnourishment is increasing. It shows that at the national level the condition of food security is still very bad.³ The right to adequate food is a comprehensive concept which includes not only of absence of malnutrition but other basic things connected with the food like safety, variety and dignity. It includes all essential things needed for healthy and active life.⁴

All human beings irrespective of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status have the right to adequate food and the right to be free from hunger. The right to food has been recognized in the Universal Declaration of Human Rights as part of the right to an adequate standard of living in the year 1948. The right to food is also enshrined in the Covenant on Economic, Social and Cultural Rights in the year 1966. This right is also protected under the national constitutions of various countries and by regional treaties also.⁵

FOOD SECURITY

The concept of food security has been defined on numerous occasions by the international community and it has evolved considerably over time. One of the most fundamental shifts has been the change from an initial concept in which food security was considered equivalent to the reliable availability of food towards the contemporary notion in which food is one of the elements of a complex social context that determines livelihoods. This social context and the relative balance of power that exists amongst the different interest groups that constitute it, are key determinants of the food security situation.⁶

The consensus that has emerged from the global debate is that:

¹ Dr. Surinder Kaur, "Right to Food for Human Race: The Biggest Challenge", p. 444 Book edited by Dr. Jatinder Kaur – Commitment & Betrayal: Re-visiting Human Rights, 21st century 2013.

² The Right to Food: A Global Overview available at www.serfindex.org/.../randolph_right_to_F...

³ Analysis on Right to Food and Development in India – available at www.preservearticles.com/.../

⁴ https://en.wikipedia.org/wiki/Right_to_Food.

⁵ The Right to Adequate Food available at www.ohchr.org.

⁶ E. Carr, Postmodern Conceptualization, Modernist Applications: Rethinking the Role of Society in Food Security, 1 Food Policy 31 (2006), pp. 14-29.

"Food security, at the individual, household, national, regional and global levels is achieved when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life".⁷

RECOGNITION OF FOOD SECURITY AT INTERNATIONAL LEVEL

Universal Declaration of Human Rights, 1948

The Universal Declaration of Human Rights, which expresses the right to food was translated into legally binding human rights instruments through the drafting of the two International Human Rights Covenants: The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The right to Food is most firmly established in the Covenant on Economic, Social and Cultural Rights, which elaborate the rights that are based on the core social right to an adequate standard of living. There are however, also a number of other relevant International and Regional instruments that address the right to food.⁸

International Covenant on Economic, Social, and Cultural Rights, 1966

The right to food was again recognized in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1966 and came into force in 1976. The ICESCR also further clarified the right to food. There are currently 160 parties to the ICESCR.⁹ Article 11 states:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

Universal Declaration on the Eradication of Hunger and Malnutrition, 1974

The First World Food Conference, which was held in Rome in November 1974, adopted "every man, women and child has the inalienable right to be free from hunger and malnutrition in order to develop full and maintain their physical and mental faculties.

The Declaration goes on to say that it is a fundamental responsibility of Governments "to work together for higher food production and a more equitable and efficient distribution of food between countries and within countries." Moreover, priority should be given to attacking "chronic malnutrition and deficiency diseases among the vulnerable and lower income groups."

Convention on the Rights of the Child, 1989

In the Convention on the Rights of the Child, two Articles address the issues of nutrition. According to this, Convention States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health¹⁰ and shall take appropriate measures to combat disease and malnutrition through the provision of adequate nutritious food, clear drinking water, and health care.¹¹ States parties shall also take appropriate measures "To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health nutrition and the advantages of breast feeding."¹² States parties shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.¹³

World Declaration and Plan of Action for Nutrition, 1992

The 1992 World Declaration and Plan of Action for Nutrition represented consensus among 159 countries that the levels of hunger and malnutrition are unacceptable in a world that has both the knowledge and resources to end this human catastrophe. The 1992 Declaration reiterated that the right to adequate food is a right of each individual, and that access to food is the main problem. The 159 countries signing the Declaration pledged to work together to find a

⁷ FAO. Rome Declaration on World Food Security and World Food Summit Plan of Action. World Food Summit, 13-17 November, 1996. Rome.

⁸ Article 25: "Everyone has the right to a standard of living adequate for the health and wellbeing of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right security in the event of employment sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

⁹ International Covenant on Economic, Social and Cultural Rights Jan. 3, 1976, 993 U.N.T.S. 3.

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4=en.

¹⁰ Convention on the Rights of the Child, 1990, Article 24, (Paragraph, 1).

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Convention on the Rights of the Child, 1990, Article 27, (Paragraph, 3).

solution. Their main objectives were: 1) ensuring sufficient supplies of food for everyone to have a nutritionally adequate diet; 2) working to achieve and maintain optimal health and nutrition for all; 3) achieving an environmentally sound and sustainable way to develop food and contribute to health and nutrition; and 4) eliminating the existence of famines and famine related deaths.¹⁴

The Rome Declaration on World Food Security, 1996

The 1996 Rome Declaration on World Food Security committed its signers to reduce by half the number of hungry people in the world by 2015. It also committed to eradicate poverty, provide nutritionally adequate and safe food, pursue sustainable food, promote fair agricultural trade, provide emergency food supplies, promote rural development, and create cooperation within the international community.¹⁵

General Assembly Resolution 51/71, 1997 – Food and Sustainable Agricultural Development

This 1997 General Assembly Resolution recognized that the hunger problem is widespread and chronic, particularly among women, children, and people of developing countries. The Resolution also recognized that the right to be free from hunger as a fundamental right under International law, and urges the international community and the United Nations to bring cooperation to implement the World Food Summit Plan of Action.¹⁶

The Food Aid Convention, 1999

The Convention has four main objectives: 1) make appropriate levels of food aid available on a predictable basis; 2) encourage member nations to ensure that the food aid provided is aimed particularly at the alleviation of poverty and hunger of the most vulnerable groups and is consistent with agricultural development in those countries; 3) include principles for maximizing the impact, the effectiveness and quality of the food aid provided as a tool in support of food security; and 4) provide a framework for cooperation, coordination and information-sharing among members so as to achieve greater efficiency in all aspects of food aid operations and better coherence between food aid and other policy instruments.¹⁷

UN Millennium Development Goals, 2000

In 2000, the United Nations established the UN Millennium Development Goals to achieve by the year 2015. The primary development goals are to: 1) end poverty and hunger, 2) secure universal education, 3) ensure gender equality, 4) improve child health, 5) improve maternal health, 6) combat HIV/AIDS, 7) achieve environmental sustainability, and 8) create a global partnership for development. Included in the first goal of ending poverty and hunger are three target goals: first, by 2015, reduce by half the number of people whose income is less than one dollar a day; second, to achieve full productive employment and decent work for all, including women and young people; and third, by 2015, reduce by half the proportion of people who suffer from hunger.¹⁸

Declaration of the World Food Summit, 2002

Some five years later, the 2002 Declaration of the World Food Summit reaffirmed the right to access food that is both safe and nutritious and renewed the commitments made in the 1996 Declaration to reduce the number of hungry in the world by half by the year 2015.¹⁹

Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, 2004

According to the Voluntary Guidelines, food security exists when safe and nutritious food is available to all people, at all times. This includes not just physical access to food, but economic access. Available food should also meet people's dietary needs so that they can lead healthy and active lives. The Voluntary Guidelines recognize four pillars of food security: 1) availability of food, 2) stability of supply, 3) accessibility to food, and 4) utilization of the available food. Compliance with these guidelines requires the fulfillment of human rights obligations under the International

¹⁴ International Conference on Nutrition, Dec. 1992, World Declaration and Plan of Action for Nutrition. <http://whqlibdoc.who.int/HQ/1992/a34303.pdf>.

¹⁵ World Food Summit, 1996, Rome Declaration on World Food Security. <http://www.chestateafao.it/fileViewAction.do?xclass=Multimediafile&field=file&width=0&height=0&mime=application/pdf&id=39>.

¹⁶ G.A. Res. 51/71, U.N. Doc. A/52/150. available at <http://www.un.org/ga/52/agenda/provisi.htm>.

¹⁷ Food Aid Convention of 1999, <http://www.fao.org/Legal/rtf/fac99-e.htm>.

¹⁸ Millennium Development Goals, 1990, End Poverty Millennium Development Goals, 2015. <http://www.un.org/millenniumgoals/poverty.html>.

¹⁹ World Food Summit, 2002, Declaration of the World Food Summit: Five Years Later. <http://www.fao.org/DOCREP/MEETING/005/Y7106E/Y7106E09.htm#TopOfPage>.

Covenant on Economic, Social and Cultural Rights (ICESCR) and the U.N.'s Universal Declaration of Human Rights (UDHR).²⁰

Food Assistance Convention, 2012

(i) Objectives

The objectives of this Convention are to save lives, reduce hunger, improve food security, and improve the nutritional status of the most vulnerable populations by:

- (a) addressing the food and nutritional needs of the most vulnerable populations through commitments made by the Parties to provide food assistance that improves access to, and consumption of, adequate, safe and nutritious food;
- (b) ensuring that food assistance provided to the most vulnerable populations is appropriate, timely, effective, efficient, and based on needs and shared principles; and
- (c) facilitating information-sharing, cooperation, and coordination, and providing a forum for discussion in order to improve the effective, efficient, and coherent use of the Parties' resources to respond to needs.²¹

International Conference on World Food Policy, 2017

The Royal Society of Thailand (RST) together with the Committee on Foreign Affairs of National Assembly of Thailand and the Policy Studies Organization (PSO) organized the 2017 World Food Policy Conference during January 16-17 in Bangkok. The Conference on World Food Policy brought together policymakers and scholars to discuss and share relevant research findings on global and regional perspectives of food economy and policy, referring to the roles of China and India in the global food economy. The main theme is China and India's agricultural and food policy transformation – concentrating on the transformation as well as each component of the major transformation, consequences of transformation, and enabling factors.

Concentrating further on the global and regional impact from sectoral perspectives – given the demand from China and India – the role of multinational corporations was discussed under the topics of production technology (i.e. research, GMO), retail, and food safety.²²

Other International Documents Relevant to the Right to Food

The right to food also arises in other international human rights documents that set forth special protections for women, children, minorities, prisoners of war, and civilians in combat areas, and other groups who are especially vulnerable to human rights abuses. Just as they are more vulnerable to other human rights abuses, so too they are typically more vulnerable to malnutrition and abuses of the right to food.²³ These documents include:

United Nations Charter²⁴

Beijing Declaration and Platform for Action, Fourth World Conference on Women (1995)²⁵

Declaration on the Right to Development²⁶

The Habitat Agenda Goals and Principles, Commitments and the Global Plan of Action²⁷

Vienna Declaration and Programme of Action²⁸

The Geneva Convention III Relative to the Treatment of Prisoners of War²⁹

Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War³⁰

²⁰ Committee on World Food Security, Nov. 22, 2004, Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security. <http://www.fao.org/docrep/meeting/008/J3345e/j3345e01.htm>.

²¹ www.ifrc.org/docs>idrl.

²² International Conference on World Food Policy, 2017 available at <http://www.ipsonet.org/publications/open-access/world-food-policy?id=400>.

²³ FAO, Guide on Legislating for the Right to Food 21 (2009), available at http://www.fao.org/righttofood/publi09/guide_on_legislating.pdf (last accessed Feb. 15, 2010).

²⁴ <http://www.un.org/en/documents/charter/>.

²⁵ <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

²⁶ <http://www2.ohchr.org/english/law/pdf/rtd.pdf>.

²⁷ <http://www.un-documents.net/ha-2.htm>.

²⁸ <http://www2.ohchr.org/english/law/pdf/vienna.pdf>.

²⁹ <http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e63bb/6fef854a3517b75ac125641e004a9e68>.

³⁰ <http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>.

The Protocol Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)³¹

The Convention on the Rights of the Child³²

World Declaration on the Survival, Protection, and Development of Children (1990)³³

Convention on the Elimination of All Forms of Discrimination against Women³⁴

Convention on the Rights of Persons with Disabilities³⁵

Standard Minimum Rules for the Treatment of Prisoners³⁶

The United National Principles for Older Persons adopted by the General Assembly³⁷ Resolution 46/91 of 16 December 1991³⁸

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (the "Protocol of San Salvador") (1988)³⁹

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa⁴⁰

African Charter on the Rights and Welfare of the Child⁴¹

Declaration on Social Progress and Development⁴²

Declaration on the Right to Development⁴³

Declaration on the Protection of Women and Children in Emergency and Armed Conflict Proclaimed by General Assembly Resolution 3318 (XXIX) of December 1974⁴⁴

Agreement Establishing the International Fund for Agricultural Development (1976)⁴⁵

CONCLUSION

It is true that the Apex Court is playing a very important role in recognition, protection and enforcement of right to food. In the well known 'Right to Food' case the Supreme Court had appointed a commission look the justiciability of Right to Food infact has been established by the judiciary. But still the fact that rate of starvation deaths shows that no effective measures adopted by the government. In India the production of food grains is more than adequate there does not seem to any problem regarding the physical availability of food. Corruption prevails at all levels which mainly prevents the successful implementation of food programmes or policies. The judiciary alone cannot monitor the implementation of the schemes continuously. The government should to improvise and review the food policies from time to time. To ensure the implementation effective mechanism for accountability should be established. Awareness regarding the right to food among the people can also be helpful in its realization. Actually the problem of food in security connected with both demand and supply of food. For this purpose people should be economically strong to purchase the food and adequate supply of food by the public distribution department. The right to food is a basic human right which imposes on obligation on the part of government to people not to let die people due to starvation. The National Food Security Act is an important step on the part of government to ensure food security. Various challenges are there in the way of its implementation. It is the duty and liability of the government to remove the obstacles and implement the legislation property. Because nothing is impossible if there is a determination behind a certain object. It should be the object of the government that in a country like Indian right to food is enjoyed by all

³¹ <http://www.cicr.org/ihl.nsf/FULL/475?OpenDocument>.

³² <http://www2.ohchr.org/english/law/crc.htm/>.

³³ <http://www.un-documents.net/wsc-dec.htm>.

³⁴ <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

³⁵ <http://www2.ohchr.org/english/law/disabilities-op.htm>.

³⁶ <http://www.unhcr.org/refworld/docid/3ae6b36e8.html>.

³⁷ http://www.un.org/esa/socdev/ageing/un_principles.html.

³⁸ <http://www2.ohchr.org/english/issues/food/standards.htm>.

³⁹ <http://www.oas.org/juridico/English/treaties/a-52.html>.

⁴⁰ http://www.achpr.org/english/_info/court_en.html.

⁴¹ http://www.africaunion.org/official_documents/Treaties_%20Conventions_%20Protocols/A.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf.

⁴² <http://www.un-documents.net/a24r2542.htm>.

⁴³ <http://www2.ohchr.org/english/law/pdf/rtd.pdf>.

⁴⁴ <http://www2.ohchr.org/english/law/protectionwomen.htm>.

⁴⁵ <http://www.ifad.org/pub/basic/agree/e/!01agree.pdf>.

only then in real sense it can be said that India has achieved its object of “food for all”. To conclude, legal and constitutional recognition of the right to food is important but not sufficient, the other elements need to be in place includes the rule of law, good governance, accountability, and people’s participation.⁴⁶

Overall, it may be concluded that food security in India can be achieved by paying higher attention to issues such as climate change, integrated water management, agricultural pricing and crop insurance. The impact of globalization in the form of SEZs and other factors has been both positive and negative in terms of agricultural prosperity and there is a strong need to regulate the policies related to globalization for reducing its negative effects on food security in India. The current focus on stream lining of the PDS is due to the pressure on the government to reduce fiscal deficit while providing a reasonable safety net to the poor. Since a large proportion of the population continues to be poor, food security concerns are of great importance in India. Price support operations of the government have resulted in excessive stocks with a government. This coupled with food subsidy to consumers impose a heavy drain on the exchequer, which responds by increasing the issue price of subsidized grain. The ultimate effect of these policies is to reduce the per unit subsidy to consumers leading to a shortfall in the off-take. Thus, despite the achievement of self sufficiency in foodgrains and the prevalence of subsidized distribution of grains since Second World War, per capita consumption of the poorest sections of the population continues to be lower than the recommended nutritional levels. Various studies on functioning of PDS have discussed the costs and benefits associated with the operation of the PDS and have suggested ways and means to improve the delivery System.

⁴⁶ The Right to Food Guidelines Information Papers and Case Studies available at www.fao.org.