**FOCUS**

**The Past, Present and Future of Rule of Law**

**Towards a Human Dignity Based Approach to Food Security: Lessons from China and India**

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**Abstract**

Despite almost halving the proportion of the world’s undernourished over the past two and half decades, the number of undernourished people in the world remains staggeringly high. Efforts to address the global state of food insecurity must target China and India, which are home to the world’s highest and second highest number of undernourished people. This paper analyses the comparative experiences of tackling food security in China and India and adopts an inter-disciplinary approach, which melds legal, economic and human perspectives to food security. Both China and India have made concerted efforts to improve food security of vulnerable populations in the past three decades. These efforts have historically focused on actively promoting grain production which have been largely successful in achieving grain self-sufficiency and secure adequate availability of food for their populations. However, the contemporary challenges to food security are now increasingly driven by unsustainable dietary patterns and are exacerbated by growing populations, increasing wealth and the globalisation of food supply chains. As a result, the cause of food insecurity is no longer fundamentally food supply, but rather about the extent to which marginalised populations are empowered with the rights, freedoms and capabilities that enable them to attain healthy and productive lives. China and India apply markedly different approaches to address the issue of people’s access to food. In India, the right to food movement has gained momentum through the work of civil society actors and there is now a legal right to food. In contrast, in China the right to food is neither stipulated in Chinese law, nor referenced in the official policy rhetoric as the country seeks to ensure access to food by focusing on poverty alleviation more generally through an income transfer program and non-food based social safety net to help the poor. At the same time, the Chinese population’s high educational levels provides enormous potential for effective interventions and education on nutrition and health. A comparison of the approaches to food security in China and India ultimately reminds us that efforts to tackle food insecurity must centre on human dignity which requires more wide-ranging investment in enhancing people’s capabilities, combined with effective enforcement of the right to food..

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# **Introduction**

2015 was a milestone for global efforts to reduce food insecurity. It was the target year set by the World Food Summit’s Rome Declaration to reduce the *number* of undernourished people around the world to half of the 1996 levels.[[3]](#footnote-3) It also marked the end date for the Millennium Development Goals (MDGs), whose first goal is to eradicate extreme poverty and hunger. In particular, target 1c of the MDGs aims to halve, the *proportion* of people who suffer from hunger between 1990 and 2015.[[4]](#footnote-4)

The 2015 target set by the World Food Summit (WFS) has been missed “by a large margin”.[[5]](#footnote-5) The 1990-92 estimates put over one billion people across the world as undernourished. Reaching the 2015 target would have required reducing the number of undernourished people to 515 million in 2015. However, current projections put the number of undernourished people in 2014-16 as just under 795 million, which is over a quarter of a billion shy of the WFS’s target. In contrast, the MDG’s target of reducing hunger has been widely evaluated as a success. Estimates of the prevalence of undernourishment in 2014-2016 is “less than one percentage point[[6]](#footnote-6) away from that required level to reach the target by 2015.”[[7]](#footnote-7) The gains have been particularly impressive for the global South as a whole, where the percentage of undernourished people in the total population has decreased from 23.3 per cent in 1990-92 to 12.9 per cent in 2014-16. In addition, more than half the number of developing countries monitored (72 out of 129) have reached their domestic MDG hunger targets.[[8]](#footnote-8) The reason for the discrepancy in the level of success between the WFS and MDG targets is due to the fact that while the percentage of undernourished people in the world has almost decreased by half, the drop in actual numbers is far less encouraging as the total world population has grown by 1.9 billion people since 1990-92.[[9]](#footnote-9)

The conflicting achievements of the WFS and MDG targets reflect the current paradox faced in the global fight against food insecurity. Enormous progress has been made to reduce the proportion of undernourished people by half, yet the challenge of eradicating malnutrition remains seemingly insurmountable. Furthermore, the decline in the global proportion of undernourished people has taken place at a far slower rate in recent years compared to the rapid progress achieved in the 1990s.[[10]](#footnote-10) Sustaining the pace of the impressive initial achievements in reducing hunger and malnutrition will require comprehensive and well-coordinated strategies not only to ensure food security but also to enhance human capabilities.

The global community is facing new and complex challenges as it looks towards devising new strategies to ensure food security post-2015. Growing population and increasing wealth has led to greater demand for food and feed grains. This, coupled with the globalisation of the food supply chain, has produced changes in people’s tastes and consumption patterns that have a dramatic impact on “where agricultural commodities were traded and what they [were] used for.”[[11]](#footnote-11) Ever expanding international trade in agricultural commodities is also influencing food security by impacting domestic food prices and production patterns. Recent years have also witnessed volatile commodity prices, higher food and energy prices, rising unemployment and global economic recessions that occurred in the late 1990s and 2000’s.[[12]](#footnote-12) Climate change, water scarcity and other environmental issues also pose direct challenges to food security.[[13]](#footnote-13) In particular, it is expected that agricultural productivity will be affected by both changing rainfall patterns and temperature variations. Flooding as a result of rising seawater levels in coastal areas will reduce the amount of land available for agriculture use, while the frequency of extreme climatic events, such as floods, hurricanes and droughts, all elevate threats to global food security.[[14]](#footnote-14) As a result, the factors influencing the current food security paradigm are becoming more complex and “transcending national and regional boundaries” meaning that multi-stakeholder and intergovernmental platforms are becoming increasingly important to achieve global consensus.[[15]](#footnote-15)

Recognizing these complex challenges, which pose serious threats to global food security, this paper urges experts to explore comprehensive strategies to ensure sustainable food security in a globalized world. Traditionally, the issue food insecurity has been looked at through narrow disciplinary lens. For example, economists and development professionals have addressed food insecurity through the framework of poverty alleviation, while lawyers approach food insecurity as a question of basic human rights and legal entitlement of each individual to access food. In analysing the comparative experiences of tackling food security in China and India, we adopt an inter-disciplinary approach, which melds legal, economic and human perspectives to food security. We propose a human dignity based approach in tackling food insecurity, which combines the push for right to food approach with broader strategies for enhancing human capabilities with the aim of ensuring comprehensive human security.

## **I. Why Compare China and India?**

China and India provide a good litmus test for assessing the success of global efforts to address the issue of food security. Impressive economic growth, accompanied by significant reductions in food insecurity in these two countries have played a critical role in the success in meeting the MDG’s hunger target. Yet, in spite of the impressive gains made in both countries, it is estimated that India and China continue have 191 million and 151 million undernourished people respectively, making them home to the world’s highest and second highest number of undernourished people.[[16]](#footnote-16) Due their huge populations,[[17]](#footnote-17) a vast share of the world’s undernourished live in China and India. The two countries together represent 42 per cent of the world’s undernourished people.

On the face of it, China and India have markedly different priorities when it comes to hunger and malnutrition. Although both countries have made considerable reductions in food insecurity over the past two decades, hunger and malnutrition are much more serious concerns for India compared to China. China reduced the prevalence of undernourished from 23.9 per cent in 1990-92 to 10.6 per cent in 2012-14, reaching its MDG hunger target well before the deadline. In 1990-92, India began with almost the same level of undernourishment as China at 23.8 per cent of the total population, however, by 2012-14 India’s prevalence of undernourishment still hovered at 15.2 per cent, meaning it most likely failed to meet its MDG hunger target at the end of 2015. In addition, India has a much lower calorie per capita availability of food than China as its population continues to exceed the growth rates of income and agricultural productivity.[[18]](#footnote-18)

Yet, China and India share many overlapping challenges as both countries move towards a more expansive conception of food security. The impressive improvements made in food security have largely come as a result of a long period of high economic growth, which for the last two decades has persisted at a rate of 7 to 12 per cent in both countries. However, rapid economic growth has also been accompanied by sharp rises in inter-regional income disparities and a marked rise in income inequalities between urban and rural areas. In China, incomes have grown more rapidly in the Eastern coastal and central region, while income inequality has continued to grow between urban and rural areas.[[19]](#footnote-19) Data from 2007 shows that per capita GDP in the Eastern regions was more than double that of the Western inland regions. There is a substantial rural urban income differential, with urban areas enjoying three times the per capita GDP of rural areas.[[20]](#footnote-20) These economic disparities, most importantly have translated into unequal access to food. A recent study has shown that the Eastern regions and urban households have recorded much higher levels of food consumption[[21]](#footnote-21) while food insecurity still remains “common in poor rural areas.”[[22]](#footnote-22) Similarly in India, inequality has also risen since the 1990s and has largely favoured India’s Western and Southern states over the poorer Northern and Eastern states. The World Food Program’s Food Security Atlas of Rural India shows that extreme food insecurity is heavily concentrated in the East.[[23]](#footnote-23) Data has also shown the existence of significant differences in malnutrition between rural and urban areas. In 2005-6, the proportion of underweight children was 39 per cent in rural areas compared to 36 per cent in urban areas. Similarly, 41 per cent of children in rural areas were stunted, compared to 31 per cent in urban areas.[[24]](#footnote-24)

Rapid economic growth has also led to “major changes in the levels and patterns of their food consumption and food buying behaviour” as people’s food demands in China and India undergo a dramatic transformation.[[25]](#footnote-25) Consumers are rapidly increasing their consumption of animal products – especially meat in China, and dairy in India where vegetarian diets are more widespread – along with vegetables and fruits, while demand for cereals are decreasing.[[26]](#footnote-26) Changing consumption patterns have a direct and significant influence on food production patterns and overall food security. Increased demands on more resource intensive foods, which have a major impact on global food price increases, disproportionately affect “poor consumers who are increasingly exposed to the price fluctuation of the international commodities market.”[[27]](#footnote-27) Increased consumption of animal products, which are more resource intensive, also adversely affect the agricultural resource base and diminishes its productive capabilities.[[28]](#footnote-28) The diversion of land and agricultural resources to the production of higher value food items that are mostly consumed by the urban rich, comes at the expense of millet and grain production which are critical for ensuring food security for the rural population. Increasing consumption of resource intensive foods further fuels the environmental challenges currently facing China and India. Both countries are witnessing increasing levels of soil erosion, land and water contamination due to over use of fertilizers and pesticides, salinization and desertification, leading to reduction in the availability of arable land. Water scarcity and contamination and unsustainable practices of exploitation of groundwater has negatively impacted grain production in both Northwest India and the North China Plain.[[29]](#footnote-29) Inequitable economic growth, along with unsustainable agricultural practices, have added additional layers of complexities for policy makers in China and India,, as they explore solutions for guaranteeing sustainable food security for their vast populations.

## **II. The Move towards a Human Dignity Approach to Food Security**

Food security was traditionally viewed as a matter of ensuring aggregate per capita food availability. This remained the predominant approach until the 1970’s[[30]](#footnote-30) and until then international and national efforts focused on growing more food and reducing population rates to sustainable levels.[[31]](#footnote-31) From 1975 onwards, the Food and Agriculture Organisation (FAO) began to argue that “malnutrition is not simply a problem of food availability, but also a function of poverty and deprivation”[[32]](#footnote-32) while Amartya Sen similarly suggested that “[s]tarvation is a matter of some people not *having* enough food to eat” and not the characteristic of “there *being* not enough food to eat”.[[33]](#footnote-33) This resulted in a shift away from viewing food insecurity as a problem of shortages in aggregate food supply towards needing to address gaps in people’s access to available food. Discourses on hunger and famine are now sensitive to socio-economic particularities as well as political contexts*.*[[34]](#footnote-34)

There is now a general consensus that food insecurity at the global level is a function of poverty rather than food scarcity. For example, studies have pointed out that the 2008 food crisis coincided with “bumper cereal harvests in major food producing nations and with hefty profits by the transnational corporations that dominate global food and agro-chemical markets.”[[35]](#footnote-35) In its 2009 report on the State of Agricultural Commodity Markets, the FAO identified rapid economic growth and the subsequent increase in demand for food, especially feed grain due to higher meat consumption, as one of the reasons behind the 2008 food price hikes.[[36]](#footnote-36) Consequently, it is suggested that the food crisis was provoked “primarily by escalating demand” rather than shrinking supply as the “world’s food supply has kept pace with population growth for several decades”, yet “many households are simply too poor to purchase the food that is available.”[[37]](#footnote-37)

As the traditional view on food security as an issue of insufficient food availability weakens, the entitlements approach, which focuses on ensuring sufficient access to food, has now become widely accepted in international circles. The right to food has been recognised under international law since 1948 when the adoption of the Universal Declaration of Human Rights first acknowledged 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”.[[38]](#footnote-38) The right to food would later be confirmed by the International Covenant of Economic, Cultural and Social Rights[[39]](#footnote-39) and the Convention on the Rights of the Child which obliges State Parties to “take appropriate measures to combat disease and malnutrition…through the provision of adequate nutritious foods and clean drinking-water.”[[40]](#footnote-40) In the late 1990s the concept of the right to food further “gained heightened political and ideological significance”[[41]](#footnote-41) with the appointment of a UN Special Rapporteur on the Right to Food. In 2005, the FAO adopted a set of 19 Voluntary Guidelines which specified how member states should ensure their right to food obligations are met.[[42]](#footnote-42) In addition to these moves at the international level, the past decade has “also witnessed a surge in interest in the domestic enforceability of the human right to food” as domestic laws are increasingly beginning to incorporate the right to food.[[43]](#footnote-43)

Yet, there is also an increasingly urgent need to go beyond an approach which focuses exclusively on the right to food, as the issue of food security faces new challenges as access to food progressively becomes a function of economic inequality and poverty rather than overall food scarcity. Poverty alleviation has taken place at a faster rate than the reduction of food insecurity as people who lack access to sufficient food and nutrients are often the poorest of the poor, with limited or no access to physical and financial assets and little or no education. A rights based approach hinges on the ability to utilize the remedies available under the human rights and legal system which itself requires “a significant degree of understanding of that system, and the resources and skills to advocate for the rights that are breached.”[[44]](#footnote-44) When it comes to access to food, ironically it is “those most in need of assistance” that are “often least able to access such a system.”[[45]](#footnote-45)

In 1989, Amartya Sen and Jean Dreze pushed the global community to think about the ultimate end goal of the human capability to “avoid undernourishment and escape deprivations associated with hunger.”[[46]](#footnote-46) This approach extends beyond mere access to food and gives consideration also to broader issues such as nutrition, sanitation, healthcare and basic education. However, unlike the entitlements approach, the capabilities approach to food security remains under-utilized in both research and policy making on food security. This has been attributed to the lack of clear guidelines on how such an approach can be used in practice.[[47]](#footnote-47)

This paper seeks to reinforce a *human dignity centred* focus as the right to food is “a hollow concept unless it is linked to the question of whether people are able to exercise, agitate and act to ensure this right is met”.[[48]](#footnote-48) A human dignity centred approach shifts the focus on abstract legal obligations and rights to framing “the issue of food security within a broader conceptualisation of people’s lives” as “it is the conduct of those lives, not the particularities of the food system, which should be the focal point of inquiry.”[[49]](#footnote-49) Pritchard has suggested that a capabilities approach begins by “identifying the gap between people’s capabilities and their functioning’s” in order to assess the effectiveness of “rights based initiatives by looking outwards from the lived realities of people, so that analytical efforts are anchored to their substantiation, not their promise.’[[50]](#footnote-50) Ramanujam, Caivano and Abebe have put forward a justice-based framework which is premised on the idea that human freedoms and capabilities to access available rights to food can be reinforced by strengthening institutions, improving access to justice, empowering rights holders and supporting food sovereignty.[[51]](#footnote-51) It looks to what concrete processes exist in regards to empowerment, participation, accountability and transparency which recognises that the “process of gradual realization food security, at its core, is one of identifying duty bearers and empowering claim holders to hold them accountable.”[[52]](#footnote-52) Thus, a justice-based framework “calls on states to not only enforce human rights, but to facilitate access to remedies and resources, thereby striving towards a vision of systemic social justice.”[[53]](#footnote-53) In a similar vein, the FAO has emphasized the importance of inclusive growth and social protection mechanisms that promote income security, more equitable access to food and better nutrition, health care and education.[[54]](#footnote-54)

Over the past four decades, the definition of food security has shifted to reflect the growing importance placed on access to food and human capabilities. In 1974, the World Food Conference used the definition of food security as the “availability at all times of adequate world food supplies of basic foodstuff to sustain a steady expansion of food consumption and to offset fluctuations in production and prices”. Two decades later, the new definition put forward at the 1996 World Food Summit stipulated that food security “exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life”. This definition of food security from a production centred to social centred perspective has “progressed hand in glove” with the shift to the capability approach and a rights based perspective.[[55]](#footnote-55) Consequently, the current approach to food security now has three separate pillars – food availability, food access and food use. The first pillar centres on ensuring that sufficient quantities of food are available on a consistent basis. The second pillar on *food access* involves having sufficient resources to obtain appropriate foods for a nutritious diet. The third pillar on *food use* further advises that sufficient availability and access to food should be accompanied by appropriate knowledge on the use of food regarding basic nutrition and adequate sanitation.

## **III. Approach to Food Security in China and India**

China and India have “long placed food security high on their respective policy agendas”.[[56]](#footnote-56) Over the decades, both countries’ policies on food security have, in line with global trends, shifted from being predominantly pre-occupied with food availability, towards a greater emphasis on food access and more recently on food use through a greater focus on nutrition and health. The Green Revolution in India in 1960, and the introduction of the household responsibility system in China in 1979 resulted in significant increases in food production by the 1980s. Since then, both countries have adopted similar strategies, including input subsidies, public stockholding and minimum government procurement prices to maintain food availability and secure food self-sufficiency. However, when it comes to access to food, the two countries have applied different approaches..

In India, the right to food movement has gained momentum to active interventions by civil society and the courts, while the government has focused on ensuring access to food via a public distribution system that makes subsidized grains available to the poor. In contrast, in China where there is no legal right to food provided in either law or policy, access to food approaches have focused on the more expansive income transfer program, and a non-food based social safety net to help the poor. More recently, both countries have also paid greater attention to improving nutrition in securing food security.

### *A. Securing Food Availability*

In line with the traditional focus on food availability, the overarching goal of both countries’ food policy has been to “achieve self-sufficiency for food grains”.[[57]](#footnote-57) As a result, both China and India have actively promoted grain production through input subsidies, public stockholding and government procurement prices. [[58]](#footnote-58)

*1. India.*— In India, the government promotes food availability by offering agricultural subsidies and providing market price support for food grains. Input subsidies make up the “most expensive instruments of India’s food policy.”[[59]](#footnote-59) The prices for fertilizers, electricity and irrigation water sold to farmers are set by the government of India and are generally lower than the market price charged. For example, in the 2008-9 the government’s fertilizer subsidy reached US$16.9 billion.[[60]](#footnote-60) The government also sets Minimum Support Prices, which seeks to ensure that remunerative prices are paid to growers for their produce in order to encouraging higher agricultural investment and production. Minimum Support Prices are announced and fixed each year based on the recommendations of the Commission for Agricultural Costs and Prices and cover 24 important crops.[[61]](#footnote-61) The Food Corporation of India has been set up since 1965 to undertake the procurement, storage, movement, transport and distribution of food grains. In addition, the government holds buffer stocks of food grains based on surpluses produced in good production years for use in case of situations of food scarcity which may arise from crop failures.[[62]](#footnote-62) These policies, coupled with the success of the Green Revolution which took place in the 1960-70s and introduced high-yield crop varieties and adopted modern agriculture techniques, has meant that India has become largely self-sufficient in food grain production for the past four decades and the “threat of famine has been eliminated.”[[63]](#footnote-63) This is no small feat for a country with more than 16 per cent of the global population, but only 2.5 per cent of the global land mass.[[64]](#footnote-64)

*2. China.*— In China, food availability was a massive problem prior to the 1980’s. Following the 1978 economic reforms, the introduction of a household responsibility system in 1979 allowed farmers to sell surplus produce grown on their land allocated to them by the collective, once they met their centrally imposed quota of staple food and livestock production. This provided an incentive to individual farmers to expand and diversify their agricultural production. The reforms resulted in a rapid increased of staple food productivity, with vegetable production increasing six fold between 1978 and 2010.[[65]](#footnote-65) Food availability improved dramatically as collective farming and people’s communes were abandoned. [[66]](#footnote-66)

Like India, China’s current policy to ensure sufficient domestic food availability is focused on input based subsidies and market price support. Since 2004, direct transfers have been offered to grain producers with the dual aim of boosting grain production and increasing farmers’ income. The overall budget for subsidies are decided by the Central government who allocates funds across provinces based on regional grain supplies. Each province then re-allocates the funds to county level governments who distribute the subsidies to farmers through direct deposits into their bank accounts. The amount of subsidies received by farmers are based on either the actual grain sown area or contracted land and takes into consideration the historical planting area, yields and market supply. In 2006, the Comprehensive Direct Subsidy on Agricultural Inputs program was also adopted. Like the direct grain subsidy, the amount of money offered is also largely based on farmers’ contracted area.[[67]](#footnote-67)

In contrast to India’s price based subsidies, which have been heavily criticized for their inefficiencies, China’s approach of using direct payments to transfer input subsidies has been seen to be “less distorting and more efficient”.[[68]](#footnote-68) The Chinese government also sets Minimum Procurement Prices, which have been in place for rice since 2004 and wheat since 2006. Prices are announced before each sowing season and are procured by China Grain Reserves Corporation (*Sinograin*). Procurement of grains are also closely linked to the country’s public grain stockholding system.[[69]](#footnote-69) In addition, China also provides other forms of support to grain production, including improved seed variety subsidies, subsidies for agricultural machinery and subsidized crop insurance schemes.[[70]](#footnote-70)

As a result of these strategies, numerous sources have indicated that lack of food is currently not a problem in either China or India pointing to the sufficient calorie supply and lack of reliance on food imports. Apart from a dip in the early 2000s India’s calorie adequacy has been “fairly constant”, averaging 106% between 1990 and 2014, while “China’s average dietary supply adequacy has risen continuously from 106% in 1990-92 to 127% in the 2012-14 period.”[[71]](#footnote-71) Both countries have also become largely self-sufficient in terms of food grain production at the macro level. India has had “hardly any” food grain imports since the mid-1970s as food grain production in the country has increased from 50 million tonnes in 1950-51 to around 233.9 million tonnes by 2008-09.[[72]](#footnote-72) China’s grain production doubled between 1949 and the early 1990s and self-sufficiency of grain in terms of weight did not drop below 95 per cent between the 1980s until 1999,[[73]](#footnote-73) while it provided 4 per cent of the word’s agricultural and food exports in 2007.[[74]](#footnote-74) However the increasing demand for food and changing consumption habits has resulted in a decline in rates of grain self-sufficiency over the past decade.[[75]](#footnote-75)

The state of food availability in China and India thus provide a reflection of the current global position where there is sufficient availability of food in the world to feed the entire world’s population. However, food demand is “only met in the aggregate, as there are profound disparities in access to food across geographic regions and across the spectrum of incomes at both the household and country levels”.[[76]](#footnote-76) The prevailing issue of food security thus must be understood “not in terms of how much food is produced, but rather, whether and how those in need gain access to that food.”[[77]](#footnote-77) Today, in China and India, much like the rest of the world, the challenges of ensuring their citizens have access to adequate and nutritious food are “exacerbated by unsustainable dietary patterns – both under- and over consumption – that in differing ways affect markets, health and the natural resource base.”[[78]](#footnote-78) To some extent, the cause of food security is no longer fundamentally food, but rather about “the extent to which [a] country’s marginalised populations are empowered with the rights, freedoms and capabilities that enable them to attain health and nourished lives.”[[79]](#footnote-79)

### *B. Diverging Approaches to Ensuring Access to Food*

The two countries apply “quite different approaches to address poor consumers’ access to food. India has adopted a Targeted Public Distribution System (TPDS) to make subsidized grains available to the poor, whereas China has implemented an income transfer program and non-food based social safety net to help the poor. In addition, following the 2007-8 world food price crisis, the right to food movement has gained momentum in India and is now influencing the government’s food security policy, [[80]](#footnote-80) while China there is no legal right to food provided in either law or policy.

*1. India.*— In India, the “most important intervention made by the government of India towards achieving food security” has been the Public Distribution System. [[81]](#footnote-81) The Public Distribution System is a rationing mechanism, first established in 1939 as a war-time rationing measure, which entitles poor households to a specific quantity of food and non-food staples, such as rice, wheat, edible oil, kerosene and sugar, at subsidized prices. Closely intertwined with the state’s Minimum Support Prices program, the Food Corporation of India, which oversees both programs, buys food grains from farmers at allocated prices. Food grains are then sold on to consumers at subsidized prices through a network of 460,000 Fair Price shops. Up until 1997, the Public Distribution System was “universal” in most parts of the country and was available to all households, both urban and rural, with a residential address. Households were given a ration card which entitled them to buy a fixed ration of selected commodities. The system has since switched to a “targeted” approach and access is now limited to income-poor households. The system now follows a two-tiered pricing structure. Households classified as below the poverty line continue to receive rice and grains at highly subsidized prices which are far below the market value. Households which are classified as above the poverty line, receive a lower amount of rice and grains are supplied at a much higher cost which is closer to their market price. The switch to a “targeted” system has been seen as “extremely detrimental to the nation’s food security.”[[82]](#footnote-82) It has not only led to “high rates of exclusion of needy households from the system,”[[83]](#footnote-83) but has negatively impacted the viability of fair price shops, whose success relies on economies of scale as the transportation and distribution of smaller quantities of commodities make the shops less economically viable.[[84]](#footnote-84) Furthermore, it is commonly believed that the Public Distribution System is subject to widespread leakage and waste, with an earlier study finding that as much as one third of the food grains and sugar and half of the edible oils going into the system did not reach the intended user. The system is “beset by pervasive corruption” with estimates that around 36 per cent of the foodgrains distributed were diverted onto the black market.[[85]](#footnote-85) There are also significant differences in effectiveness of the Public Distribution System across states, which has been attributed to the divergences in the quality of governance.[[86]](#footnote-86) The system has been found to work best in states known to have higher transparency and accountability of local government officials.[[87]](#footnote-87) The recent introduction of Aadhaar, a biometric identification card, is expected to combat corruption in the system.

Stemming from the perceived inadequacies of the Public Distribution System, the Rajasthan People’s Union for Civil Liberties (PUCL) filed a writ in July 2001 on behalf of the poor who had not received the requirement employment and food relief as mandated under the 1962 *Rajasthan Famine Code.* The PUCL brought a claim against the Government of India, the Food Corporation of India, who is responsible for managing both the Minimum Support Prices program and Public Distribution System, along with six state government, for ineffectively managing public distribution of food grains. PUCL pointed to the fact that at the same time that there are reports from various states of deaths taking place from starvation, despite the fact that excess buffer stocks of food grains are kept in storage facilities across the country. The litigation was later expanded to apply to all state governments and to address the wider and more complex issue of hunger, unemployment and food security. Based on a constitutional precedent which defined the right to life as “the right to live with human dignity and all that goes along with it, namely the bare necessaries of life such as adequate nutrition,”[[88]](#footnote-88) the case sought to enforce a constitutional right to food. This paved the way for an era of sustained engagement by all stakeholders on food security related issues in India.

India has long had the basic legal framework protecting a right to food. A State Party to the International Covenant of Economic, Cultural and Social Rights, the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women, India has long been under an international obligation to ensure its citizens enjoy sufficient access to food. In the domestic context, Article 21 of the Constitution provides for the “right to life”, which as noted above, had previously been interpreted by the courts to include the right to adequate food and nutrition. In addition, Article 39(a) directs the State to ensure that all citizens have “the right to an adequate means of livelihood” and Article 47 provides that the “State shall regard the rising level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties”. However, these two articles are contained in the Directive Principles section of the Constitution and are consequently aspiration and non-justiciable in nature, as they only serve to guide the interpretation of fundamental rights.

A series of interim orders delivered as part of the case have “served to define gradually, and with increasing detail, India’s constitutional right to food.”[[89]](#footnote-89) In an order made on 28 November 2001, the Supreme Court “essentially redefined the government schemes as constitutionally protected legal entitlements” and further outlined in “detail how those government schemes were to be implemented.”[[90]](#footnote-90) In 2013, the *National Food Security Act* was enacted, launching the world’s largest food safety net – which provided for food security as a legal entitlement. As a result, India has been described as providing “one of the best examples in the world in terms of justiciability of economic, social and cultural rights”[[91]](#footnote-91) with the right to life interpreted extensively by the Supreme Court to include the right to food.

*2. China.*— China and India apply quite different approaches to helping poor consumers gain access to food. Unlike India, China does not use price-based instruments to provide subsidies to poor households on food grain purchased. Instead, it has increasingly used direct income transfers and other social safety net instruments targeting poor and vulnerable consumers to strengthen access to food. Beginning in the 1990s, China began experimenting with a Minimum Living Guarantee Program (*dibao)* for poor rural residents. By 2007, the program was adopted nationwide and has been extended to poor urban residents. By the end of 2013, it was estimated that the *dibao* programme covered 20.6 million urban residents and 53.9 rural residents, reaching 4 per cent of the country’s urban population and 6 per cent of the country’s rural population.[[92]](#footnote-92) Implementation of the program remains decentralized as eligibility thresholds, beneficiary selection and transfer payments are determined locally. [[93]](#footnote-93)

Although China has ratified the International Covenant on Economic, Social and Cultural Rights in 2001, the Convention on Rights of Child in 1992 and the Convention on the Elimination of All Forms of Discrimination against Women in 1980. However, unlike India, the right to food is neither stipulated in Chinese law, nor referenced in the official policy rhetoric.[[94]](#footnote-94) Article 45 of the Constitution provides a general right for people to seek “material assistance from the state and the society when they are old, ill or disabled.”[[95]](#footnote-95) However, there is no specific reference to food and the focus is on social welfare more broadly and applies to the old, ill and disabled rather than all citizens. Laws regulating different dimensions of food security in China largely focus on the production of food and the control of the food system and its products. Laws pertaining to the consumption of food largely emphasize the safety of food products, such as the Law on Protection of Consumer Rights and Interests; the Standardization Law; and the Product Quality Law.

### *C. Increasing Focus on Food Use*

*1. India.*— The importance of adequate nutrition “came to the policy forefront” in India in the mid-1990s when the government adopted the 1993 National Nutrition Policy and the 1995 National Plan of Action on Nutrition.[[96]](#footnote-96) By the early 21st century, the country’s tenth Five Year Plan marked a paradigm shift to directly tackle the emergence of the dual burden of persistent undernutrition and inadequate dietary intake amongst one segment of the population, coupled with over-nutrition and low physical amongst another segment of the population. The tenth Five Year Plan, which covered the 2002 to 2007 period, focused on comprehensive interventions which targeted not only food, but also nutrition security. The Plan moved the country’s food security policies away from untargeted food supplementation towards screening people from vulnerable groups and identifying those suffering malnutrition to make appropriate interventions. The Plan also focused on the prevention of over-nutrition and obesity via the promotion of healthy lifestyles and appropriate dietary intakes.[[97]](#footnote-97) In addition, the Plan emphasized the need to strengthen nutrition and health education amongst the population and listed concrete targets to reduce the prevalence of underweight children, increase the level of breastfeeding, reduce the prevalence of anaemia and eliminate Vitamin A deficiency. In September 2003, the Prime Minister set up the National Nutrition Mission aimed at improving coordination between different Ministries who deliver nutrition related interventions. The Mission also launched a pilot project in 51 ‘nutritionally deficient districts’ to distribute food grains free of charge through the targeted Public Distribution System to adolescent girls and pregnant or lactating women, who have long been recognized as nutritionally vulnerable segments of the population, and are classified as below the poverty line.[[98]](#footnote-98)

As a result, India has been described as a leader when it comes to addressing nutritional needs. Not only has research in India “contributed substantially to the global efforts to review the ongoing transitions and evolve appropriate definitions of food security, recommendations regarding human nutrient requirements, and develop appropriate standards for assessment of nutritional status”, the country has also invested in food supplementation programmes and interventions aimed at prevention, early detection and effective management of under- and over-nutrition.[[99]](#footnote-99)

In recent years, the government has further expanded their policies and interventions in response to judicial and civil society activism.[[100]](#footnote-100) In the PUCL case (see the Access to Food section above), the Supreme Court not only gave specific instructions on the implementation of the Public Distribution System, but also ordered the expansion of other food security schemes which specifically targeted nutrition in vulnerable populations. For example the Supreme Court ordered an expansion of the Mid-day Meal by “providing every child in every government and government assisted primary school with a prepared mid-day meal with a minimum content of 300 calories and 8-12 grams of protein every school day for a minimum 200 days.”[[101]](#footnote-101) Similarly, the Supreme Court directed the Integrated Child Development Scheme, which provides supplementary nutrition to young children and pregnant and nursing mothers, to be made universal across the country. [[102]](#footnote-102) The Court ordered the establishment of 1.4 million Anganwadi centres, which are the main vehicles of the Integrated Child Development Scheme. In 2004 there were about 600,000 Anganwadi centres in India before implementation of the order. By 2010, there were over 1.2 million Anganwadi Centres, with another 125,000 sanctioned. It is estimated that 81 per cent of children under the age of 6 are now covered by the centre.[[103]](#footnote-103)

However, efforts to strengthen public education on nutrition, sanitation and health are likely to be hindered by an overall low education and literacy levels. On average, the Indian population has only 4.43 mean years of schooling, only 50.4 per cent of males have some form of secondary education and this number drops to almost half for females, of which only 26.6 per cent have some form of secondary schooling. As a result, India has an adult literacy rate of only 62.8 per cent.[[104]](#footnote-104) The hurdle posed by education is exemplified through efforts to improve sanitation in the country, where education levels, particularly women’s education levels, have been identified to have a positive correlation with the quality of toilet facilities.[[105]](#footnote-105) This may help to explain why, despite the introduction of a number of government run sanitation programs which have focused on community campaigns to eliminate open defecation and civil society efforts to provide sanitation technologies, the country continues to suffer from poor sanitation. In 2014, the World Health Organization estimated that India has 597 million people practicing open defection, making it the country with the highest number of people practicing open defecation in the world.[[106]](#footnote-106) The report also found that 92 million people in India continue to lack access to an improved drinking source and 792 million people lack access to an improved sanitation facility.[[107]](#footnote-107)

Education to improve sanitation practices is particularly important when it comes to improving food use, as poor sanitation has been used to explain India’s food security paradox, where in spite of enormous economic growth improvements in food security continues to lag behind. In particular, despite a consistently per capita food grain availability at the national level and the existence of a number of systems to secure access to food, India continues to perform particularly poorly in indicators of health and nutrition as measured by stunting and weight levels. According to 2009 and 2001 figures, India is home to 31 per cent of the world’s children under 5 that have stunting and 37 per cent of the world’s total underweight children. Between 1998-99 and 2005-06, the percentage of children underweight reduced by only 2.3 per cent.[[108]](#footnote-108) These problems are increasingly being attributed to high rates of open defecation.[[109]](#footnote-109)

*2. China.*— In China, the State Council issued the National Plan of Action for Nutrition in 1997. In addition to alleviating hunger and food shortages, the National Plan of Action placed a significant focus on the need to eliminate micronutrient deficiencies, improve the general nutritional status of people and prevent diet related non communicable diseases such as obesity, diabetes mellitus, cardiovascular diseases and cancer through proper guidance on dietary behaviours and the promotion of a healthy lifestyle. The National Plan of Action has been accompanied by the publication of Dietary Guidelines for Chinese Residents and the Balanced Diet Pagoda, similar to the American food pyramid guidance system and a number of nutritional education campaigns have been held throughout the country, mainly in the form of nutrition education sessions for health workers. Efforts have also taken place to shift the cultural norm on academic achievement, by promoting physical education in schools. However, it has been suggested that there are “very few direct nutritional interventions” in China, and “information dissemination concerning nutrition is limited in scale and usually unorganized” as it has been noted that thus far no mass-media campaign or systematic national education program on nutrition has been launched.[[110]](#footnote-110) Instead, policies target the supply side to provide incentives for farmers to grow more health foods with the government relying on adjustments and subsidies to increase the production of soybeans and vegetables.[[111]](#footnote-111)

This is potentially a missed opportunity in the context of the country’s high education levels. According to the UN Human Development Index, China’s population has 7.54 mean years of schooling, with 65.3 per cent of population having some form of secondary education and adult literacy rates above 95 per cent.[[112]](#footnote-112) The country is seen to be “close to achieving universal compulsory education for nine years”.[[113]](#footnote-113) While, rural education remains “very poor by any standards”, there has recently been a “renewed government interest in improving education and reducing the cost, especially in poor rural areas”. Fees for elementary schools were eliminated in poor areas in 2005 and by 2006 this had been extended to cover the entire rural economy and by 2007 all compulsory education was free.[[114]](#footnote-114)

Furthermore, in the “aftermath of the severe acute respiratory syndrome (SARs) outbreak in 2003, the Chinese government substantially increased funding for public health.” [[115]](#footnote-115) The Healthy China 2020 program seeks to promote public health and make health care accessible and affordable for all Chinese citizens by 2020. A key component of this is the New Cooperative Medical System, introduced in 2003, to improve accessibility to health care among rural residents. It is funded by both federal and regional governments and covers a fraction of out-of-pocket medical costs for rural residents. Prior to its introduction in the early 2000s, a survey found that 65 per cent of rural residents requiring hospitalization were either opting not to be admitted or checked themselves out of hospital prior to their formal discharge, due primarily to financial concerns.[[116]](#footnote-116) The system has witnessed initial success, by 2010 more than 96 per cent of rural residents were covered by the New Cooperative Medical System and 90 per cent of participating rural households expressed their willingness to continue participating in the program, although there remains some criticism that the system was ineffective, mainly due to the high healthcare costs.[[117]](#footnote-117)

# **Conclusion**

As the deadline for the MDG’s and WFS’s Rome Declaration, 2015 provides an opportune moment to take stock of both the achievements and future challenges to global food security. Despite almost halving the proportion of the world’s undernourished over the past two and half decades, the number of undernourished people in the world remains staggeringly high. With their massive populations, it is clear that addressing global state of food insecurity must target China and India. In spite of the enormous achievements made in reducing hunger in both countries, it is estimated that India and China continue to have 191 million and 151 million undernourished people respectively, making them home to the world’s highest and second highest number of undernourished people.[[118]](#footnote-118) Furthermore, the contemporary challenges to food security in China and India – climate change, water scarcity and other environmental issues which directly affect the way food is produced; growing populations and increasing wealth which have placed greater pressure on food demands; and growing geographic and economic inequality which have led to uneven access to food even where there is sufficient aggregate food availability – reflect the broader challenges to food security faced at the global level.

In line with these contemporary challenges, we have witnessed a shift, over the past few decades, in how to approach food security. Traditionally premised on securing food availability by growing more food and reducing population rates to sustainable levels, greater attention is now being paid to food access and people’s entitlement’s to food. Since the late 1990s, greater global attention has been paid to the concept of the *right* to food with the appointment of a UN Special Rapporteur on the Right to Food and an increasing number of countries beginning to incorporate the right to food in their domestic laws. More recently, the focus has shifted to a more human centred focus which places people’s capabilities to not only access but also to make adequate use of food for an active and healthy life at the centre of the equation. This newer approach places greater attention on the importance of nutrition, health and adequate sanitation.

Over the decades, food security policies in China and India have, in line with global trends, shifted from being predominantly pre-occupied with food availability, towards a greater emphasis on food access and more recently on food use through a greater focus on nutrition and health. On the back of significant increases in food production stemming from India’s Green Revolution and China’s introduction of a household responsibility system, both countries have used input subsidies, public stockholding and minimum government procurement prices as agricultural incentives to ensure food availability. Having invested heavily in attaining food self-sufficiency, both countries have, until recently, largely secured sufficient aggregate food availability for their populations. However, new challenges are now being posed to ensuring sufficient food availability, particularly in China, due to increasing consumption of animal products stemming from the growing middle class.

In contrast, the two countries apply markedly different approaches to address access to food. India has focused on making subsidized grains available to the poor through the country-wide public distribution system, while China has implemented an income transfer program and non-food based social safety net to help the poor. China’s approach focuses on poverty alleviation more generally, rather than specifically targeting food. In addition, the right to food movement has gained momentum in India through the work of civil society actors who have pushed their claims through the Supreme Court. The success of these claims have been used to enforce the delivery of subsidized grains through the public distribution system and push the expansion of government run nutrition programs. In China there is still no legal right to food provided in either law or policy. India’s readiness to embrace the right to food has had promising implications for ensuring public access to food and the expansion of government run nutritional programs. In spite of weaknesses in in State led interventions, an active civil society and a responsive and activist judiciary in India has ensured that the food security agenda stays on the forefront.

China and India, have both adopted measures to improve nutrition in the official policy documents on food security. In India, efforts to improve nutritional intake have mainly focused on government run nutrition programs target vulnerable segments of the population, notably pregnant women and young children. Although government policies have emphasized the need to strengthen nutrition and health education amongst the population, efforts are likely to be hindered by low education and literacy levels. In China, there are “very few direct nutritional interventions” with information dissemination on nutrition being limited in scale and usually unorganized. Instead food use targets continue to target the supply side to provide incentives for farmers to grow more healthy foods and increasingly by strengthening rural access to healthcare. This appears to be a missed opportunity given the enormous potential presented from the high educational capabilities of the country’s population.

A comparison of the approaches to food security in China and India ultimately reminds us that an approach centred on human dignity requires more wide-ranging investment in people’s capabilities. In terms of securing access to food, China’s broader poverty alleviation strategies have generally been deemed to be more successful than India’s more specific food subsidies approach, which is perceived to be less efficient and subject to widespread leakage and waste. China’s income transfer program and non-food based social safety ultimately places more choice in the hands of the poor in making their own economic decisions. Furthermore, China’s heavy investment in education and health, particularly for its rural populations, provides significant opportunities when it comes to public education on nutrition, sanitation and health. Education on food use cannot focus singularly on campaigns and knowledge transfer, but must address the broader issue of how readily the population is able to use and apply such information. Ultimately, a human dignity based approach to food security strategies must go hand in hand with broader tactics aimed at empowering people by enhancing their capabilities.

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3. World Food Summit 1996, “Rome Declaration on World Food Security”, online: <http://www.fao.org/docrep/003/w3613e/w3613e00.HTM>. [↑](#footnote-ref-3)
4. “United Nations Millennium Development Goals”, online: <http://www.un.org/millenniumgoals/poverty.shtml>. [↑](#footnote-ref-4)
5. Food and Agriculture Organisation of the United Nations, International Fund for Agricultural Development & World Food Programme, *The State of Food Insecurity in the World - Meeting the 2015 International Hunger Targets: Taking Stock of Uneven Progress* (2015). [↑](#footnote-ref-5)
6. Estimate of Prevalence of Undernourishment in 1990-92 was 18.6% compared to 10.9% in 2014-16 [↑](#footnote-ref-6)
7. Food and Agriculture Organisation of the United Nations, International Fund for Agricultural Development & World Food Programme, *supra* note 3. [↑](#footnote-ref-7)
8. Id. [↑](#footnote-ref-8)
9. Id. [↑](#footnote-ref-9)
10. Id. [↑](#footnote-ref-10)
11. Wayne Martindale, “*The Basis for Food Security*” *in* *Global Food Security and Supply* (John Wiley & Sons, Ltd) 1, at 10 (2014). [↑](#footnote-ref-11)
12. Food and Agriculture Organisation of the United Nations, International Fund for Agricultural Development & World Food Programme, *supra* note 3. [↑](#footnote-ref-12)
13. David Lobell & Marshall Burke, *Climate change and food security adapting agriculture to a warmer world* (Dordrecht; New York: Springer, 2010); R Lal, *Climate change and global food security* (Boca Raton, FL: Taylor & Francis, 2005); Hugh Turral et al, *Climate change, water and food security* (Rome: Food and Agriculture Organization of the United Nations, 2011). [↑](#footnote-ref-13)
14. Hans Page, *Global Governance and Food Security as Global Public Good* (New York University, Centre of International Cooperation), at 6–7 (2013). [↑](#footnote-ref-14)
15. Id at 12. [↑](#footnote-ref-15)
16. Wusheng Yu, Christian Elleby & Henrik Zobbe, “Food security policies in India and China: implications for national and global food security” (2015) 7:2 Food Sec Food Security : The Science, Sociology and Economics of Food Production and Access to Food 405, at 406. [↑](#footnote-ref-16)
17. Which combined make up 37 per cent of the world’s total population. [↑](#footnote-ref-17)
18. Global Water Partnership, *Water and Food Security - Experiences in India and China*, at 15 (2013). [↑](#footnote-ref-18)
19. FAO, *Poverty Alleviation and Food Security in Asia: Lessons and Challenges*. [↑](#footnote-ref-19)
20. Shenggen Fan, Ravi Kanbur & Xiaobo Zhang, *“China’s regional disparities: Experience and policy”,* 1:1 Review of Development Finance 47, at 48 (2011). [↑](#footnote-ref-20)
21. B Barone, P Bin & C Brasili, *Regional Disparity of Vulnerability to Food Insecurity in China* (Alghero, Italy), at 22 (2014). [↑](#footnote-ref-21)
22. Nie Fengying, Bi Jieying & Zhang Xuebiao, *“Study on China’s Food Security Status”*, 1 Agriculture and Agricultural Science Procedia 301, at 309 (2010). [↑](#footnote-ref-22)
23. UN World Food Program & Institute for Human Development, *Food Security Atlas of Rural India: An Overview*, at 42 (2011). [↑](#footnote-ref-23)
24. S Mahendra Dev & Alakh N Sharma, *Food Security in India: Performance, Challenges and Policies*, Oxfam India Working Paper Series (India: Oxfam India, 2010) at 20 citing figures from Government of India Planning Commission (2008) Draft 11th Five Year Plan [↑](#footnote-ref-24)
25. Vasant P Gandhi & Zhangyue Zhou, *“Food demand and the food security challenge with rapid economic growth in the emerging economies of India and China*”, 63 FRIN Food Research International 108, at 108 (2014). [↑](#footnote-ref-25)
26. Id. [↑](#footnote-ref-26)
27. United Nations Environment Program, *The Critical Role of Global Food Consumption Patterns in Achieving Sustainable Food Systems and Food for All*, A UNEP Discussion Paper, at 10 (2012). [↑](#footnote-ref-27)
28. Id. [↑](#footnote-ref-28)
29. http://www.fao.org/docrep/009/ag087e/ag087e05.htm. [↑](#footnote-ref-29)
30. Francesco Burchi & Pasquale De Muro, *A Human Development and Capability Approach to Food Security - Conceptual Framework and Informational Basis*, UNDP Working Paper, at 2 (2012). [↑](#footnote-ref-30)
31. Prema Ramachandran, *“Food and Nutrition Security: Challenges in the New Millenium”,* 138 Indian Journal of Med Res 373, at 374 (2013). [↑](#footnote-ref-31)
32. Page, *supra* note 12, at 4. [↑](#footnote-ref-32)
33. Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (OUP Oxford, 1981), at 1. [↑](#footnote-ref-33)
34. Burchi & De Muro, *supra* note 40, at 11. [↑](#footnote-ref-34)
35. Carmen G Gonzalez, *“Global Food Crisis: Law, Policy, and the Elusive Quest for Justice*”, 13 Yale Hum Rts & Dev LJ 462, at 463 (2010). [↑](#footnote-ref-35)
36. Food and Agriculture Organisation of the United Nations, *2009 The State of Agricultural Commodity Markets: High Prices and the Food Crisis - Experiences and Lessons Learnt*, at 13 (2009). [↑](#footnote-ref-36)
37. Gonzalez, *supra* note 33, at 463. [↑](#footnote-ref-37)
38. Article 25(1) of the Universal Declaration of Human Rights (UDHR). [↑](#footnote-ref-38)
39. Article 11(1) is similar to article 25(1) of the UDHR and provides that: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food…The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.” [↑](#footnote-ref-39)
40. In addition, both the Convention on the Elimination of all Forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities also have provisions on food security. [↑](#footnote-ref-40)
41. Pritchard, *supra* note 37. [↑](#footnote-ref-41)
42. <http://www.fao.org/docrep/009/y7937e/y7937e00.htm> [↑](#footnote-ref-42)
43. Nandini Ramanujam, Nicholas Caivano & Semahagn Abebe, “From Justiciability to Justice: Realizing the Human Right to Food” (2015) 11:1 McGill International Journal of Sustainable Development Law and Policy, online: <http://papers.ssrn.com/abstract=2661100> ,at 4. [↑](#footnote-ref-43)
44. Ramanujam, Caivano & Abebe, *supra* note 52, at 5. [↑](#footnote-ref-44)
45. Id. [↑](#footnote-ref-45)
46. Dreze and Sen 1989, 13 as cited in Burchi & De Muro, at 18. [↑](#footnote-ref-46)
47. Burchi & De Muro, *supra* note 40, at 20. [↑](#footnote-ref-47)
48. Pritchard, *supra* note 37. [↑](#footnote-ref-48)
49. Id. [↑](#footnote-ref-49)
50. Id. [↑](#footnote-ref-50)
51. See Ramanujam, Caivano & Abebe, supra note 52. [↑](#footnote-ref-51)
52. Id at 37. [↑](#footnote-ref-52)
53. Id at 5. [↑](#footnote-ref-53)
54. Food and Agriculture Organisation of the United Nations, International Fund for Agricultural Development & World Food Programme, *supra* note 3. See also: Francesco Burchi & Pasquale De Muro, *A Human Development and Capability Approach to Food Security - Conceptual Framework and Informational Basis*, UNDP Working Paper (2012), which has proposed three specific points of analysis for a capability approach to food security that includes food entitlements; basic nutritional capabilities; and the capability to be food secure. Food entitlements can be measured by endowments, such as assets, savings and non-tangible resources; exchange conditions, based on wages and the prices of food items; and production possibilities, including skills and technology. Basic nutritional capabilities include factors such as age, education, health and the ability to take part in household decision making and community life. The capability to be food secure incudes the individual’s utilisation of food and cultural and social norms. [↑](#footnote-ref-54)
55. Pritchard, *supra* note 37. [↑](#footnote-ref-55)
56. Yu, Elleby & Zobbe, *supra* note 14, at 405. [↑](#footnote-ref-56)
57. Id. [↑](#footnote-ref-57)
58. Id. [↑](#footnote-ref-58)
59. Id at 408. [↑](#footnote-ref-59)
60. Id. [↑](#footnote-ref-60)
61. Dev & Sharma, *supra* note 22 at 7. [↑](#footnote-ref-61)
62. Id at 8–9. [↑](#footnote-ref-62)
63. Ramachandran, *supra* note 41 at 374. [↑](#footnote-ref-63)
64. Id at 373. [↑](#footnote-ref-64)
65. David Norse, Yuelai Lu & Jikun Huong, *“China’s Food Security: Is it a National, Regional or Global Issue”,* *China and the EU in Context* (United Kingdom: Palgrave Macmillan) 251, at 273 (2014). [↑](#footnote-ref-65)
66. Gandhi & Zhou, *supra* note 23, at 117–8. [↑](#footnote-ref-66)
67. Yu, Elleby & Zobbe, *supra* note 14, at 409. [↑](#footnote-ref-67)
68. Id at 412. [↑](#footnote-ref-68)
69. Id at 409. [↑](#footnote-ref-69)
70. Id. [↑](#footnote-ref-70)
71. Yu, Elleby & Zobbe, *supra* note 14, at 406. [↑](#footnote-ref-71)
72. Dev & Sharma, *supra* note 22, at 2. [↑](#footnote-ref-72)
73. Bishwajit Ghose, *“Food security and food self-sufficiency in China: from past to 2050”,* 3:2 Food Energy Secur 86, at 88 (2014). [↑](#footnote-ref-73)
74. Kym Anderson & Anna Strutt, *Food Security Policy Options for China: Lessons from Other Countries*, Working Papers in Trade and Development Working Paper No. 2014/11 (Australian National University), at 6. [↑](#footnote-ref-74)
75. Ghose, *supra* note 30, at 87. [↑](#footnote-ref-75)
76. United Nations Environment Program, *supra* note 25, at 12. [↑](#footnote-ref-76)
77. Bill Pritchard, *Feeding India livelihoods, entitlements and capabilities* (Abingdon: Earthscan, 2013). [↑](#footnote-ref-77)
78. United Nations Environment Program, *supra* note 25, at 12. [↑](#footnote-ref-78)
79. Pritchard, *supra* note 37. [↑](#footnote-ref-79)
80. Id at 405. [↑](#footnote-ref-80)
81. Asim K Karmakar & Debasis Mukhopadhyay, *“Towards a Prudent Policy for Food Security in India” ,*11 US-China L Rev 221, at 243 (2014). [↑](#footnote-ref-81)
82. Ramanujam, Caivano & Abebe, *supra* note 52, at 22. [↑](#footnote-ref-82)
83. Madhura Swaminathan, *Programmes to Protect the Hungry: Lessons from India*, UN Department of Economic and Social Affairs Working Paper DESA Working Paper No.70, at 4–9. [↑](#footnote-ref-83)
84. Id at 10–11. [↑](#footnote-ref-84)
85. Jean Ziegler, *The Fight for the Right to Food: Lessons Learned* (Houndsmills, Basingstoke, Hampshire; New York, NY: Palgrave Macmillan), at 268 (2011). [↑](#footnote-ref-85)
86. Yu, Elleby & Zobbe, *supra* note 14, at 412. [↑](#footnote-ref-86)
87. Ziegler, *supra* note 84, at 268. [↑](#footnote-ref-87)
88. The Indian Supreme Court had explicitly stated on several occasions that the right to life should be interpreted as the right to life with human dignity, which includes the right to food and other basic necessities. For example, in *Francis Coralie v Administrator, Union Territory of Delhi and Ors (1981) 1 SCC 608,* the Supreme Court stated that “the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessaries of life such as adequate nutrition…” In *Shantistar Builders v Narayan Khimala Totame (1990) 1 SCC 520*, the Supreme Court stated that “The right to life is guaranteed in any civilized society. That would take within its sweet the right to food…” In 1995, the Supreme Court in *Chameli Singh v State of UP* stated that the right to life (which is justiciable) “implies the right to food, water, decent environment, education, medical care and shelter”. [↑](#footnote-ref-88)
89. Lauren Birchfield & Jessica Corsi, “*Between Starvation and Globalization: Realizing the Right to Food in India”* , 31 Mich J Int’l L 691, at 699 (2009). [↑](#footnote-ref-89)
90. Id at 699–700. [↑](#footnote-ref-90)
91. Jean Ziegler, et atl, *The Fight for the Right to Food,* at 265 (2011). [↑](#footnote-ref-91)
92. Yu, Elleby & Zobbe, *supra* note 14, at 409. [↑](#footnote-ref-92)
93. Nithin Umapathi, Jennifer Golan & Terry Sicular, *Unconditional cash transfers in China : an analysis of the rural minimum living standard guarantee program*, WPS7374 (The World Bank), at 2 (2015). [↑](#footnote-ref-93)
94. Human Rights in China, The Right to Food in China: What (and Who) is at Stake? *China Human Rights Forum,* 2005, http://www.hrichina.org/sites/default/files/PDFs/CRF.3.2005/CRF-2005-3\_WESJ\_food.pdf [↑](#footnote-ref-94)
95. Article 45 provides that Article 45: “Citizens of the PRC have the right to material assistance from the state and society when they are old, ill or disabled. The state develops the social insurance, social relief, medical and health services that are required to enjoy this right. The state and society ensures the livelihood of disabled members of the armed forces, provide pensions to the families of martyrs and give preferential treatment to the families of military personnel. The state and society help make arrangements of work, livelihood and education of the blind, deaf-mute and handicapped citizens.” [↑](#footnote-ref-95)
96. Shandana Khan Mohmand, *Analysing Nutrition Governance: India Country Report*, at 5 (2012). [↑](#footnote-ref-96)
97. Ramachandran, *supra* note 41 at 373. [↑](#footnote-ref-97)
98. Mohmand, *supra* note 95 at 5. [↑](#footnote-ref-98)
99. Ramachandran, *supra* note 41 at 373. [↑](#footnote-ref-99)
100. Mohmand, *supra* note 95 at 2. [↑](#footnote-ref-100)
101. Swaminathan, *supra* note 82 at 16. [↑](#footnote-ref-101)
102. Id. [↑](#footnote-ref-102)
103. Mohmand, *supra* note 95 at 6. [↑](#footnote-ref-103)
104. http://hdr.undp.org/en/countries/profiles/IND [↑](#footnote-ref-104)
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106. World Health Organization & UNICEF, *Progress on Drinking Water and Sanitation 2014 Update*, at 21–2 (2014). [↑](#footnote-ref-106)
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117. Wang et al, *supra* note 115. [↑](#footnote-ref-117)
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