PART A

General Standards against Deliberate Starvation:

The Right to Food and to

Humanitarian Assistance
Introduction

Some of the worst human rights catastrophes of the twentieth century were famines created or manipulated by governments.¹

Marcus points out that ‘famines often arise out of a host of rights violations committed by murderous governments bent on manipulating hunger to further their own purposes’.² Though other human rights may be infringed by starvation, this chapter focuses primarily on the right to food and, secondarily, on the connections between the right to food and the right to life. Since it is impossible to consider all related human rights aspects in detail, the focus of this chapter is on strengthening the significance of the right to food in the legal practice.

The right to food is firmly anchored in binding international HRL.³ Its origin lies far back in the history.⁴ The right to food was already protected rudimentarily in the 1216 Charter of the Forest, an equally important sister Charter to the 1215 Magna Carta.⁵ Van Bueren shows that the Charter of the Forest recognised rights to essentials of medieval living (such as a right to honey, grazing rights and rights to firewood) that ‘translate in the 21st century into

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¹ Marcus, p. 245.
² Ibid., p. 248.
³ The Special Rapporteur on the Right to Food, Olivier De Schutter, noticed that ‘[t]he right to food has entered a new phase’ because the international community is no longer discussing the validity of a right to food as such, but focusing increasingly on its implementation (Report by the Special Rapporteur on the Right to Food to the GA, A/68/288, 7 August 2013, para. 4). Mention deserves in this context the Optional Protocol to the ICESCR (adopted by the HRC [Res. 8/2 of 18 June 2008], and by the UN GA [Res. A/RES/63/117 of 10 December 2008]).
⁴ Pars pro toto, an overview of the ‘history of hunger’ is provided by Kaufmann, Hunger als Rechtsproblem, pp. 3-53.
⁵ This is apparent in the fact that the first scholarly edition of the Magna Carta was published by the jurist William Blackstone together with the Charter of the Forest (Blackstone). See e.g. van Bueren, Should we have an enforceable right to food?; Prest, pp. 164-165. The Magna Carta was granted by King John in 1215 on the battlefield at Runnymede and recognised the rights and privileges of the barons, church and freemen. This charter is widely considered to be the foundation of the English and US constitutional systems, representing the first time the power of the monarchy was restrained by law and popular resistance. For details, see McKechnie