Rhoda E. Howard-Hassmann

“The Right to Food: A Civil/Political Right”

Orfalea Center, University of California at Santa Barbara

February 25-27, 2016

**The Full-Belly Thesis Revisited**

This chapter revisits an article I published in 1983, entitled “The Full-Belly Thesis” (Howard, Rhoda 1983). In it, I argued against the then-influential proposition that until a man’s belly was full, he did not need freedom. That article was based on research on nine English-speaking sub-Saharan African countries; Ghana, Nigeria, Gambia, and Sierra Leone in West Africa and Kenya, Uganda, Malawi, Tanzania and Zambia in East and Central Africa (Howard, Rhoda E. 1986).

Perhaps it was too soon to write such an article, since the earliest date of independence for any of those countries was 1957 (Ghana). Nevertheless, some trends were already appearing. The first of these was “development” policies that actually resulted in de-development. By de-development, I mean—in the context of the right to food-- the introduction of policies that reduce the production of food or that undermine industries producing foreign exchange that can be used to buy food. Colonial rule, it was plausibly argued, had resulted in underdevelopment; at the time of independence, colonized countries were less developed than they would have been had they never been colonized.

Certainly colonialism left a legacy of underdevelopment in many of these countries (Howard, Rhoda E. 1978). However, even if one accepts that colonialism had caused underdevelopment, the rulers of newly independent countries began to de-develop their economies. In Tanzania, for example, the government had to divert funds to import food after it instituted a resettlement program in the mid-1970s that removed peasants from the fertile land they cultivated and sent them to infertile areas. In Ghana, cocoa farmers were underpaid by a state monopsony (monopoly of purchases) that sold cocoa on the world market but retained profits for the government to use to buy off urban voters; paid so little, the farmers did not have enough money to buy food (Howard, Rhoda 1983, 471-3).

 All over sub-Saharan Africa, corruption was also a huge problem, as predatory states arose based on personalist and nepotistic rule. The formal democracies set up at independence soon deteriorated into autocracies or were overthrown by military dictators. Corruption remains an enormous problem, still causing de-development. In Nigeria, the vast majority of the population has hardly seen the benefits of extensive oil development; most of the billions earned disappears into the private bank accounts of its governors and bureaucrats (Ocheje, Paul 2002).

Another important trend that adversely affected the right to food was state restrictions on and violations of civil and political rights. The independence of the nascent judiciary was restricted and undermined; for example, the African nationalist hero and leader of newly independent Ghana, Kwame Nkrumah, dismissed judges in 1963 after a decision to which he objected (Howard, Rhoda 1983, 486). Governments restricted freedom of speech, assembly, and press, so that when they introduced policies that restricted access to food or to incomes with which to purchase food, citizens—often peasants—could not protest.

Thus, the proximate cause of de-development in many African countries from the 1960s to the 1990s was public policies instituted by governments that were either incapable of organizing efficient economies, or uninterested in or unwilling to do so. Leaders of underdeveloped countries are capable of moral (or immoral) agency. For reasons of profit, greed, power, or ethnic affiliation they may very well replicate undemocratic colonial rule. Without collective and communal constraints, without an independent judiciary, and without any commitment to civil and political rights, they often become authoritarian dictators.

These de-development policies in Africa were obscured by the international process of standard-setting, which for several decades ignored internal policy decisions, instead focusing on international obligations and the apparent inequities of the world market. These standards presented a false picture of fulfilment of the right to food as an entire technical matter, whereas it was—and is—intensely political. Some people starve so that other people can get rich or maintain themselves in power. The right to food is neither a mere matter of devising the right economic policies, although such policies are its necessary prerequisite, nor is it a matter of legal standard-setting, although such standards might assist critics of states that deny their citizens the right to food. The right to food also depends on protection of civil and political rights, which many government leaders deny to their citizens.

In making these arguments I am not suggesting that civil and political rights are intrinsically more valuable than economic human rights such as the right to food. The intrinsic value of any human right depends on the human being making decisions about her rights and how, if at all, she prioritizes them. One might assume that anyone would put the right to food—the right to have a full belly-- ahead of any other right, such as freedom of speech or religion. But that is not the case; many people value their religion so much that they are willing to risk all their material security for it, including their access to food (Howard, Rhoda 1983, 484-5). Nevertheless, almost no one would give up the right to food if it could be protected without sacrifice of any other right.

Thus, one cannot speak of the right to food and its fulfillment without analyzing both economic (“development”) policies and the state of civil and political rights in countries where the right to food is at risk. Yet ostensible development policies often promote de-development, and civil and political rights are frequently violated. In this chapter, I first present a short discussion of the claims, actors, mechanisms and responsibilities that ideally would protect the right to food. I then survey some international legal documents that, in effect, protect the sovereign right to de-development. I continue with new evidence that supports my original 1983 argument that without enjoyment of civil and political rights citizens cannot enjoy the right to food. The sovereign right to violate human rights is a major cause of violations of the right to food. I conclude with a discussion of how irresponsible actors and inappropriate mechanisms undermine the right to food.

**Claims, Actors, Mechanisms, and Responsibilities**

The right to food is not a new claim. It is included in the Universal Declaration of Human Rights (UDHR), Article 25, 1, which states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food.” The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), moreover, includes the rights to adequate food (Article 11, 1) and freedom from hunger (Article 11, 2). What is new is the fairly recent attention to the right to food by scholars and policy-makers to the right to food, partly in response to “southern” criticisms of the so-called “Western” bias toward civil and political rights as opposed to economic human rights.

International human rights standard-setting is one mechanism by which the right to food is claimed. One set of standards revolves around the right to development, while another pertains directly to the right to food. Until the late 1990s neither set of standards insisted on the responsibilities of the key actors, namely states, to respect, protect, and fulfill their citizens’ right to food. Instead, both portrayed development as a politically neutral process, and/or blamed underdevelopment or non-development on the West and the international market, rather than the policies of independent states.

 In any event, international legal standard setting has very limited, if any, impact. This is not because these standards are soft, unenforceable law, often no more than a rhetorical device that some states use to relieve themselves of responsibility for domestic reform (Ibhawoh, Bonny 2011, 102). It is because societies, state and regions do not develop as a result of legal standards. They develop as the result of particular economic changes and policies that allow economies to grow and consequently permit responsible states to tax that growth and use their revenues to redistribute resources—including food—to those in need. While this is not the place to develop a large-scale theory of the economic, social, legal and political changes that induce economic growth and (sometimes, under certain political circumstances) redistributive policies that fulfill the right to food, a few mechanisms can be noted.

Economic policies include economic liberty, allowing people to save and invest as they see fit; property rights, ensuring that property cannot be confiscated by kings, autocrats, or powerful economic actors; and, in the contemporary world, foreign investment. They also include openness to international trade, which correlates positively with human rights (Milner, Wesley T. 2002) and permits greater economic growth (Besley, Timothy and Burgess, Robin 2003; Bhagwati, Jagdish 2004). However, these long-term economic changes are not, in and of themselves, enough to guarantee economic human rights, including the right to food. The right to food cannot be guaranteed if states are not interesting in respecting conditions for its protection; for example, by not arbitrarily confiscating property, whether the property of small-scale peasants cultivating for their own subsistence or the property of large-scale food producers or of businesspeople earning foreign exchange which is then used to pay for food imports. States must also protect their populations from predatory exploitation by non-state entities such as extractive industries that displace peasants and indigenous populations from their land. Finally, states must have the capacity to tax producers and income earners and the willingness to use that tax wealth both to provide infrastructure for economic sustainability and to redistribute funds so that those who cannot feed themselves with their own income or property can purchase or obtain food via state subsidies of various kinds.

Governments, however, are not likely to engage in redistributive activities unless they are democratically elected and can be called to account by the political opposition and voted out of office by citizens. This will not occur unless the electorate is able to exercise its mandate without fear of arrest, torture, or suppression of its freedom of speech, assembly, and press; that is, unless its civil and political rights are respected. Such respect will also allow the development of civil society, which can organize citizens to pressure states to preserve economic human rights.

 Thus, mechanisms to protect the right to food can be schematically drawn in the following way:

*Diagram 1: mechanisms promoting and protecting the right to food*

Property rights+ economic liberty (to save and invest) + foreign investment⇒

economic growth

Civil and political rights+ voter choice+ civil society⇒ governments responsive to citizens’ demands

Democratic states+ tax revenue+ responsible and capable civil service+ concern for the poor (possibly imposed by voters) ⇒ redistribution

Thus protection of the right to food is not necessarily dependent on international human rights standards; it is dependent on a market economy regulated by the state, a democratic state political system, and civil and political rights. Yet these are precisely the mechanisms that international standard setting ignored until thelate 20th century. These standards blamed underdevelopment on colonialism and international market economies but not on internal policies, including authoritarianism, brutal dictatorship, corruption, outright theft of national resources, and ideologically-driven attempts at third world socialism. Nor did international standards refer to civil and political rights. “Development” and economic human rights were de-politicized, while states—actually the elites who had usurped them-- insisted above all on protection of their right to sovereignty. Under these circumstances, it is not surprising that the right to food was compromised.

**The Sovereign Right to De-Development**

During the period when many African governments were consolidating their authoritarian and corrupt economic policies, the United Nations General Assembly (UNGA) voted for a Declaration on a New International Economic Order (NIEO). This document advocates reorganization of world trade to remedy what it considered to be mechanisms unfair to less-developed countries. For example, it calls for a “just and equitable relationship” between the prices of exports and imports of developing countries, to rectify their unbalanced terms of trade (United Nations General Assembly 1974, article 4, j). It does not mention states’ internal responsibilities to protect the right to own property, to permit a market economy, to remedy inefficient protectionist or socialist policies, to control corruption, to protect civil and political rights, or to respect, protect and fulfill the right to food. An Iranian expert hired to write the first draft of the NIEO focused not only on international exchange but also on the internal responsibilities of states, but by his second draft these latter responsibilities had disappeared (Whelan, Daniel J. 2015b, 9-13). States’ sovereign rights to make their own economic policies (United Nations General Assembly 1974, Article 4, d) superseded any responsibility they had to ensure that those policies benefitted their citizens.

The Charter of Economic Rights and Duties of States (CERDS), also passed by the UNGA in 1974, contained a nod to “respect for human rights and fundamental freedoms”, and noted that “the responsibility for the development of every country rests primarily upon itself” (United Nations General Assembly 1974, chapter I, k, and preambular par. 10). Like the NIEO, the CERDS insisted on the sovereignty of all states, especially the sovereign right to choose their economic systems, albeit “in accordance with the will of its people” (United Nations General Assembly 1974, chapter II, 1).

By 1986, the NIEO and the CERDS had morphed into a right to development (R2D) but by this time the abuses committed by so-called developmental dictatorships were well known. Thus, the actual right R2D was now defined, rather redundantly, as “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized” (United Nations General Assembly 1986, article I, 1)” But like its predecessors, the R2D did not refer to states’ internal responsibilities to control corruption, protect the right to own property, or permit a market economy: rather, under the rubric of sovereignty the R2D permitted states to promote “development” in any way they wished. Thus, the NIEO, the CERDS, and R2D all protected states’ sovereign right to de-develop their economies.

The evolution of the right to food parallels the evolution of the R2D. The Universal Declaration on the Eradication of Hunger and Malnutrition (UDEHM) was adopted by the World Food Conference and endorsed by the UNGA in 1974. Just as the NIEO does not attribute any responsibilities to states for de-developing their countries, so the UDEHM does not attribute any responsibility to states for depriving their citizens of the right to food. Rather, it refers to colonialism, apartheid, and the market economy as causes of food deprivation, and insists on non-interference in the sovereign affairs of states (World Food Conference 1974 December 17, articles c), d), and h)). Such non-interference implies that under the principle of sovereignty states enjoy the legal right to deprive their own citizens of food. Thus, when the Khmer Rouge took power in Cambodia only a year after the World Food Conference and immediately instituted policies of de-urbanization, abolition of private property, and collectivization of agriculture that resulted in mass starvation, there was no mechanism in the UDEHM to denounce it for denying its own people the right to food

Moreover, while the UDEHM criticizes the world market economy, it does not acknowledge that functioning market economies are often essential to the right to food. While it suggests some reforms in food production, it does not acknowledge that the state-directed command economies still so common in the 1970s both within the Soviet Bloc and in other communist or supposedly socialist Third World states often undermined, rather than promoted, the right to food. It also entirely ignores the necessity for citizens to be able to exercise their civil and political rights in order to protect their right to food. Rather, like the NIEO and the CERDS, it stresses national sovereignty and non-interference in the internal affairs of states (World Food Conference 1974 December 17, par. h).

By 1996, the international community had begun to acknowledge that the right to food could not be separated from civil and political rights. In that year a World Food Summit resulted in a request to the United Nations Committee on Economic, Social and Cultural Rights (CESCR) to interpret the right to food: the CESCR complied by issuing General Comment 12 in 1999. The General Comment condemns “the use of food as a political weapon,” and notes that “Violations of the right to food can occur through the direct action of States” (Committee on Economic Social and Cultural Rights 1999, articles 5 and 19). At this stage, it was well known, for example, that there had been state-induced famine in Cambodia in the 1970s and in North Korea since 1994.

In 2004, the Food and Agriculture Organization (FAO) adopted voluntary guidelines on food security. These guidelines are modeled on General Comment 12 and note the importance of civil and political rights to the economic human right to food. Guideline 1, 2 focuses on democracy, good governance, human rights and the rule of law, and specifically mentions the human rights to freedom of opinion, expression, information, press, and assembly/association as key to the right to food. It further states that “Food should not be used as a tool for political and economic pressure”. The guidelines also mandate in Article 8,1 that “states should…protect the assets that are important for people’s livelihoods,” especially “the rights of individuals with respect to resources such as land, water, forests, fisheries, and livestock” (Food and Agriculture Organization 2005, pp. 9, 16).

Thus, by the 2000s the international human rights regime recognized the indivisibility and interdependence of civil and political and economic human rights. The 1993 Vienna conference of human rights, organized by the United Nations, had proclaimed that “All human rights are universal, indivisible and interdependent and interrelated” (United Nations 1993, Article 5), It was now fully acknowledged that to satisfy their economic human right to food, people must also enjoy their civil and political human rights. Nevertheless, for almost half a century international standards on development and the right to food were characterized by colossal cynicism and the use of the principle of state sovereignty as a cover for at best, government mismanagement of entire economies and at worst, elite theft of resources needed to promote the right to food. This undermined serious attention to the real requirements for development and with it concomitant protection of the right to food, especially civil and political rights.

**The Sovereign Right to Violate the Right to Food**

Civil and political rights are key mechanisms that protect the right to food. These are not only the rights to freedom of the press, free elections, and the existence of a genuine political opposition mentioned by Amartya Sen in his influential argument that there are no famines in functioning democracies (Sen, Amartya 1999, 178-86). In research that I conducted on state food crimes in North Korea, Zimbabwe, and Venezuela from 1990 to 2015, I concluded that citizenship rights, mobility rights, the right to own property, and the right to work were also key to the right to food (Howard-Hassmann, Rhoda E. forthcoming).

Yet, these three countries violated these human rights with almost complete impunity. Despite the existence of an international legal regime supposedly protecting all human rights, very little can be done by the international community to protect citizens from governments that violate them. States are no more likely to be punished for undermining the right to food in 2015 than they were in 1974, when the NIEO and other documents permitted states to take whatever actions they wished that violated it, under the aegis of national sovereignty.

 Since its creation in 1948, North Korea has been ruled by a dynastic dictatorship of the Kim family; grandfather, father and son. The economic policies of this family are based on the Soviet Union’s model of collectivized agriculture, complete abolition of private property, and complete abolition of private markets. Without private plots of land, without a market economy, without investment in agriculture, and without the fuel, fertilizer, and food previously provided by the Soviet Union and China to keep them from starving, North Koreans suffered a famine in the 1990s and continued severe malnutrition in the 21st century. They had no real rights as citizens, rather being subjects of their rulers; they had no mobility rights, risking imprisonment if they dared to travel in search of food, either within North Korea or abroad as refugees; and they were not permitted to own any property in land or other productive goods with which they could grow food or earn a cash income to purchase it. While they were provided with work—or in many case, make-work—they were paid very little and the majority were dependent for food on minimal rations provided by the state (Howard-Hassmann, Rhoda E. 2012). Meanwhile, the Kims themselves, along with their cronies, enjoyed imported food.

In setting up and perpetuating a system that denied all human rights, the Kims were not simply making policy errors; rather, they used food as a weapon against their citizens, forcing them into a dependent position in which they had to rely completely on the state for all their needs. Yet no international human rights court exists in which leaders of states who intentionally and systematically violate human rights, including the right to food, can be tried (Nowak, Manfred 2011). The human rights regime merely permits monitoring, shaming, and other such soft law mechanisms that have little or no effect on the most rights-abusive leaders. The most that can be done is to refer them to the International Criminal Court (ICC), which can try individuals for “extermination,” including deprivation of access to food (International Criminal Court 1998, article 7, 2, b). In 2014 the report of a Commission of Inquiry established by the Human Rights Council of the United Nations did recommend referring the situation in North Korea to the ICC for consideration of possible crimes against humanity, including denial of access to food (United Nations General Assembly 2014 December 18). But it seemed that great power politics, especially China’s support of North Korea, would prevent any such referral. In any event, North Korea’s threat to develop nuclear weapons trumped international interest in protecting its citizens’ right to food.

Zimbabweans endured severe malnutrition after 2000 as a result of a government policy of “invasions” of large commercial farms owned mainly by whites, some of them Zimbabwean citizens: the land invasions constituted arbitrary deprivation of property, prohibited by Article 17, 2 of the UDHR. These farms had produced food for both the internal and the export markets; they were ostensibly to be redistributed to landless peasants, many of whom were descendants of black Africans whose land had been stolen by white settlers. However, many of the farms were instead given to the family and cronies of Robert Mugabe, the President of Zimbabwe since its independence in 1980, and in many cases the new owners did not farm the land at all.

The result of the takeovers was a drastic reduction in the country’s supply of food, lasting through 2015. Moreover, many black farm laborers were left without employment, and thus without an income to buy food. At the same time, a massive expulsion of Zimbabweans from the cities in 2005 deprived them of their livelihoods, including their capacity to produce or buy food (Howard-Hassmann, Rhoda E. 2010). Thus white Zimbabweans were deprived of both citizenship and property rights, although they themselves did not suffer malnutrition or starvation. Black Zimbabweans retained their citizenship but were deprived of mobility rights (the right to stay put as well as the right to move). Workers expelled from the white-owned farms and people expelled from the cities were also effectively deprived of their right to work. Without work they could not buy food.

The motive for Zimbabwe’s land seizures seemed to be a combination of hatred of whites, the perceived need to devise a populist policy that might satisfy some black Zimbabweans and distract them from other social problems, and perhaps a real desire to redistribute land to landless or poor peasants. The motive for the urban expulsions seems to have been to make life difficult for Mugabe’s urbanized opponents. All civil and political rights were progressively undermined, and the political opposition suffered mass violence, torture and rape, especially but not only during the 2008 elections. Attempts by the international community to pressure Mugabe into reversing or modifying his policies failed. He disregarded expulsions from international organizations such as the Commonwealth, and used the “smart sanctions” imposed by the Commonwealth, the European Union, and the United States, including travel bans on and freezing of assets of key officials, as propaganda tools to argue that the reason for Zimbabwe’s economic chaos was sanctions. His fellow Africa heads of state supported him against “Western” criticism: any possible referral of Mugabe or others to the ICC for the crime of extermination via denial of food was blocked by the hostility of the African Union to the ICC, which it claimed was a creation of Western imperialists (Magliveras, Konstantinos D. and Naldi, Gino J. 2013).

Venezuela was ruled by Hugo Chávez from 1999 until his death in 2013, and thereafter by Nicolás Maduro. Both were populist leaders who claimed that they wanted to promote the interests of the poor. They manipulated both the market and the political system in attempts to fulfill the right to food, but their policies actually resulted in severe reduction in its supply. They undermined the right to property by expropriating large ranches and farms, as well as some wholesale establishments. They reduced the supply of food by instituting controls that forced wholesalers and retailers to sell it at such low prices that it made more sense to simply go out of business; this also deprived some Venezuelans of the right to work. Chávez and Maduro progressively undermined the independent judiciary and freedom of the press and association; while Venezuelans did vote in periodic elections, the elections were marred by manipulation of citizenship rolls, political violence, and threats of civil war. However, no one was deprived of citizenship or mobility rights (Howard-Hassmann, R. 2015). Nevertheless, by 2015 reports of child malnutrition and even starvation surfaced, as citizens had to spend more and more of their time searching for less and less food (Economist 2015 June 20).

The original motive of both Chávez and Maduro was to protect their fellow-citizens’ access to food, not as a right but as a need. But each became more concerned with holding on to power, in large part by suppressing opponents who pointed out how irrational their economic policies were. Very little could be done by the international community to protect Venezuelans’ right to food. Chávez’s and Maduro’s policies did not reach the level of crimes against humanity, nor was the intent to starve Venezuelans; indeed, the intent was the opposite, to fulfill their right to food. Venezuela’s undermining of the right to food and its violations of civil and political rights were well within the norm for the many rights-violating states that still existed in 2015, and whose violations could not be punished by international law or practice. Chávez and Maduro disregarded criticism by the Organization of American States, while the US was not in a good position to impose sanctions on Venezuela, given its history of intervention against left-wing governments in Central and South America in the second half of the 20th century.

**Interdependence of Human Rights Violations**

In all three of the cases discussed above, either citizens never enjoyed civil and political rights such as freedom of the press, the right to vote, or the right to have a political opposition, or they were progressively deprived of those rights as their access to food declined. In North Korea, citizens were deprived of all civil and political rights, while in Zimbabwe and Venezuela, where citizens had enjoyed some of these rights, they were progressively undermined and abolished. None of the three countries had an independent judiciary that could protect citizens from their governments. Such a judiciary never existed in North Korea, while in Zimbabwe and Venezuela the governments used intimidation, threats, and other means such as packing the courts with their supporters to undermine the independent judiciary that had been present when they took power. Nor were citizens able to vote their governments out of office or rely on an official opposition to state their case for change. North Korea never permitted any such opposition; in Zimbabwe and Venezuela the opposition was progressively curtailed and intimidated, not least by torture, rape, and illegal execution. Yet all three countries violated these civil and political rights with almost complete international impunity.

Just as the sub-Saharan African countries that I discussed in the “Full-Belly Thesis” in 1983 showed that there can be no separation of the economic human right to food from civil and political rights, so the contemporary cases discussed above also demonstrate this principle. The most that people who do not enjoy civil and political rights can hope for is that they will live under a relatively benign dictator or regime that, for reasons of ideology or self-interest, will distribute food to its citizens. But even benign intentions to distribute food can be easily undermined, absent civil and political rights and sensible economic policies, as contemporary Venezuela shows. An effective claim for the economic human right to food requires intensified and expanded claims to civil and political rights.

As noted above, three mechanisms are particularly important to ensure that everyone has access to food. The first is an efficient market economy protecting property rights and economic freedom, and effectively using foreign investment. The second is protection of civil and political rights and the right to vote and change a government, combined with civil society activism. The third is an efficient, disinterested state with a responsible and capable civil service that can regulate that economy in the interests of its citizens and distribute tax revenues as needed to fulfill the right to food when necessary.

While one might argue that some of these characteristics can only evolve as the result of long-term social change, or indeed are dependent upon prior economic growth, state elites in under-developed—and frequently de-developed—countries are not without agency. They can, and do, make public policy choices in their own interests. Frequently these choices, as in North Korea, Zimbabwe and Venezuela in the 21st century and in much of sub-Saharan Africa in the 20th —are to massively violate those civil and political rights that citizens and civil society groups might otherwise use to demand fulfillment of their right to food.

Thus, in a reverse of diagram 1 above, we can schematically diagram the consequences for the right to food of the sovereign right to de-development and the sovereign right to violate human rights. In this diagram, I add impunity as a separate variable, to show that despite the standards of international law very little can be done by the international community to remedy violations of the right to food, even when such violations reach the level of crimes against humanity, as in North Korea.

*Diagram 2: mechanisms undermining and violating the right to food*

Denial of property rights+ denial of economic liberty (to save and invest) + mismanagement/appropriation of foreign investment⇒ low economic growth and de-development (less food available)

Denial of civil and political rights+ no voter choice+ no civil society⇒ governments unresponsive to citizens’ demands for food

Undemocratic states+ corruption+ irresponsible and incapable civil service+ lack concern for the poor (no voter input) ⇒ no support to right to food

Weak international standards +national sovereignty⇒ impunity for violations of the right to food

The “new” claim to the right to food is in fact an old one; it has always been there, hidden under the elaboration of standards that until recently have exculpated states and the elites that control them from the responsibility to respect, protect and fulfill it, while undermining the very mechanisms that will actually do the job. The cynical manipulation of the false debate on the relative importance and merits of civil and political and economic, social and cultural rights is one mechanism by which states avoid their responsibilities to protect the right to food. Another such mechanism is manipulation of the claim to sovereignty as a means to avoid criticism by outside states or actors such as civil society groups for failing to protect that right. Sovereignty over economic policies, however misguided at best or self-serving at worst, combined with the sovereign right to violate human rights and the impunity that permits these violations, make it easy—and often personally worthwhile—for state elites to undermine the right to food.

**References**

Besley, T. and R. Burgess (2003). "Halving Global Poverty." Journal of Economic Perspectives **17**(3): 3-22.

Bhagwati, J. (2004). In Defense of Globalization. New York, Oxford University Press.

Committee on Economic Social and Cultural Rights (1999). General Comment No. 12: The right to adequate food. Geneva, Economic and Social Council, United Nations.

Economist (2015 June 20). Food and Venezuela: Let Them Eat Chavismo. Economist**:** 36.

Food and Agriculture Organization (2005). Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security. Rome, Food and Agriculture Organization.

Howard-Hassmann, R. (2015). "The Right to Food under Hugo Chavez." Human Rights Quarterly **37**(4): 1024-45.

Howard-Hassmann, R. E. (2010). "Mugabe's Zimbabwe 2000-2009: Massive Human Rights Violations and the Failure to Protect." Human Rights Quarterly **32**(4): 898-920.

Howard-Hassmann, R. E. (2012). "State-Induced Famine and Penal Starvation in North Korea." Genocide Studies and Prevention **7**(2/3): 147-65.

Howard-Hassmann, R. E. (forthcoming). State Food Crimes. New York, Cambridge University Press.

Howard, R. (1983). "The Full-Belly Thesis: Should Economic Rights take Priority over Civil and Political Rights? Evidence from Sub-Saharan Africa." Human Rights Quarterly **5**(4): 467-90.

Howard, R. E. (1978). Colonialism and Underdevelopment in Ghana. London, UK, Croom Helm.

Howard, R. E. (1986). Human Rights in Commonwealth Africa. Totowa, NJ, Rowman and Littlefield.

Ibhawoh, B. (2011). "The Right to Development: The Politics and Polemics of Power and Resistance." Human Rights Quarterly **33**(1): 76-104.

International Criminal Court (1998). Rome Statute of the International Criminal Court.

Magliveras, K. D. and G. J. Naldi (2013). "The International Criminal Court's Involvement with Africa: Evaluation of a Fractious Relationship." Nordic Journal of International Law **82**: 417-46.

Milner, W. T. (2002). Economic Globalization and Rights: An Empirical Analysis. Globalization and Human Rights. A. Brysk. Berkeley, University of California Press**:** 77-97.

Nowak, M. (2011). It's Time for a World Court of Human Rights. New Challenges for the UN Human Rights Machinery: What Future for the UN Treaty Body System and the Human Rights Council Procedures? C. Bassiouni and W. A. Schabas. Antwerp, Intersentia.

Ocheje, P. (2002). "Refocusing International Law on the Quest for Accountability in Africa: the Case against the 'Other' Impunity." Leiden Journal of International Law **15**(4): 749-79.

Sen, A. (1999). Development as Freedom. New York, Alfred A. Knopf.

United Nations (1993). World Conference on Human Rights: Vienna Declaration and Program of Action, United Nations.

United Nations General Assembly (1974). Charter of Economic Rights and Duties of States.

United Nations General Assembly (1974). Declaration on the Establishment of a New International Economic Order. New York.

United Nations General Assembly (1986). Declaration on the Right to Development.

United Nations General Assembly (2014 December 18). Situation of human rights in the Democratic People's Republic of Korea. New York, United Nations.

Whelan, D. J. (2015b). "*Flammis Acribus Addictis":*  Requiem for the Right to Development. unpublished, Hendrix University.

World Food Conference (1974 December 17). Universal Declaration on the Eradication of Hunger and Malnutrition. New York, United Nations General Assembly.