



ISSN Print: 2394-7500
ISSN Online: 2394-5869
Impact Factor: 5.2
IJAR 2015; 1(9): 327-329
www.allresearchjournal.com
Received: 05-06-2015
Accepted: 07-07-2015

Devarati Roy Chowdhury
Research Scholar, Department
of Political Science, University
of Delhi, India.

The Right to Food as the Human Right: Evolution and Significance

Devarati Roy Chowdhury

Abstract

The landmark declarations by International Bodies and State Agencies had set the framework for a specific right in various countries essentially consists of a legal framework that establishes something as a right to food as Human Right. But, it also true that as the right to food is gaining recognition, the implementation of human right to adequate food is primarily remains full of challenges. The paper attempts to give a theoretical understanding of the right to food where it discusses the evolution of the right to food and role played by the international and national units, the key factors that will ensure the guarantee of the right, essential challenges concerning the right and concludes that a normative turn to right to food can essential tackle the challenges.

Keywords: Right to Food, Human Right, Food Security, Food Insecurity, Gender.

Introduction

The whole concept of Human Right had its genesis in the struggles of the millions of people, who are marginalised, discriminated, those who raised their voices and made the world realize the crucial need of the assurance of the basic element that is a life, a life with happiness and dignity and thus had evolved and developed from there. People who are at risk discriminated and affected by risk, threatened or affected by violence, hunger or any kind of suffering because of the scarcity of resources etc. are the first and most important shapers of what is known and recognized today as human rights. (FIAN: 2011) Human rights have been instrumental in people's struggles, which have been reciprocally instrumental in the development of human rights standards.

This kind of the relation of human right and the realization is also evident in the case of the right to adequate food: hundreds of millions of people at risk, threatened and affected by hunger, food insecurity, malnutrition, are struggling daily to survive, to somehow have a proper meal for themselves and their family, to find a way out of poverty. Most of them do not know about their rights, many of them cannot ensure the right to adequate food for themselves and for their families or about the state's obligations to respect, protect and fulfill human rights which is one of the most significant aspect of human right. The 2011 State of Food Insecurity Report indicates the number of those who are undernourished is well over a billion. It also notes that "even if the Millennium Development Goal (MDG) were to be achieved by 2015, some 600 million people in developing countries would still be undernourished."(FAO: 2015) ^[2, 7]

Evolution

From a human rights perspective, the United Nations Universal Declaration of Human Rights 1948 (UDHR), Article 25 says:

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

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection".

The right to food in Article 11 of the International Covenant of Economic, Social and

Correspondence:
Devarati Roy Chowdhury
Research Scholar, Department
of Political Science, University
of Delhi, India.

Cultural Rights (ICESCR) recognizes the fundamental right of everyone to be free from hunger. It requires countries to improve methods of food production, conservation and distribution. In addition, it requires states to take into account the problems of both food-importing and food-exporting countries to ensure an equitable distribution of the world's food supplies. (ICESCR: 1966)

As elaborated in General Comment 12, the right to food encompasses "physical and economic access at all times to adequate food or means for its procurement" (ICESCR 1999, para.6). A prerequisite to physical and economic access is physical availability of adequate food at the national and local level; ensuring physical availability, in turn, entails putting in place sustainable production and procurement methods for current and future generations (para. 7). Physical accessibility requires that adequate food be available to every man woman and child, including those with medical problems, and physical or mental limitations (para. 13b). Economic accessibility requires that the financial cost of acquiring adequate food not be so high as to jeopardize the realization of other rights (para. 13a).

This extends from the individual to the national level. General Comment 12 further elaborates that States shall respect, protect and fulfill the right to food, including obligations to facilitate food production and provide food, respect existing access to food, and ensure that institutions and individuals do not block adequate access to food. (U.N.E.C.:1999) It states that coordinated efforts for the realization of the right to food should enhance coherence and interaction among all actors concerned, including civil society. It also commits governments to guarantee full and equal access to economic resources, particularly for women, including the right to inheritance and ownership of land and other property, and access to credit, natural resources and appropriate technology.

Similarly, the FAO (FAO: 2001) says Food Security, at the individual, household, national, regional, and global levels [is achieved] when all people, at all times, have physical, social, and economic access to sufficient, safe, and nutritious food to meet their dietary needs and food preferences for a healthy and active life. Access to adequate food for all people at all times, in order to have an active, healthy life is defined as food security. The notion that all people, especially the most vulnerable, have dignified and unthreatened access to the quality and quantity of culturally appropriate food that will fully support their physical, emotional and spiritual health. It means that all people in the community have access to good nutritious food at all times. Food also has to be available, adequate, affordable and culturally, environmentally appropriate. In addition to that people should have the purchasing power to buy the available food in order to be food secure.

Key Principles to guarantee Right to Food

- a. Availability: Food should be available to everyone in a quantity and quality sufficient to satisfy the dietary needs of individuals, and appropriate to the cultural norms of that area.
- b. Accessibility: Food should be physically and economically accessible to all.
- c. Consumption: Food should be consumed by every individual as per their need and without any discrimination on the basis of caste, class, gender, etc.
- d. Sustainability: Food should be safe, secure and should be utilized in a way that it remains adequately available

for the coming generations.

- e. Non-Discrimination: Discrimination in any form ranging from the availability to means and entitlements for food, accessibility to food on the basis of race, color, sex, age, religion, or on any other element violates the right to food.
- f. Adherence to rights: The right to food is interrelated, interdependent to all other rights which together constitute the basis of human rights. These rights are indivisible and inalienable. Strict adherence to these rights altogether maintains the fundamental order of the human right in society.
- g. Right as well as obligation: Right to food, similar, to the other rights, comes with obligation as well. Each state has the obligation to protect, respect and fulfil the human right to food. Individual also have the duty to respect the rights of others and in no case the access and the consumption of the food should infringe with the rights of the others.

International Bodies, State Actors and the Actions

There are various UN bodies', initiatives, institutions, programmes, civil society articulated initiatives, conventions to ensure right to adequate food. Some of the bodies include the Human Rights Council, the International Covenant on Economic, Social and Cultural Rights (ICESCR) - the efforts and input of the UN Special Rapporteur on the Right to Food, the UN Secretary General's High Level Task Force on the Global Food Crisis on Food Security, the Committee on World Food Security, and the Standing Committee on Nutrition. Reports related to the provisions of the ICESCR, non-government organizations (NGOs) – particularly FIAN (Food First Information and Action Network) – have denounced violations of the human right to food.

The chronically food insecure require safety nets to protect themselves. When incorporated in a well-articulated social protection system, they enable the poor to engage in livelihood strategies that offer the potential for pathways to poverty. Food linked transfers have a critical role, and are used to achieve different goals to those safety nets delivered in cash. The experiences of the India's Public Distribution System (PDS), Mahatam Gandhi National Rural Employment Guarantee Scheme (MNREGA), Mexican PROGRESA, Ethiopian Productive Safety Net Programme, Malawi's Joint Integrated Safety Net Programme and Ecuador's Social Protection Strategy, Afghanistan's Livelihood and Social Protection Public Investment Programme show how food and cash-based safety nets can be designed to promote the graduation of households out of the chronic food security.

The National Food Security Bill (NFSB), passed by Parliament in September 2013, makes food availability a right of every citizen of India. The law seeks to "provide food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live life with dignity." The ration cards are to be issued in the name of adult women in the household in order to empower them. Nutritional support to pregnant and lactating women, children between 6 months to 14 years and malnourished children will be provided.

Challenges and the Road Ahead

While, a common definition of food security is that all people at all times have both physical and economic access

to sufficient food to meet their dietary needs for a productive and healthy life. In this sense, achievement of food security implies producing sufficient food, making it accessible to all the people throughout the year and on a sustainable basis from year to year. To a large extent, the availability of food at the macro level-while by no means necessarily assuring food security for all-depends mainly on a country's production and trade patterns. Hence, the increasing liberalization of trade in agricultural commodities adds a new dimension to food security at the national level. However, the status of macro food security of a country doesn't necessarily mean that it will equate with the food security at the micro level and this aspect has to be touched upon.

The important thing is that despite the presence and implementation of so many treaties, conventions and social security provisions the status of people are not improving significantly and the situation for women and children primarily are much deplorable. Olivier De Schutter United Nations Special Rapporteur on the Right to Food had mentioned in his article (Schutter: 2010) ^[8] that there is a cycle of discrimination in which disempowerment of women results in women being less economically independent, being exposed to violence and having a weaker bargaining position within the household and the community.

World's approx half of the population is women but that they remain the most unfed category as a whole when it comes to food sharing. Even in the food production too, women play a pivotal role but here too, their role get unnoticed and under paid mostly. The whole food system starting with the right issues to the welfare programmes has enormous influence but still the conditions of women is not improving significantly. The whole food system has miniscule presence of women and has gender biases and all these make the women's position and power secondary. The ability to access food depends on power— power to produce, power to purchase, and power to access food in intra-household allocation mechanisms. When women have less power than men, this translates directly into weaker access to food (Patel: 2012) ^[9]. A major source of discrimination women face is in access to land, particularly in South Asia (Agarwal: 1994) ^[10].

This also needs further research and solution. Further, many research findings show that a shift from top-down, technocratically driven strategies and programs to bottom-up, participatory ones is urgently required. The arguments for such a shift go beyond the question of gender equality and women's empowerment. The poor understand the obstacles they face and are generally hugely inventive in identifying solutions. Policy-makers that involve them in design and decision making will make choices that are better informed, better understood, and ultimately more effective (Banerjee and Duflo: 2011) ^[11].

The human right to adequate food can be ensured fully with the rapid awareness among all about their intrinsic basic right to live. The more the people will be aware about their rights maximum will be guarantee for the realization of their rights. More emphasis is needed for a more localized and sustainable food and nutrition systems with particularly gender relevance to ensure the essential guarantee of the right to food for all without any discrimination. Ensuring equality between women and men and moving towards the better empowerment of women at household, community and at the state levels, are important objectives in themselves, and a requirement under international human rights law.

Achieving right to adequate food accountability will require broad, united and complex efforts at each level of international platform, state agencies and individual consciousness. The understanding of food security from a human right's perspective has evolved over the years through increasingly integrated attention to the social, gender, environmental, technical and economic dimensions of the problem. Need is to make it more normative to highlight and tackle the social challenges ahead. The challenge for the future will be to pursue a concrete attainment of equity in availability, access & utilization of the resources by all. Thus, then only we can attain an essentially food secure environment which in turn will ensure a equal & right based society.

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