Preface

To assert that everyone has the right to food seems easy. Many international documents contain authoritative statements to that effect, in particular article 11 of the International Covenant on Social, Economic and Cultural Rights. However, its development into an operational legal right for the existing diversity of national legal systems is extremely difficult. Even if the content of the right to food would be accepted at the minimum of “freedom from hunger”, one has to admit that there are neither specific obligations for states to guarantee it, nor effective mechanisms to supervise the implementation of the right to food.

In the face of widespread and continuing hunger, numerous international organizations were created, starting with the FAO in 1945. The policies and practices of those entities are bound by law and produce legal norms themselves, but they all stay within general international (economic) law, rather than international human rights law. The latter developed quite independently in the human rights bodies of the United Nations, but concentrated on civil and political rights, while treating the right to food - amidst other economic, social and cultural rights - as mere aspirational rights or programmatic goals to be achieved through economic growth.

The question is whether human rights law and human rights activists have better ways to assist the deprived than the usual reference to the preamble of the Universal Declaration of Human Rights:

"Whereas it is essential, if man is not compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, ...”

The issue of the “realization” of the right to food, as the most fundamental of the social and economic rights, is the focus of the Right to Food project which the Netherlands Institute of Human Rights (SIM) started in November 1983.

The Netherlands Ministry of Development Cooperation through a special grant made it possible to hire the services of Dr. Katarina Tomaševski, from Zagreb University, and organize an international conference from 6 to 9 June 1984 in Utrecht. This conference, “The Right to Food from Soft to Hard Law”, also benefitted from the financial support of the Ministry of Foreign Affairs of Norway and Oxfam. The keynote speaker at the conference was Mr. Philip Alston, who together with Katarina Tomaševski undertook to edit this book.

The timing of the project is not arbitrary: the Universal Declaration on the Eradication of Hunger and Malnutrition will be one decade old on 16 November 1984. In 1982 the UN Subcommission for the Prevention of Discrimination and the Protection of Minorities entrusted Mr. Asbjørn Eide with a study on the Right to Food, which is expected to be submitted in final version in August 1985. The International Law Association (ILA) approved in 1984 the creation of a Right to Food committee, which is investigating the possibilities for an international legal instrument on the right to food. There-
fore the ILA and SIM decided to work together and several meetings of members of the ILA Right to Food Committee were organized. The committee will report to the ILA conference in 1986.

The SIM conference and this book have in common the desire to provide a meeting point between lawyers and decision makers, between researchers and activists. In that sense the book is likely to have a more lasting effect. The main articles are written by the editors themselves. The first one by Philip Alston, provides an overview of the whole problematic from a legal viewpoint and the other one, by Katarina Tomaševski, looks at the crucial issue of indicators for the realization of the right to food. Other authors tackle the problem from different angles, but all have in common to approach to the problem of world hunger from a human rights perspective. The width of their knowledge and expertise, and the renewed interest which the right to food receives in international organizations, make this book another effort in the struggle which is neither easy, nor hopeless.

The book is an outcome of the accumulated knowledge and commitment of people working in the food field and the human rights field who over many years have been trying to apply both tested human rights techniques and new concepts to the unyieldy matter of social, economic and cultural rights.

It provides powerful ammunition to the “idealists” who believe that social, economic and cultural rights can and must be made to work by adopting appropriate policies.

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