

The Human Right to Food and Nutrition and the Story of 840 Million Court Cases

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840 million children, men and women suffer from hunger today¹. This is preventable. Indeed, «every country in the world has the resources necessary for its people to free themselves from hunger»².

It is in this perspective that this article seeks to contribute ideas to the realisation of the human right to food and nutrition³. This human right is provided for in the International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Right of the Child (CRC), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and Universal Declaration of Human Rights (UDHR).

This article proposes a new strategy to reduce hunger. It is based on the fictitious story of 840 million undernourished people who file 840 million lawsuits contemporaneously against their respective national governments in national courts for violations of the human right to food and nutrition. Perhaps they win few cases, less than a million. But that is not the issue. With participation in such extraordinary numbers, they create a social movement with the necessary legal, political and economic incentives for governments to change policies and end hunger⁴.

The article explores how these court cases may be filed, and the benefits of undertaking such a strategy. The protagonists of the story exist. The props are available. It remains to be orchestrated which day of the week the story commences.

Current strategies to reduce hunger, namely, tend to depend on the willingness and ability of institutions to fulfil obligations. People suffering from hunger, however, do not depend on further motivation to claim change. Therefore, the author argues for combining political, technical and human rights strategies

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¹ FAO, *The State of Food Insecurity in the World: 2002*, Rome, 2002.

² F. Lappé, J. Collins, *World Hunger 10 Myths*, San Francisco, Institute for Food and Development Policy, 1982 (4th ed.), p. 51.

³ The human right to food and nutrition necessarily implies the human right to access to safe drinking water.

⁴ *Nota bene.* 840 million lawsuits is a symbolic number. Since more than one billion people lack access to safe drinking water, and water is a necessary part of our diet, the number of lawsuits could easily be raised still.

since each strategy on its own has limits and is vulnerable to failure.

1. The Political Strategy to Reduce Hunger

Hunger is above all the product of political decisions, and not a technical problem. It is the result of divide-and-rule. It is a form of conscious racism, since around 799 of the 840 million people suffering from hunger worldwide live in developing countries⁵ and are non-white.

Hunger has political, legal and social functions in maintaining modernity. «Famine is the product of violence. Even though war is not implicated directly, the state enforces laws of property that can lead to some people's starvation»⁶. There may be «direct violence»⁷ (e.g. the US sabotage of Chile's attempt in the 1970s to construct new social justice and reduce malnutrition), «structural violence»⁸ (e.g. exploitative laws of property), and «cultural violence»⁹ (e.g. the alienation between political leaders and the population leaving arbitrary sections of the country undernourished).

Hunger has economic functions in maintaining modernity. Transnational corporations (TNCs) control about 70% of international trade and 80% of land growing export crops¹⁰. «Profits – and they are huge – go mainly to a handful of owners»¹¹. In fact, «hunger is not due to scarcity, it is created by wealth»¹². The richest fifth of the world population owns 85% of the world's wealth; the poorest fifth, 1.4%¹³.

At the same time, food giant TNCs create oligopolies with «oligopoly pricing»¹⁴ and «monopoly overcharges»¹⁵. Consumers do not gain. «Who then does gain from the Global Supermarket? Only its creators»¹⁶. Creators include the International Monetary Fund (IMF) and World Bank (WB), who force poor borrowing states to sell their labor and goods at the cheapest prices¹⁷.

The political strategy to reduce hunger implies the creation of social movements to realise food and nutrition rights. In the past, however, these have mostly been violent revolutions¹⁸.

⁵ FAO, *The State of Food Insecurity in the World: 2002*, cit.

⁶ J. Edkins, *Whose Hunger? Concepts of Famine, Practices of Aid*, Minneapolis, University of Minnesota Press, vol. 17, 2000, p. 156.

⁷ J. Galtung, *Peace by Peaceful Means, Peace and Conflict, Development and Civilisation*, Oslo, International Peace Research Institute, 1996.

⁸ *Ibidem*.

⁹ *Ibidem*.

¹⁰ D. Godrej, *Hunger in a World of Plenty*, in «New Internationalist», no. 267, 1995, p. 3.

¹¹ *Ibidem*, p. 3.

¹² *Ibidem*, p. 3.

¹³ *Ibidem*, p. 3.

¹⁴ F. Lappé, J. Collins, *World Hunger 10 Myths*, cit., p. 23.

¹⁵ *Ibidem*, p. 23.

¹⁶ *Ibidem*, p. 25.

¹⁷ D. Godrej, *Hunger in a World of Plenty*, cit., p. 3.

¹⁸ See J. Ziegler, *La fame nel mondo spiegata a mio figlio*, Milano, Nuove Pratiche Editrice, 1999, pp. 132-134.

2. The Technical Strategy to Reduce Hunger

The technical strategy focuses on resources. Emphasis varies from food production to price fluctuations, women's education and status¹⁹, genetically modified food, health services and care, ecological degradation, or the belief that there is not enough work or wealth available for everyone.

The belief that people suffer from hunger because of scarcity is what Frances Moore Lappé, Joseph Collins and Peter Rosset call the first of twelve myths on world hunger²⁰. The truth is that there is more than enough food in the world.

If one assumes an average per capita caloric requirement of 2,350 kcal per day, there has been enough food for around 20% more people than the actual world population every year since the mid-1970s²¹.

Of crucial importance, water scarcity goes beyond the issue of global water availability²². It depends on access to water, in light of increasing commodification and privatisation of water resources. Water is a necessary part of our diet; yet, more than one billion people lack access to safe drinking water²³.

The technical strategy, such as food aid, is vulnerable to keeping victims only alive longer, in fundamentally unchanged poverty or misery. Moreover, one day technical assistance will stop, pack up and go back home.

3. The Human Rights Strategy to Reduce Hunger

According to Amartya Sen, people are undernourished not because of a lack of food worldwide, but because of a lack of entitlements to food²⁴. Entitlements are rights of ownership. Hence, «if a group of people fail to establish their entitlement over an adequate amount of food, they have to go hungry»²⁵.

Different states offer different entitlements. Human rights are special entitlements, since they are universal birth-rights, independent of residency or nationality. Thus, *having* human rights is not state-dependent, even if their *enjoyment* is to a great extent state-dependent²⁶. One crucial strategy therefore to reduce hunger is to strengthen these universal entitlements.

¹⁹ The status and education of women account for 54.6% of decrease in child malnutrition, whereas food availability only for 26.1%; and health environment for 19.3%, according to L. Smith, L. Haddad, *Overcoming Child Malnutrition in Developing Countries: Past Performance, Future Possibilities*, in *Draft 2020 Vision for Food, Agriculture, and the Environment Discussion Paper*, Washington D.C., International Food Policy Research Institute, 2000.

²⁰ F. Lappé, J. Collins, P. Rosset, *World Hunger: 12 Myths*, New York, Grove Press, 1998 (2nd ed.).

²¹ P. Ulvin, *Eliminating Hunger after the End of the Cold War: Progress and Constraints*, in T. Marchione, (ed.), *Scaling Up, Scaling Down Overcoming Malnutrition in Developing Countries*, Amsterdam, Gordon and Breach Publishers, 1999, p. 2.

²² G. Kent, *Nutrition Rights: The Human Right to Adequate Food and Nutrition*, on behalf of the World Alliance on Nutrition and Human Rights, 2000, Ch.X.f. «Water».

²³ P. Gleick, *The Human Right to Water*, in «Water Policy», 1(5), 1999, pp. 487-503.

²⁴ A. Sen, *Development as Freedom*, Oxford, Oxford University Press, 1999, Ch. 7.

²⁵ J. Dreze, A. Sen, *Hunger and Public Action*, Oxford, Clarendon Press, 1989, pp. 9 and 22.

²⁶ See G. Kent, *Nutrition Rights...*, cit., Ch. VI.g. «Having vs. Realizing Rights».

4. The Story of 840 Million Court Cases

One day, 840 million children, men and women suffering from hunger walked the other way. They were tired of being tired: of hunger and misery; of human rights without the means to claim rights; of politics without the means to change political will; of technical assistance without the means to fulfil basic needs; of economics without the means to temper the laws of maximum profit; of genocide...

... without shame, in the face of every state's sufficient resources to feed its people.

But one day, they walked the other way. They were just on their way to read articles on naive ideas, when 840 million children, men, women, and their representatives, decided to walk to their respective national courts and file 840 million court cases for violations of the human right to food and nutrition. Most cases were out-right dismissed as inapplicable, some were victorious, some lost and some continue to be processed. But that was never the issue. The sheer number of 840 million lawsuits created a social movement. The result was the economic and political incentives necessary for governments' policies to end hunger.

5. The Need for a Holistic Approach

Story sceptics tell me, «It's a nice idea, but it's too naive. After all, (a) hungry people are tired. They have no energy, no money. Who will have the energy? Who will fund the cases? (b) Concretely, how will it work? Filing the cases will block court systems throughout the world. (c) What is the point in filing cases unless you win them? How do you know filing cases will create the necessary incentives to change government policies? Even if policies change, this will not affect the oligopoly control of food prices by TNCs at the Chicago Commodity Stock Exchange. States have no power, no money these days. Besides, it will take too much time. (d) There are other human rights equally important to fulfil. (e) And what about my life, my job and my money if these people are no longer hungry?».

The above story is fictitious, yes. But impossible, no. People

oppressed by hunger must find energy, and representatives can help file cases. This article is not advocating for a single approach. Strategies to reduce hunger all have their limits. A judicial approach to the human right to food and nutrition may fail. The social movement of filing 840 million court cases may have no impact at all, or people may just not turn up.

But for its part, the technical strategy also has its limits. By acting as a substitute provider for immediate needs, food aid may not reduce hunger at all. It may prevent the impetus for governments to strengthen people's entitlements to adequate food, and thus lead to the erosion of entitlements²⁷. Thereby, food aid may actually create more victims of hunger. In addition, food aid organisations may not be trustworthy. They may be in the business to keep in business.

Human rights, on the other hand, are vulnerable to the weak and malfunctioning relationship between rights-holders, duty-bearers and agents of accountability. The realisation of human rights depends on states fulfilling duties to rights-holders, on institutions holding states accountable²⁸, and on the existence of remedies in case of violations of human rights. States are not trustworthy.

The political strategy may over-emphasise the role of politics in hunger, and miss out on the fact that states also have legal duties under international human rights law, not only lists of what they *ought to*²⁹ do. Politics cannot be trusted.

Therefore, one needs to combine strategies. Taken on their own, the three strategies are vulnerable to failure. Taken holistically, they may create the necessary incentives for governments to change public policies and end hunger. And, people suffering from hunger can be trusted to claim change.

This article is not advocating to cease all other approaches. One can seriously claim the human right to food and nutrition, whilst at the same time refrain from de-politicising hunger, and provide immediate food needs.

One can boycott food TNCs (e.g. Andre S.A. Lausanne, Continental Grain, Dreyfus Compagnie, Cargill International), privilege co-operatives, protest against IMF and WB lending policies, and support anti-hunger movements.

One can «work to end all support for agribusiness penetration into food economies abroad from governments and multilateral lending agencies and through tax incentives and other federal

²⁷ See J. Poppendieck, *Sweet Charity? Emergency Food and the End of Entitlement*, New York, Penguin Books, 1998, pp. 288-292.

²⁸ See for example, ECOSOC Resolution 1503, *Procedure for Dealing with Communications Relating to Violations of Human Rights and Fundamental Freedoms*, May 1970. This procedure allows individuals and NGOs to file complaints of persistent human rights violations to sub-organs of the Committee on Economic, Social and Cultural Rights. Unfortunately, there is no follow-up action, nor redress for individual victims.

²⁹ See G. Kent, *Nutrition Rights...*, cit., Ch. VI.b. «Moral vs. Legal Rights».

programs. [...] Work to end foreign assistance to governments working against the food security of their people. [...] Work to build [...] democratically controlled and food self-reliant econom[ies]. [...] Promote investigative research. [...] Educate. [...] Counter despair»³⁰.

Indeed, this article proposes that filing 840 million court cases is one such strategy to reduce hunger. «In every country brave, ordinary people are already fighting for their food rights»³¹. This article is not trying to convince story sceptics. Story sceptics generally are not suffering from hunger.

In a monumental decision by the US Supreme Court at 12:52 p.m. on 17 May 1954 the political, legal, economic and social structure of the country changed. Before *Brown v. Board of Education*, there was the same scepticism about creating change. Sceptics said black people have no money, no energy to file a case against segregation in schools. There was a strong belief that the law providing for schools to be «separate, but equal» was not justiciable. But whites and blacks volunteered their energy and money in solidarity to end segregation. Notwithstanding protests, the US Supreme Court held that if schools were separate, they could not be equal and that this was anti-constitutional. The Court ordered states to desegregate with all deliberate speed. This decision put an end to segregation.

6. Preliminaries

Filing 840 million lawsuits may not be as expensive as one imagines. It does require a great deal of solidarity with people suffering from hunger. One may offer one's solidarity through skill, money, publicity and time. Just as there are «barefoot» doctors, there may be «barefoot» lawyers equipped in the basics of how to file cases. There are, after all, 7.3 million lawyers in the world³².

If people suffering from hunger agree, ready-made petitions may be drafted by skilled lawyers and reproduced 840 million times. The 840 million cases will be similar, and may be argued similarly.

The Food and Agriculture Organisation (FAO) has already identified these people as undernourished³³. The petitions will

³⁰ F. Lappé, J. Collins, *World Hunger 10 Myths*, cit., pp. 49 and 50.

³¹ *Ibidem*, p. 50.

³² R. August, *Mythical Kingdom of Lawyers, America Doesn't Have 70% of the Earth's Lawyers*, in «ABA Journal», vol. 78, September 1992, pp. 72-74.

³³ FAO, *The State of Food Insecurity in the World: 2002*, cit.

therefore be distributed worldwide and signed by the identified people, or by their representatives. All 840 million petitions will be filed in national courts contemporaneously, on the same day, so as to create the maximum impact of a wave of social movements from East to West, and from South to North.

Each lawsuit represents a legal, economic and political claim against the violation of the human right to food and nutrition. In the end, even if only 1% of 840 million potential cases are actually filed, this will still mean 8.4 million cases worldwide. Presently, there is not a single explicit precedent case on the human right to food and nutrition.

After this first legal step, governments, media and major corporations will pay attention. However, if there is no impact one continues with the second legal step. The cases continue. Individual lawyers volunteer. Law firms work *pro bono*. Even the biggest international law firms, such as Clifford Chance, may be convinced to join. Lawyers preferably work *pro bono*, not only because their client hungry people have no money to pay fees, but because of the danger of creating another business to keep in business.

This requires a great deal of solidarity. E-mail, internet and photocopiers may reduce the number of lawyers needed. A register may keep track of cases filed. World Hunger Day may announce how the cases are proceeding. Premiums may be awarded for duty-fulfilling, policy-changing food rights states.

It is true, however, that filing 840 million cases worldwide will block court systems in a major way. This simply makes visible states' failures. Moreover, this article is about hunger, but this does not prevent other human rights violations from following suit, perhaps on a different day though.

However, the blocking does not have to last long, precisely because for what concerns the realisation of the human right to food and nutrition, every state, even the poorest one, has the resources to end hunger³⁴. The 840 million lawsuits may be withdrawn as soon as governments change public policies, compensate for and remedy their violations of the human right to food and nutrition.

One often hears that in order for poor people to gain, we richer people must lose; that if they lose, we gain. This is not true. «The hungry are our allies, not our enemies nor a perpetual burden. Our food security is not threatened by hungry people

³⁴ For examples of famine prevention policies, which poor states may undertake as well, see A. Sen, *Development as Freedom*, cit., Ch. 7.

but by a system that concentrates economic power into the hands of elites who profit by the generation of scarcity and the internationalisation of food control»³⁵.

If now the judicial strategy to the human right to food and nutrition fails to change, in a substantial way, government policies worldwide, then one needs a non-violent uprising all over the world. Then, let us stop deceiving people by calling human rights, *rights*. Then, let us sue 840 million cases for government fraud and deception. Or, let us walk the other way, and start again. With larger print this time, shorter sentences, better photocopiers.

7. How Can One File 840 Million Court Cases?

Oddly enough, with 840 million children, men and women suffering from hunger, there is not a single explicit precedent court case on the human right to food and nutrition. This is because it is generally assumed that this right is not justiciable.

This assumption is wrong. General Comment 9 (GC9) on «The domestic application of the Covenant»³⁶ (para. 10) confirms the justiciability of economic, social and cultural rights under the ICESCR: «in relation to civil and political rights, it is generally taken for granted that judicial remedies for violations are essential. Regrettably, the contrary assumption is too often made in relation to economic, social and cultural rights. *This discrepancy is not warranted* either by the nature of the rights or by the relevant Covenant provisions».

In order to file 840 million court cases, one first needs to distinguish between three categories of states: states with national legislation providing for the human right to food and nutrition, States that have ratified the ICESCR, CRC, CEDAW, or ICCPR, and those that have neither relevant national legislation, nor ratified these human rights treaties.

Secondly, as the case may be, one may cite national legislation, human rights treaties, precedent food-related rights cases, and potentially claim cases under more easily justiciable civil and political rights.

³⁵ F. Lappé, J. Collins, *World Hunger 10 Myths*, cit., p. 51.

³⁶ Committee on Economic, Social and Cultural Rights, *General Comment 9 on «The Domestic Application of the Covenant»*, Geneva, November–December 1998.

8. Where National Legislation Provides for the Human Right to Food and Nutrition

People suffering from hunger, under the jurisdiction of a state with national legislation on the human right to food and nutrition, may file their cases with the help of representatives in national courts on the basis of violations of that legislation.

According to FAO, there are 20 states with the right to food in their constitutions³⁷. These include the national constitutions of Bangladesh (art. 15), Brazil (art. 227), Colombia (art. 44), Congo (art. 34), Cuba (art. 8), Ecuador (art. 19), Ethiopia (art. 90), Guatemala (artt. 51 and 99), Haiti (art. 22), India (art. 47), Islamic Republic of Iran (artt. 3 and 43), Malawi (art. 13), Nicaragua (art. 63), Nigeria (art. 16), Pakistan (art. 38), Paraguay (art. 53), South Africa (artt. 27 and 28), Sri Lanka (art. 27), Uganda (art. 14), and Ukraine (art. 48).

In addition, there are 17 states with an implied right to food, such as the right to life; 7 states with elements or dimensions of the right to food; 49 states with social security nets; 22 states with minimum wage protection; and 2 states with other implicit rights³⁸. Norway's Constitution provides that it is committed to the realisation of human rights. The Italian, Spanish and Greek Constitutions guarantee a right to health, which implies the right to food. India's Constitution guarantees the right to life, which includes the right to food.

If one, therefore, counts the number of undernourished people in states with the right to food in their Constitution, there are about 429.7 million people, meaning 429.7 million potential court cases for violations of the right to food³⁹.

In a breakthrough food-related rights case⁴⁰ in May 2001, *PUCL v. UOI and ORS*, an Indian NGO claimed that many starvation deaths in India were due to a violation of the 1962 Indian Famine Code. The Code obliges the government to provide free food in emergencies. But the grain was not released from government stocks. On 28 November 2001, the Indian Supreme Court passed a land-mark decision, judging the respondents responsible in contributing to the starvation deaths⁴¹. The Court held further that the Indian Constitution providing that «no person shall be deprived of his life» includes the right to food. In this way, the decision set a precedent for future food rights cases.

³⁷ FAO, *The Right to Food in National Constitutions*, in *The Right to Food in Theory and Practice*, Publishing Management Group, FAO Information Division, 1998, p. 42.

³⁸ According to an interview with Julian Thomas, senior co-ordinator, FAO Economic and Social Department, on 15 July 2003. This research on national legislation and food rights will be completed by September 2004.

³⁹ Adding country totals, based on FAO, *The State of Food Insecurity in the World: 2002*, cit.

⁴⁰ See also *R v. Hammersmith, Bruder v. Switzerland Federal Court, Argentinian Health and Government of South Africa v. Grootboom* for further examples of food-related rights cases.

⁴¹ The Court directed the Federal and State governments to implement eight centrally-sponsored schemes on food security and to introduce cooked mid-day meals in all government and government-assisted schools.

9. Where States Have Ratified the ICESCR, CRC or CEDAW

People suffering from hunger, under the jurisdiction of a state that has ratified the ICESCR, CRC or CEDAW, may file their cases with the help of representatives in national courts on the basis of violations of these international human rights treaties.

There are 145 states parties to the ICESCR that have ratified the international treaty. 169 states parties have ratified CEDAW, and 191 states parties have ratified the CRC⁴².

If one, therefore, counts the number of undernourished people in states which have ratified the ICESCR, there are about 764 million people. In other words, 764 million potential court cases for violations of the human right to food and nutrition⁴³.

One may conclude that people suffering from hunger in monist states (i.e. where international treaty law may be invoked directly in national courts), may file their court cases based on violations of article 11 ICESCR on the «right of everyone to an adequate standard of living for himself [or herself...], including adequate food», article 24(1) on «the right of the child to the enjoyment of the highest attainable standard of health», and article 14(2)h CEDAW on «the right [...] to enjoy adequate living conditions, particularly in relation to [...] water supplies». Several claims may be made. First, a claim against the illegality of hunger. GC12⁴⁴ (para. 17) affirms that «violations of the ICESCR occur when a state fails to ensure the satisfaction of, *at the very least, the minimum essential level required to be free from hunger*». It further provides that «in determining which actions or omissions amount to a violation of the right to food, it is important to distinguish between the inability from the unwillingness of a State part to comply». States must respect, protect, facilitate and provide access to food⁴⁵. Since every state has the resources to realise the human right to food and nutrition⁴⁶, inadequate resources or inability is no defence.

Secondly, a claim may be made against the delay in realising the human right to food and nutrition. Article 2 ICESCR provides that state parties must «take steps, individually and through international assistance and co-operation, especially economic and technical, *to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights* recognised in the present Covenant by all appropriate means,

⁴² International Service for Human Rights (ISHR), *Ratification Information Main Human Rights Treaties*, 2003.

⁴³ Adding country totals, based on FAO, *The State of Food Insecurity in the World: 2002*, cit.

⁴⁴ Committee on Economic, Social and Cultural Rights, *General Comment 12 on «The Right to Adequate Food (Art. 11)»*, Geneva, April-May 1999.

⁴⁵ *Ibidem*, para. 15.

⁴⁶ F. Lappé, J. Collins, *World Hunger 10 Myths*, cit., p. 51.

including particularly the adoption of legislative measures». Since no resources are lacking to fulfil state obligations, steps are long overdue.

Thirdly, a claim may be made against the inadequate implementation of state duties. GC9⁴⁷ (para. 7) affirms that «the means of implementation chosen must be adequate to ensure fulfilment of the obligations under the Covenant». Since 764 million people are suffering from hunger under the jurisdiction of states that have ratified the ICESCR, the means of implementation are extremely inadequate.

Fourthly, a claim may be made for compensation for damage caused to at least 764 million lives, and guarantees of non-repetition. GC12⁴⁸ (para. 32) on «Remedies and accountability» of food rights says: «any person or group who is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies at both national and international levels»; furthermore, «*all victims of such violations are entitled to adequate reparation*, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition».

In dualist states (i.e. where international treaty law must first be incorporated into national law in order to be invoked in national courts), people suffering from hunger may nevertheless file their court cases in national courts on the basis of violations of international human right treaties. GC9⁴⁹ (para. 15) states: «it is generally accepted that domestic law should be interpreted as far as possible in a way which conforms to a State's international legal obligations».

10. Where States Have Neither Relevant National Legislation, nor Ratified the ICESCR, CRC, nor CEDAW

People who suffer from hunger, under the jurisdiction of a state that has neither national legislation on the right to food, nor ratified the ICESCR, CRC nor CEDAW, may nevertheless file their cases with the help of representatives in national courts on the basis of violations of the human right to food and nutrition. What does it mean to have the human right to food and nutrition in a state that has not committed itself to its realisation, either through ratification of human rights treaties, relevant

⁴⁷ Committee on Economic, Social and Cultural Rights, *General Comment 9...*, cit.

⁴⁸ Committee on Economic, Social and Cultural Rights, *General Comment 12...*, cit.

⁴⁹ Committee on Economic, Social and Cultural Rights, *General Comment 9...*, cit.

national legislation, or social security nets?

It means it is a crime not to commit to realise the human right to food and nutrition. A claim may be made for failure to commit. Under article 28 UDHR, «everyone is entitled to a *social and international order* in which the rights and freedoms set forth in this Declaration can be fully realised».

Moreover, article 25(1) UDHR provides that, «everyone has a 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». It is true that UDHR is not legally binding on states. However, it is also true that UDHR is a printed form of already universal, claimable human rights acquired at birth.

If one, therefore, counts the number of undernourished people in states that have neither relevant national legislation, nor ratified the ICESCR, CRC, nor CEDAW, there are about 44.5 million people. This means 44.5 million potential court cases for violations of the human right to food and nutrition⁵⁰.

One may claim violations of the right to food under more easily justiciable civil and political rights. Article 6 ICCPR provides that «every human being has the inherent *right to life*», which implies the right to food. 148 states parties have ratified the ICCPR⁵¹. Similarly, in *Lopez Ostra v. Spain* the (economic and social) right to health was considered part of the (civil and political) right to private life. In *D v. UK*, the inadequate provision of the (economic and social) right to health care was held to violate the (civil and political) prohibition against inhuman treatment.

11. Conclusion

«What we call the beginning is often the end. And to make an end is to make a beginning. The end is where we start from»⁵².

This article started with the affirmation that hunger is preventable. It ends with an invitation to make the story real. One may start by combining strategies, contacting skilled lawyers, and getting a hold of a few photocopyers.

⁵⁰ Adding country totals, based on FAO, *The State of Food Insecurity in the World: 2002*, cit.

⁵¹ International Service for Human Rights (ISHR), *Ratification Information Main Human Rights Treaties*, cit.

⁵² T.S. Eliot, *Four Quartets*, London, Faber & Faber, 1959.

Bibliography

- August, R., *Mythical Kingdom of Lawyers, America Doesn't Have 70% of the Earth's Lawyers*, in «ABA Journal», vol. 78, September 1992.
- Committee on Economic, Social and Cultural Rights, *General Comment 9 on «The Domestic Application of the Covenant»*, Geneva, November-December 1998.
- Committee on Economic, Social and Cultural Rights, *General Comment 12 on «The Right to Adequate Food (Art. 11)»*, Geneva, April-May 1999.
- Dreze, J., Sen, A., *Hunger and Public Action*, Oxford, Clarendon Press, 1989.
- ECOSOC Resolution 1503, *Procedure for Dealing with Communications Relating to Violations of Human Rights and Fundamental Freedoms*, May 1970.
- Edkins, J., *Whose Hunger? Concepts of Famine, Practices of Aid*, Minneapolis, University of Minnesota Press, vol. 17, 2000.
- FAO, *The Right to Food in National Constitutions*, in *The Right to Food in Theory and Practice*, Publishing Management Group, FAO Information Division, 1998.
- FAO, *The State of Food Insecurity in the World: 2002*, Rome, 2002.
- Galtung, J., *Peace by Peaceful Means, Peace and Conflict, Development and Civilisation*, Oslo, International Peace Research Institute, 1996.
- Gleick, P., *The Human Right to Water*, in «Water Policy», 1(5), 1999, pp. 487-503.
- Godrej, D., *Hunger in a World of Plenty*, in «New Internationalist», no. 267, 1995.
- International Service for Human Rights (ISHR), *Ratification Information Main Human Rights Treaties*, 2003.
- Kent, G., *Nutrition Rights: The Human Right to Adequate Food and Nutrition*, on behalf of the World Alliance on Nutrition and Human Rights, 2000.
- Lappé, F., Collins, J., *World Hunger 10 Myths*, San Francisco, Institute for Food and Development Policy, 1982 (4th ed.).
- Lappé, F., Collins, J., Rosset, P., *World Hunger: 12 Myths*, New York, Grove Press, 1998 (2nd ed.).
- Poppendieck, J., *Sweet Charity? Emergency Food and the End of Entitlement*, New York, Penguin Books, 1998.
- Sen, A., *Development as Freedom*, Oxford, Oxford University Press, 1999.
- Smith, L., Haddad, L., *Overcoming Child Malnutrition in Developing Countries: Past Performance, Future Possibilities*, in *Draft 2020 Vision for Food, Agriculture, and the Environment Discussion Paper*, Washington D.C., International Food Policy Research Institute, 2000.
- Ulvin, P., *Eliminating Hunger after the End of the Cold War: Progress and Constraints*, in T. Marchione, (ed.), *Scaling Up, Scaling Down Overcoming Malnutrition in Developing Countries*, Amsterdam, Gordon and Breach Publishers, 1999.
- Ziegler, J., *La fame nel mondo spiegata a mio figlio*, Milano, Nuova Pratiche Editrice, 1999.