

Additional Protocol II of 1977 even though the Salvadorean authorities have not formally recognized the applicability of the latter (p. 128, 2nd paragraph). At the time of writing, 68 States have ratified Protocol I and 62 have ratified Protocol II.

The report reviewed here does not claim to provide information new to those whose work it is to deal with the refugee problem. Nor will specialists in refugee law find anything original in it. But that is not the author's purpose; the editorial note following the foreword clearly states that this book is intended primarily for the general public.

We therefore recommend this report to all who take a general interest in the refugee problem or who wish to acquire a broad view of the subject before going more deeply into certain areas.

The problems discussed are illustrated with a wealth of examples and the clear style in which the report is written makes it a pleasure to read.

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## THE RIGHT TO FOOD \*

Morality and law are not always identical. Whereas the Red Cross, for example, may argue on purely humanitarian grounds that it is wrong to allow populations to starve, it is also important to have a firm legal basis to support such contentions. The book *The Right to Food* will be of interest to the Red Cross and Red Crescent Movement because it shows, perhaps for the first time, the nature of this right as a human right. It also provides guidance of various kinds that may be useful in formulating strategies to try to generate minimum nutritional requirements throughout the world.

This collection of essays arose out of a conference organized by the Netherlands Institute of Human Rights and two other groups in 1984, the year of the tenth anniversary of the Universal Declaration on the Eradication of Hunger and Malnutrition. It begins with a detailed overview of international law and the right to food by Dr. Philip Alston. Alston is realistic: while noting the shortcomings of addressing hunger as a human rights issue, he nevertheless shows the benefits to be gained from doing so. A human rights approach places food issues on the serious political agenda

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\* P. Alston and K. Tomaševski (eds.), *The Right to Food*, Martinus Nijhoff Publishers and Netherlands Institute of Human Rights (SIM), Dordrecht, 1984, 229 pp., £29.95/Dfl. 98.

and most importantly acts as a mobilizing force, a rallying point, both for starving people and, as demonstrated by the success of Mr. Bob Geldof and campaigns such as Live Aid, for a fluctuating proportion of the well-nourished section of the population.

For a Red Cross audience, it may be somewhat curious to note that in his brief reference to the Geneva Conventions and their Additional Protocols, Dr. Alston cites the articles prohibiting the starvation of civilians and promoting relief actions in Protocol II (Articles 14 and 18 (2) respectively), while omitting any reference to the more full provisions of Protocol I (Articles 54 and 70 respectively). He wonders why international legal protection against hunger is stronger in war than in peace. One might answer that international humanitarian law is in large part concerned with persons in the power of the adverse party and that it may be easier to regulate State conduct towards non-nationals, especially during an armed conflict or military occupation. Also it might be noted that the provisions of humanitarian law on relief operations do contain important qualifications. Any legal obligation in this respect remains indefinite. More generally Dr. Alston's query strikes at the root of the distinction between international humanitarian law and human rights law.

Amartya Sen and Henry Shue then examine the right to food from philosophical perspectives: Professor Sen establishes the validity of a basic right not to be hungry and Dr. Shue demonstrates the interdependence of duties arising from the right to food. In the third section, on the role of international law, Dr. Godfried van Hoof looks at the legal nature of economic, social and cultural rights, arguing that they have a legally binding status and recommending a more integrated approach between these rights and civil and political rights. Dr. Guy Goodwin-Gill analyses obligations of conduct and result, again showing that economic and social rights are fully-fledged human rights and the importance of domestic (municipal) legal remedies. Mr. Gert Westerveen discusses the inadequacies of the present supervisory mechanism to ensure State compliance with the right to food and makes suggestions for improved monitoring. Dr. Katarina Tomaševski uses the right to food as a model to show how social indicators may measure the realization of human rights. At one point she asserts that the purposeful starvation of people [by the State] is prohibited by international humanitarian law. However this statement needs to be qualified, for example, by reference to the existence of an armed conflict and to relevant instruments, such as the 1948 Genocide Convention, applicable in peacetime (although the 1948 Genocide Convention and the customary international legal prohibition it confirms are also applicable in time of war).

The final section concerns the implementation of the right to food. Mr. Pierre Spitz places the subject in historical perspective. He argues persuasively that in the last analysis pessimists, in invoking realism, defend the status quo while history has demonstrated the strength of utopian ideas (no doubt a Red Cross and Red Crescent audience will feel sympathy for

such views!). Mr. Roger Plant looks at agricultural production, land tenure and rural development in Latin American law and practice. In the final essay Mr. Clarence Dias and Professor James Paul discuss "a participatory approach to the development of the human right to food as a means of empowering victim groups (and social action groups [notably non-governmental organizations] working with and for them) to identify and demand protection against man-made practices which produce food shortages, hunger and malnutrition." This approach is somewhat political for Red Cross and Red Crescent organizations but one can imagine a neutral role which these organizations can fulfil to help towards the realization of the human right to food, such as by setting up nutrition education and demonstration programmes. This last essay also illustrates how law can be used as a tool to help achieve social change, and the inextricable link between politics and law.

A short report of the conference held in 1984 by Mr. Rene Guldenmund is annexed.

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For a Red Cross and Red Crescent readership, the book may in parts be rather technical and dry, and the language can be tedious. However the volume does offer practical suggestions for moving from rhetoric to specifying the obligations, largely on States, emanating from the human right to food, in particular under the International Covenant on Economic, Social and Cultural Rights 1966 (Article 11). It will be interesting to see the effect of these essays on the Report of the Right to Food Committee of the International Law Association which has been studying the feasibility of an international legal instrument on the right to food.

And for anyone who thinks of the right to food solely in terms of Third World countries, it is salutary to note that, in a report to the United Nations Economic and Social Council in 1980, the United Kingdom stated "there are no laws, regulations or agreements, nor court decisions bearing on the right of everyone to adequate food in the United Kingdom" (E/1980/6/Add. 16, p. 21). As Dr. Alston observed, "at a time when unconscionably high levels of unemployment have become commonplace, when anti-inflationary policies are pursued at the direct expense of employment, and when more and more governments are embracing austere social and economic policies, it may be necessary to revise earlier assumptions, which in effect take realization of the right to work for granted, and to formulate specific commitments to promotion of the right to food within the framework of regional human rights instruments."

Finally the importance of a right to food as a human right may be seen in the all-too-frequent, tragic situations such as those which existed in southern Sudan in 1986 and in the Shatila and Bourj Al-Barajneh refugee

camps in Beirut in 1987. There may be argument or doubt about the formal applicability of international humanitarian law in such circumstances. However if the right to food is a basic human right, and this book convincingly shows that it is recognized as such by the international community, then it may be said to be applicable in principle at all times, everywhere. Authoritative ethical and legal norms can be powerful ammunition for diplomatic or political efforts to prevent atrocities and to establish a more just social and economic order, nationally as well as internationally.

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