

## ***The Right to Food: Should Europeans Care?***

The present paper explores the direct and indirect implications for the European system of human rights protection of global challenges as embodied in the question of the right to food. The paper is based on several sources, some of which are referred to in the footnotes.

### **1. A non-European problem?**

**Food is a fundamental right**, anchored in several international acts; it obliges states to act strongly against undernourishment and chronic hunger problems worldwide. Growing global awareness of dangers threatening world food supply has turned into a moral responsibility on the part of the developed world – including Europe – to foster efforts for those who suffer daily from hunger.

Today, almost **12% of the world's population is undernourished**<sup>1</sup>. The ongoing increase in undernourishment is a result of various causes, often human-related. Developed world (food) policies still have a negative impact on food supply in developing countries and regions.

Famine continues to be a worldwide problem with hundreds of millions of people suffering from severe undernourishment. This phenomenon is usually accompanied or followed by **malnutrition, starvation, epidemics and increased mortality**. Currently, over 1 billion people suffer from chronic hunger and undernourishment in its most extreme form. **However, the problem of undernourishment has never been regarded as a human rights issue in Europe.**

### **2. Famine and chronic undernourishment: many causes, few solutions?**

Throughout history, nearly every continent in the world has experienced a period of famine. The last big case affecting Europe was the politically engineered '**Holodomor**'<sup>2</sup> in Ukraine in the 1930s.

Today, several countries and regions, particularly eastern Sub-Saharan Africa, continue to face **extreme cases of famine and chronic malnutrition and undernourishment**, leading to entire generations experiencing starvation. The famine in Ethiopia in the 1980s had devastating consequences and the Asian famines of the 20th century also produced extensive death tolls. 'Modern' African famines are characterised by widespread destitution and malnutrition, with heightened mortality confined to young children.

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<sup>1</sup> Source: GIEUWS, FAO (2009).

<sup>2</sup> Ukrainian for 'hunger plague'.

In many cases, climate and population pressure play a decisive role in the outbreak of famine. In the Sub-Saharan region, many famines are caused by a **shortage of food production** in regions which have populations that exceed the region's carrying food capacity. But some cases of famine were also caused by **deliberate or negligent state activities**, for example in China during the Great Leap Forward in 1958, in North Korea in the mid-1990s, or in Zimbabwe in the early 2000s.

However, the well-known image of famine and undernourishment due to climate change only occurring in Sub-Saharan Africa is not complete; malnutrition, often combined with poverty, is a **global phenomenon reaching beyond the sphere of developing countries**. Whilst more than 200 million children under the age of five in the developing world suffer from chronic under nourishment (causing one-third of the deaths in children under the age of five)<sup>3</sup>, industrialised countries are also affected, despite their wealth which, it would have been hoped, would enable them to guarantee a decent food supply<sup>4</sup>.

### **3. Is undernourishment just a 'technical' problem?**

In 1982, Nobel Prize-winning economist Amartya Sen published '*Poverty and Famines*'<sup>5</sup>, challenging the common perception about the root causes of hunger. Sen noted that famines had occurred amid ample food supply, even in some countries which were exporting food. His conclusion — radical at the time — was that the famines that struck Bengal in 1943, Ethiopia repeatedly, or Bangladesh and the Sahel in 1973-1974, were not due to a decline in the availability of food, but to the **loss of the ability to buy food by a part of the population**, even when the countries concerned (as was the case in Bengal) maintained a good level of food production. Sen concluded that undernourishment and hunger are in fact **a problem of justice**.

Some decades later, the debate about the roots of hunger, and therefore the most effective solutions, persists. An idea once heretical — that **to address hunger one must talk about democracy, power and human rights** — is now gaining ground.

### **4. Legal protection against famine and undernourishment: the right to food**

The right to food is a fundamental human right and a binding obligation well-established under international law. The **Universal Declaration of Human Rights of 1948** (UDHR) first recognised the right to food as a human right. Afterwards, this right was incorporated into the **International Covenant on Economic, Social and Cultural Rights** (ICESCR) adopted in 1966 and ratified by 156 states, which are today legally bound by its provisions.

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<sup>3</sup> Source: the United Nations Children's Fund

<sup>4</sup> In 2000, some 852 million people throughout the world were seriously – and permanently – undernourished, 815 million of whom lived in developing countries, 28 million in countries in transition and even 9 million in developed ('industrialised') countries.

<sup>5</sup> Amartya Sen, "*Poverty and Famines: An Essay on Entitlement and Deprivation*"; Oxford University Press, 1982, 257 p.

Amongst several specific international instruments, regional instruments and non-legally binding international human rights instruments, the most authoritative UN interpretation of the right to food in international law is contained in **General Comment N°12**<sup>6</sup> of the Committee on Economic, Social and Cultural Rights (1999). This comment explains in depth the **two components to the fundamental right to food** mentioned in Article 11 of the ICESCR, notably, the '*right to adequate food*'<sup>7</sup> and the '*right to be free from hunger*'<sup>8</sup>.

In addition, putting in place social safety nets to provide support for the most vulnerable individuals (children, the elderly, unemployed, people with disabilities) and undertake **swift and effective action in cases of emergency** by delivering food and other assistance, is crucial for fulfilling the obligations by governments, with – if necessary – assistance from other states, national and international NGO's and United Nations agencies.

## 5. The acuteness of the problem in Europe

Europe has become gradually rich and wealthy and shown great concern for the well-being of its citizens, especially in the postwar period. Undernourishment and malnutrition amongst Europeans have been combatted by a rising economy and social welfare programmes set up by governments.

Yet, Europe has not been totally spared from hunger; on the contrary, it must still deal with this phenomenon. Chronic hunger in Europe exists, but in a more obscure and pernicious way. It is linked with **poverty and inequality** due to extreme budget cuts and austerity policies in times of crisis, but in some cases it is caused or sustained by corruption. Rising unemployment and prolonged lengths of periods of unemployment create poverty, and may lead to a serious risk of social unrest and political explosions.

The 2009 world economic and financial crisis has caused massive consequences for Europe, leading to an alarming rise in the rate of **unemployment** and has plunged whole families into poverty, especially in its southern sphere. In Portugal, Spain and Greece, almost 28% of children receive inadequate nutrition; one out of every four elderly people is also malnourished. Across Europe as a whole, there are an estimated 33 million people at risk of hunger and malnutrition, according to the European Food Information Council, which warns that, amongst some categories of illnesses, 60% of patients are malnourished.

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<sup>6</sup> General Comments of the Committee on Economic, Social and Cultural Rights are not legally binding but are authoritative and interpretations of the ICESCR, which is legally binding upon the States Parties to this treaty.

<sup>7</sup> "*The right to adequate food is realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The core content of the right to adequate food implies (...) the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture (and) the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.*" (Definition of 'the right to food', defined by the Committee on Economic, Social, and Cultural Rights).

<sup>8</sup> "*The right to have access to the minimum essential food which is sufficient and adequate to ensure everyone is free from hunger and physical deterioration that would lead to death.*" (Definition of 'the right to be free from hunger', defined by the Committee on Economic, Social and Cultural Rights).

In addition, some recent **food scandals** in Western European countries – often linked with corruption - have brought the vulnerability of the quality of food to the public's attention; this harms the **basic right to decent and healthy food**.

Both issues argue for a different and adequate approach to the availability, repartition and access to healthy food.

## 6. The right to (adequate) food: does the (developed) world care?

Today, the majority of the developed countries in the world have established a safe and secure habitat for most of their citizens. In general, they do not suffer from a shortage of basic human rights, including access to adequate food. Modern and fully equipped food supply systems provide massive amounts of food products which largely exceed daily human needs. This situation inevitably entails **overconsumption and a waste** of non-consumed food products<sup>9</sup>.

In addition, **food systems have gone global**; an average meal in the Northern hemisphere (North America or Europe) travels approximately 2400 kilometres worldwide 'from field to plate'. Thanks to government support, new agricultural methods and technologies (the so-called twentieth-century "Green Revolution") that include the use of high-yield plant varieties with increased irrigation, the use of nitrogen-based fertilisers and pesticides, have helped to increase food production (especially monocultures) but do not contribute to reducing chronic hunger and undernourishment in southern regions of the world.

On the contrary, subsidised food conglomerates feeding the Northern hemisphere have monopolised global food production and distribution and have deprived local farmers of their agricultural, meat and fishery yields in the Southern hemisphere, even on a small scale. In addition, they monopolise the food chain and influence the quality of food to their own profit.

Furthermore, a legal obligation to support the right to food in countries that are in urgent need does exist; according the General Comment N°12, **the right to food imposes obligations on all states**, not only towards the people living on their national territory, but also **towards the populations of other states**. The right to food can only be fully achieved when there is compliance with both 'national' and 'international' obligations.

Europe has not stood on the sidelines with regard to the problem of world hunger. In the early 1960s, the **Council of Europe** participated fully in the 'Freedom from Hunger' Campaign launched by the Food and Agriculture Organization of the UN (FAO), urging its member states to support actively the campaign with financial help and encouraging PACE delegates to use their influence on national parliaments<sup>10</sup>. In 2000, the Council of Europe's Committee of Ministers voted on five main principles linked to the **universal and enforceable right to the satisfaction of basic material (human) needs**, containing as a minimum, 'the right to food, clothing, shelter and basic medical care'<sup>11</sup>.

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<sup>9</sup> Around 1,3 billion tons yearly and an estimated cost of around 750 billion US Dollar (2010).

<sup>10</sup> Recommendation 306 (1962), adopted on 16 January 1962, Parliamentary Assembly.

<sup>11</sup> 2<sup>nd</sup> Principle, app. to Recommendation N° R(2000)3 adopted on 19 January 2000, Committee of Ministers.

Today, **several challenges** directly related to the right to food - like food safety, the prevention of food wastage and the need for responsible food consumption, the prevention of food scandals and others - remain on the Council of Europe's agenda, resulting in legislation that urges member states to strengthen their efforts **to take the appropriate measures**, in order to enhance affordability, quality and safety of food<sup>12</sup>.

## 7. The right to food and the role of the Council of Europe

Chronic undernourishment - including related diseases caused by malnutrition - in Europe is undoubtedly **simultaneously linked to several factors**. Whilst some of them are rather the result of global human activity causing almost the same problems worldwide (cf. the economic and financial crisis in 2008 lowering people's purchase power), others are directly contributing to the risk of hunger. A sustained demand for food packages distributed by the European Red Cross, even in the richest countries in Europe (Luxemburg, Finland and others), is a sad sign of increasing hunger suffered especially by the elderly, single-parent families, and even affecting the middle class. Many people suffer secretly and in silence as a result of the self-perceived shame about the situation in which they find themselves.

Over the years, the Council of Europe has been involved in **combating** all sorts of **phenomena that are harmful to the dignity and welfare of its citizens**. Several programmes – often supported by other international or European institutions or member states, and regularly focused on women, children and elderly people - have been launched separately in order to combat and eradicate specific types of threats, like corruption, inequality, poverty, and so on. These specific threats have a major impact on access to decent and healthy food, the availability of food without any exemption, and the nutritional adequacy of food.

For Europeans, the recent developments pose two new conceptual problems. First, it is the rising support for the notion of the right to healthy food that in itself is still rather vaguely defined. The other is the increasing awareness that European governments should feel responsible not only for the consequences of their policies on the human rights of Europeans, but also on their impact on the rights on non-Europeans.

In order to maintain focus on human dignity, first the Council of Europe's institutions must bear in mind that basic human and socio-economic rights, including the right to food, clothing, shelter and medical care, are obviously at stake when defining **concrete measures** to preserve these rights, but also when launching **specific actions** that fall within the Council of Europe's remit (*inter alia*, fostering food security, fighting corruption and inequality and combating poverty and malnutrition amongst children).

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<sup>12</sup> For example, Resolution 1957(2013) on "Food security – a permanent challenge for us all", Parliamentary Assembly of the Council of Europe (PACE), 3 October 2013.