



**STATEMENT BY THE SPECIAL RAPPORTEUR ON THE RIGHT TO  
FOOD**

**Mr. Jean Ziegler**

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**Check against delivery**

Excellencies, Ladies and Gentlemen,

In accordance with my mandate as Special Rapporteur on the Right to Food of the Commission on Human Rights, I have the honour to present to you today my report on the right to food. In accordance with my mandate, I would first highlight a number of urgent issues with respect to hunger that I must bring to your attention. I will then give a brief overview of my report, a copy of which you have received, which addresses two key emerging issues and develops a stronger conceptual framework for understanding obligations with respect to the right to food.

**Hunger continues to increase in a world that is richer than ever before.**

1. Despite the promise made by Member States to halve hunger in accordance with the Millennium Development Goals, the shocking news is that globally, hunger is continuing to increase. The Food and Agriculture Organization of the United Nations (FAO), in *The State of Food Insecurity in the World 2004*, reports that hunger has increased in 2004 to 852 million of people gravely undernourished children, women and men, up by 10 millions since 2003. Although important recent progress has been made in some countries, the overall trend is one of regression, rather than the progressive realization of the right to food. In fact, it appears that hunger has increased every year since the World Food Summit in 1996 (FAO, 2004), even though the world is richer than ever before can already produce enough food to feed more than double the world's population. According to FAO (2002), the world can already produce food to provide 2,100 kcals per person per day to 12 billion people, double the current world population of 6 billion people.

**Food crises are spreading across Africa**

2. The situation in Africa is particularly disturbing. A new study by the well-respected International Food Policy Research Institute (IFPRI) has found that chronic food insecurity in Africa has increased substantially since 1970, with the number of malnourished people in sub-Saharan Africa soared from 88 million to 200 million in 1999-2001, even though the relative percentage of malnourished remained constant.

3. The situation has been deteriorating this year, with famine and food crises spreading across Africa, in Niger, but also in Burkina Faso, Mali, Sudan, Somalia, Chad, Zimbabwe, Mauritania and Ethiopia, largely as a result of poor harvest in 2004 caused by drought, locusts and other factors. In Niger, drought has brought tragedy. In Burkina Faso food shortages of up to 70% have created a food crisis. In Mali, up to 10% of the population does not have enough to eat. In Sudan, in the midst of violent conflict, 3.5 million people are victims of hunger and widespread insecurity and closure of roads is severely affecting humanitarian access. Half of the country of Chad is seriously affected by drought and up 3.8 million Ethiopians and 2 million Eritreans need emergency food assistance.

4. As Special Rapporteur, I carried out an urgent mission to Niger from 8 to 12 July 2005, when almost a third of the population, around 3.6 million people, including 800,000 children, were facing acute malnutrition, and in some regions vulnerable people, in particular infant children, are dying from starvation. According to the Government's surveillance of the hunger situation in July 2005, only 19 out of 106 zones were in a satisfactory food situation, the situation in all other zones being critical or extremely critical. During visits to Ouallam and Tondikiwindi, the Special Rapporteur saw evidence that thousands of farmers were reduced to subsisting on seeds gathered from termite mounds and roots and poisonous fruits called *Anza*.

5. The response of the international community to this catastrophe has been tragically slow. Despite numerous appeals by the Government and the United Nations agencies since November 2004, there was little response to the crisis until August 2005. At a press briefing on 24 May 2005, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland described Niger as "the number one forgotten and neglected emergency in the world". An appeal for US\$16.2 million launched

by the United Nations in May 2005 to cover basic essential needs, but only \$3.8 million had been received by July 2005. However, an extra-ordinary visit of the UN Secretary-General, Kofi Annan, on 23 August 2005 to Niger, following the visit of the Special Rapporteur, focused attention of the world on the crisis. The Arab States, including Algeria, Morocco, the Libyan Arab Jamahiriya, Saudi Arabia and Dubai sent emergency food aid and promised funds. The European Union, France, Sweden, Norway, Switzerland, Belgium, Denmark, Germany and the United States of America also sent emergency aid and announced that they would contribute US\$10 million. Venezuela alone announced that it would contribute \$3 million.

6. Today, food aid is beginning to arrive, but now it may be too late and may even cause a new catastrophe. After recent rains, farmers are looking forward to producing a good crop of millet for this year, but if the newly harvested millet will reaches the market at the same time as imported food aid, driving down prices and driving down the incomes of Niger's farmers possibly precipitating a new crisis of hunger and poverty (New York Times, September 21, 2005).

7. The food crisis has also not been helped by the role of the World Bank and the IMF, which have not created an environment conducive to resolving extreme hunger and poverty in Niger. The introduction of VAT in the January budget, on the advice of the IMF and the World Bank, established VAT of 19% on consumer items, including food and water. This came at a time when Niger was already grappling with serious food shortages. After protests from civil society, the Government agreed in April 2005 to exempt flour and milk from the tax and establish a higher ceiling on water bills before VAT can be applied.

#### **Food rations for refugees are being cut, even in Africa**

8. The UN World Food Programme and the UN High Commissioner for Refugees have appealed to donors to alleviate funding shortages that are forcing these agencies to cut back essential food rations for refugees in camps across Africa (UNHCHR Press Release, 14 September 2005). These two agencies currently support 2 million refugees in the developing world through providing essential rations. It only costs Euro 0.25 to provide 2,100 calories to each person every day, the minimum necessary to sustain healthy life, but the WFP is facing a shortfall of US\$219 million and the UNHCR a shortfall of US\$181.5 million this year, which means that they will have to cut daily rations to below 2,100 calories, to below the minimum daily calorie requirements. According to the WFP, in recent months they have been obliged to cut food rations for hundreds of thousands of refugees in Africa, especially in West Africa and the Great Lakes Region. For the past eleven months, WFP has only been able to provide two-thirds of the 2,100 minimum calorie requirement to 400,000 refugees in Tanzania's refugee camps. In Chad, only incomplete and irregular rations have been available for refugees from the Central African Republic.

#### **Extensive natural disasters threaten food security**

9. The earthquake that hit northern Pakistan and India on 8 October killed at least 49,000 people, but more will die if effective humanitarian aid, particularly food, water and shelter, does not reach an estimated 3 million survivors who have been displaced from their homes. As of 21 October, donors have only pledged less than a third of the funds needed. After Hurricane Stan brought deadly floods and more than 900 mud landslides in Guatemala affecting 15 out of the country's 22 departments, more than a thousand people are dead or missing, and up to 200,000 people have been forced to flee from their homes, lands and livelihoods, leaving them without secure access to food and clean water. 540,000 people in El Salvador and thousands in Mexico have also been badly affected by the floods. After Hurricane Katrina that devastated the US and killed 973 people, up to 68,000 people have been left without jobs and need support to revive their livelihoods and ensure their capacity to feed themselves.

10. The right to food means that national governments have legal obligations to protect the capacity of people to feed themselves, and to provide emergency humanitarian support in times of need when people are unable to feed themselves. Where countries do not have sufficient resources, appeals must be made to the international community, which also has the duty to respond to the extent that resources permit. The right to food is a human right that must be guaranteed by governments to the best of their ability. A

rights-based approach to food security emphasises the satisfaction of people's basic needs as a matter of rights, rather than of benevolence (FAO, 2004).

### **The right to food is a human right**

11. In my report to the General Assembly, I reiterate that all human beings have the right to live in dignity, free from hunger. Hunger is a violation of human rights.

12. The right to food and the right to freedom from hunger are human rights protected under international human rights and humanitarian law. The right to adequate food is recognized in the International Covenant on Economic, Social and Cultural Rights and has been authoritatively defined in general comment No. 12 (1999) in the following terms: "The right to adequate food is realized 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" (para. 6). Based on the general comment, I have summarized the definition of the right to food as follows:

"The right to food is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear".

13. All Governments have obligations to respect, protect and fulfil the right to food of their people. The right to food is primarily the right to be able to feed oneself. All Governments have obligations to respect and protect people's right to feed themselves. Governments also have the obligation to fulfil the right to food, by enabling people to feed themselves, and by providing support when people cannot feed themselves for reasons beyond their control.

### **All indigenous peoples have the right to food**

14. Hunger and malnutrition is disproportionately higher among indigenous peoples than among non-indigenous populations. In Guatemala for example, malnutrition levels are much higher amongst indigenous children with 70% stunted in their growth, compared to 36% of non-indigenous Guatemalan children. In most countries, hunger amongst indigenous peoples is directly linked to historical processes of colonisation, exploitation and expropriation of natural resources, as well as discriminatory practices expressed through political and economic exclusion.

15. In my report, I outline key issues of concern that threaten the right to food of indigenous peoples, including ongoing expropriation of their resources, lack of recognition of indigenous rights over land or other resources, the negative impacts of inappropriate development, and their lack of access to justice. There are particular failures in the demarcating of indigenous lands and in the expropriation of indigenous knowledge and plant and animal resources (now through the granting of patents to corporations under intellectual property law) that could deprive indigenous farming communities of their access to and control over their seeds and livestock breeds.<sup>1</sup> The large-scale commercial exploitation of the resources on indigenous territories – including mining for minerals, oil or gas, logging, building dams and highways, or expanding industrial agriculture on indigenous lands, can seriously threaten their right to food. Indigenous opposition to such 'development' projects is frequently met by violent repression, condoned by Governments.

16. All indigenous peoples have a right to food and Governments must respect, protect and fulfil that right and must not allow discrimination against any group or person.

### **International organizations must respect and protect the right to food**

17. Intergovernmental institutions, such as the World Bank, the IMF and the WTO, have long denied that they have direct obligations to respect international human rights law. However, in an increasingly globalised and interdependent world, where these organisations can have a major impact on the decisions

taken by Governments and on development projects implemented, it is now time to that these powerful international actors recognised their responsibilities to refrain from violating the right to food. Fiscal austerity, adjustment programmes and trade liberalisation measures have frequently been imposed by these organisations, without regard to the impact on hunger and without establishing social safety nets in advance. Development projects financed by the World Bank, such as the construction of dams or mining projects, in areas occupied by the poor, by minorities or by indigenous peoples, have frequently violated the right to food, through forced displacement with little or no compensation, leading to the loss of access to resources and traditional livelihoods and threatening the right to food and water by constraining people's capacity to feed themselves.

18. In my report, I outline a framework for the duties of these international organisations to respect, protect and support the fulfilment of the right to food. While the primary obligation towards the right to food rests with the national Government, these organisations also have obligations through international law, and at a minimum, must refrain from violating the right to food.

Jean Ziegler  
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<sup>1</sup> See <http://www.lifeinitiative.net/docs/PALIssue1Nov04.pdf>