The Food Questions Within the Prism of International Law of Development

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THE FOOD QUESTIONS WITHIN THE PRISM OF INTERNATIONAL LAW OF DEVELOPMENT

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Introduction

This paper's theme is that the question of adequate food, particularly as related to starvation and famine, is a development issue rather than an isolated instance of the casual vagaries of weather or a specific human rights issue. The food problem is an issue that concerns mainly national governments. International actors may, however, play a major role at certain historical moments and conditions in the national development process. This is exemplified by the form of relations between developed and less developed countries during the colonial and post-colonial periods.

International relations between the developed and the less developed countries were characterized by an unbalanced exchange system or colonial domination until the mid-twentieth century. This had multiple effects on crop production systems. It encouraged the destruction of the traditional system of farming food crops. This in turn created large numbers of cheap rural labor for commercial agriculture. The commercial farms produced crops that were used as raw materials for industries in the developed countries. Industrial products were sold back at expensive prices. This linkage became a channel through which resources were drained from the less developed regions. The relation denied the less developed and colonized countries the use of a sufficient amount of arable land and also extracted vital resources that were necessary for development.

The results of such inequitable international relations have a strong impact on the production of food in the post-colonial era. This is evinced by a number of developments. First, the system of agricultural production created during the colonial period continued to be the predominant structure after independence. Many countries adopted a capital-intensive system of production, neglecting the small agricultural producers who constituted a large majority of the population. Large agricultural schemes absorbed the meager investment resources. Yet, the decreasing demand for, and market fluctuation of, agricultural goods on the world market impaired the goal of fast development. On the other hand, the small producers, who lacked capital, land, and agricultural extension services faced starvation in the event of climatic changes.

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Second, the lopsided exchange system created the perpetual dependent status of less developed countries. Radical deviation from the system entailed high economic and political risks. Therefore, breaking the cycle to focus on food production remained only a verbal commitment.

Third, in Africa and Asia, post-colonial countries were formed on the basis of colonial boundary delineations that combined diverse peoples, cultures, and languages under one government. The political dominance of one group over another created resistance against the central government and demands for more autonomy and ethnic identity, and secession became prevalent. In addition, claims of sovereignty over peoples divided by arbitrary colonial boundaries created conflicts between newly independent countries. Excessive foreign currency expenditures for weapons has exacerbated their dependent relation to the developed countries. Thus food production did not get priority in their development effort.

In the past few decades, the less developed countries have used international forums and law to alter these deformities in economic and political relations. This paper examines the effect of the emerging cooperation between developed and less developed countries on the production and distribution of food. It further looks into this cooperation as a basis for an international solution to food problems that are the product of past and present unbalanced relations. The paper also suggests that the resolutions and declarations passed by the world community in international forums could be the basis for implementing these solutions to solve the existing food problems. Further, these resolutions and declarations could be the foundation for an international law of development. Finally, the paper asserts that the solution to food problems requires a human rights approach that looks beyond curbing starvation and famine and focuses on national development and food self-sufficiency.

Problems of Food Production Relating to Historical International Factors

It is simplistic to attribute the contemporary starvation and famine that kills thousands throughout the world only to climatic vagaries. Certainly, climate and weather are important immediate causes. They are not, however, the only causes. Although a number of factors, including historical and economic factors, are given as basic causes for starvation and famine,[1] this discussion concerns only the causes related to past and present international relations between less developed (LDC) and developed countries (DC).

1. Urban Jonsson categorizes the causes of hunger into basic, underlying, immediate, and symptomatic. He identifies five basic causes: (a) historical—colonialism, neocolonialism, slavery, division of labor, laws of inheritance, religion, wars, etc.; (b) ecological and technological—natural resources, climate, land fertility, technical know-how; (c) economic—property relations, ownership or access to means of production, power structure; (d) ideological and cultural causes—ideology, opinions, mores, beliefs and habits, traditional laws, religion; (e) political—power structure, military and police, law and courts, fiscal policy, democratic rights, employment policy, organization. *The Socio-Economic Causes of Hunger*, in FOOD AS A HUMAN RIGHT 29-31 (Eide, et al., eds. 1984). *See also* Jonsson, *The Basic Causes of Hunger*, 3 FOOD & NUTRITION BULL. (No. 2).

Colonial Era

The nineteenth-century pattern of international economic relations between the DCs and the LDCs took the form of unbalanced trade relations at best or colonization at worst. Both had a negative impact on the production of food within LDCs.[2] Before the colonial period, the slave trade caused a population hemorrhage from continents such as Africa. Depopulation "in a situation where agriculture was the dominant economic activity, and where labor is generally acknowledged to have been scarce in relation to land, would almost certainly have resulted in reduced agricultural output."[3] Despite depopulation, most affected regions remained self-sufficient and in control of their commercial financial structures.

With the advent of the Industrial Revolution, European countries became increasingly dependent on a wider world for raw materials for industries, food for workers, and markets for their produced goods. These resources were secured by direct colonization.[4]

The flow of capital into colonial regions concentrated on financing mining, railway construction, and commercial agricultural production. Economic disruption, confiscation of property, and the introduction of alien governments produced a directed economic process that was aimed at fulfilling colonial purposes. The goal of agricultural production was no longer self-sufficiency but commercial profits for colonial businesses. The process had severe destructive effects on human relations as well as on food production.[5]

The peoples under colonialism were subjected to degrading treatment. They were "literally being forced to grow cash crops by gun and whip, in Tanganika under German rule, in Portugese colonies, and in French Equatorial Africa and the French Sudan in the 1930's."[6] Traditional agricultural systems of self-sustaining food production were suppressed in favor of commercial farms. The consumption pattern of the indigenous population was altered from native foods to foods made available on the market through colonial businesses. This was implemented by various means. Often the best land was appropriated for commercial farms, as was done in Gambia where rice farming was displaced with peanuts, resulting in the importation of rice. In Ghana, production of yams and other local foods was replaced with cocoa farms. The same means was used in Liberia, Dahomey, Nigeria, Tanzania, Vietnam, and many other colonized countries.[7]

2. LAPPE & COLLINS, FOOD FIRST: BEYOND THE MYTH OF SCARCITY 113-14 (1978). For an elaborate analysis of colonial and post-colonial plantation economy, see S.B.D. DE SILVA, THE POLITICAL ECONOMY OF UNDERDEVELOPMENT 161-81 (1982/83).

3. *See* A. Adedeji, *General Background to Indigenization: the Economic Dependence of Africa*, in INDIGENIZATION OF AFRICAN ECONOMICS 16 (Adedeji ed. 1981).

4. *Id.* at 17.

5. *Id.*

6. W. RODNEY, HOW EUROPE UNDERDEVELOPED AFRICA 157 (1974). *See also* D. OFFIONG, IMPERIALISM AND DEPENDENCY: OBSTACLES TO AFRICAN DEVELOPMENT 101 (1982).

7. LAPPE & COLLINS, *supra* note 2, at 102. *See also* RODNEY, *supra* note 6.

Another mechanism of dissociating the native populace from self-sustaining food production was the creation of individual obligations that could only be satisfied with cash. Taxes, payable in cash only, were imposed and ranged in type from head tax to tax on produce of the farmers. To pay these taxes and levies, colonial people had to abandon their food production and work on plantations or in mines to obtain cash income.[8]

Other indirect methods were used to induce the populace to abandon food production. For example, "in the 1830's, the Dutch Administration in Java made the peasants an offer they could not refuse. If they would grow government owned export crops on one fifth of their land, the Dutch would remit their land taxes. If they refused and thus could not pay the taxes, they lost their land."[9]

Subsidizing food imports was another method that discouraged local food production. Subsidizing enabled peasants to buy cheap food on the market, thus encouraging them to abandon their farms or shift to cash crops. In addition, the producers of local foods were forced to abandon production because the demand for domestic food was destroyed.

Despite the capacity of the system to draw large rural masses into the web of a market economy, the colonial economic structure did not create better living conditions for the large majority of the population. The removal of resources and products from the colonized countries accounted for this. The increased transport facilities from the hinterland to the coastal areas permitted the export of agricultural goods, such as cotton, cocoa, coffee, tea, rubber, and ground nuts, and facilitated imports of consumer goods.[10] Export enclaves were allowed to be established without any links to domestic economic development. Thus, a few towns emerged, but the larger rural population remained marginalized, with low or no earning ability necessary to survive during bad years.[11]

The retarding colonial system faced resistance in various forms. Lack of discipline among workers, economic sabotage, strikes, revolts, and finally liberation wars weakened the grip of the system.[12] The demolition of colonial administrations ushered in the period of creation of independent states. One legacy of the colonial system was the nucleus of nation-state building from which the newly independent countries created their state structures.

The independent states assumed the powers of the former colonial administrations, which were centered in towns. The states had defined boun-

8. LAPPE & COLLINS, *supra* note 2, at 104.

9. *Id.*

10. The improved transport extended the interests of commercial monopolies farther inland. For an increase in production, low agricultural technology was compensated by extension of the cultivated area and an increase in the intensity of the work of the African peasant. J. Surer-Canale, *Les rapport economiques Franco-Africain*, ECONOMIQUE ET POLITIQUE 67 (Sept.-Oct. 1958); Adedeji, *supra* note 3, at 18.

11. THE CHANGING FACE OF THE THIRD WORLD: REGIONAL AND NATIONAL STUDIES 31 (Nyilas ed. 1978). *See also* OFFIONG, *supra* note 6, at 99.

12. Adedeji, *supra* note 3, at 17.

daries with little infrastructure and few economic development projects. In short, the political and economic systems were incomplete for nationhood. Because of scarce resources, policy formulation by these newly formed governments focused on only the highest priorities. For some countries, nation building came to the top of the agenda, with economic development as secondary. Others tried a short-cut to industrialization, with paternalistic state administrations assuming the burden for intricate development of a new economic and social organization.

Despite the fact that there were new states created with definite boundaries, the boundaries were soon tested by internal and external resistance. Border conflicts and wars, allegations through diplomatic channels, and counterallegations characterized the immediate post-independence period.[13] Internally, state boundaries embraced a variety of ethnic groups, nationalities, and cultures, rather than a homogenous national people. The central government, composed to a large extent by one national or ethnic group, relentlessly fought to bring about national unity and identity. Resistance to the policies of central governments initiated secessionist wars and demands for autonomy.[14] The process of national state formation revealed that a much wider vision was required than nominal declarations and vows by the heads of states of the newly independent states.[15]

This resistance by external and internal groups not only became the highest priority of governments in their policy formulations but also demanded a major share of the governments' budgets. In particular, the imported weaponry used in the wars created a drain on the foreign earnings of each government. This minimized the resources for productive investment and also encouraged concentration on products attracting foreign exchange rather than food crops.[16]

The legacy of the colonial economic structure, which focused on capital-intensive plantations, was reinforced by the post-independence developments. Adedeji summarizes as follows:

> Right from the start, the governments of the newly independent countries failed to bring about a complete break with colonial economic policy. Instead, they pursued this policy vigorously.

13. For discussion of border conflict in Africa, see Bontros-Ghali, *The Addis Abeba Charter, International Conciliation* 546 (1964); Wild, *The Organization of African Unity and the Algerian-Moroccan Border Conflict*, 20 INT'L ORG. 18 (1966), and on disputes in Vietnam, Laos, and the Asian Continent, HENKIN et al., INTERNATIONAL LAW 953, 963 (1980); GOLDMAN, INTERNATIONAL NORMS AND WAR BETWEEN STATES 295, 296, 300 (1971).

14. D. ZIEGLER, WAR, PEACE AND INTERNATONAL POLITICS 387-91 (2d ed. 1981). *See also* SOCIALISM IN SUB-SAHARAN AFRICA 8 (Roseberg & Callaghy, eds. 1979).

15. The charter of African unity recognized the sanctity of the contemporary state boundaries and national sovereignty. *See* Charter of the Organization of African Unity, May 25, 1963, 479 U.N.T.S. 39 art. 3(3).

16. Samir Amin, for example, calculates Egyptian surpluses from 1939 to 1953 as accounting for one-third of national income, and of this only 14 percent was productively invested. See further for notes on unproductive, wasteful allocation of resources, AMIN, ACCUMULATION ON A WORLD SCALE: A CRITIQUE OF THEORY OF UNDERDEVELOPMENT 9 (1974).

> Accordingly, most African governments, in their attempt to accelerate economic growth and diversify their economy, reinforced the colonial pattern of production. . . .Every effort was made to increase the production of export crops.[17]

The pursuit of the colonial economic policy has had two major effects on food production. Concentration on export-oriented extensive agriculture absorbed most of the available resources. This has led to the "continued benign neglect of food production."[18] Second, there is a devastating fluctuation in the price of export goods, especially the primary commodities on the world market.[19] Shortages of foreign currency earnings hindered expansion of investment to diversify the economy. The meager earnings were, therefore, substantially allocated for importation of food. Many LDCs that have predominantly agricultural economies became increasingly dependent on "food aid and food gifts to bail [them] out of [their] incessant food shortage."[20] Thus, Richard Barnet concludes that "the fluctuation in agricultural export is a direct cause of hunger in poor countries dependent upon cash crops."[21]

Problems of Non-Colonial Structure: Ethiopia

General. The explanation of the underdevelopment of countries such as Ethiopia, where historical continuity has escaped colonial wreckage, requires a deeper look into the internal historical and socioeconomic dynamics of the country. The continuity of political process in Ethiopia was achieved despite negative regional and international forces such as religious conflicts, linguistic and ethnic disputes, and colonialism. This accomplishment has been ascribed to the "impregnability of the highland-fastness."[22] In addition, the inhospitable topography was alleged to be a hindrance to economic development.[23] Yet, geographical factors may not provide sufficient explanation for underdevelopment or independence. Rather, the existence of a strong cultural base, described as being as advanced as those of Europe before the fifteenth-century Muslim expansion, provides a better explanation.[24]

Noncentral Seat of Power. The early history of Ethiopia was deeply influenced by the Amhara-Tigray political formation.[25] Beginning in the four-

17. Adedeji, *supra* note 3, at 21 n.1.

18. *Id.* at 22.

19. Documentation of the sharp fluctuations of prices of various primary agricultural commodities and their impact on LDC exporters is found in GEORGE, FEEDING THE FEW 10-11 (1978).

20. *See generally* Adedeji, *supra* note 3.

21. Barnet, *Human Rights Implications of Corporate Food Policies*, in THE POLITICS OF HUNGER 153 (Newberg ed. 1980).

22. R. GREENFIELD, ETHIOPIA IX (1969). Many other authors give particular importance to this factor. *See, e.g.*, S. RUBENSON, THE SURVIVAL OF ETHIOPIAN INDEPENDENCE (1976); H. MARCUS, LIFE AND TIMES OF MENELIX II. ETHIOPIA 1844-1913 (1975).

23. *See* T. DEGUEFFE, CAPITAL FORMATION IN ETHIOPIA 168 (1959).

24. P. BREITZKE, LAW, DEVELOPMENT AND THE ETHIOPIAN REVOLUTION 15 (1982).

25. For further detailed early history under this section, refer to RUBENSON, *supra* note 22; M. ABIR, THE ERA OF THE PRINCES (1969); R. PANKHURST, ECONOMIC HISTORY OF ETHIOPIA (1968); M. PERHAM, THE GOVERNMENT OF ETHIOPIA (1969).

teenth century, this began to change, partly because of the advance of the Oromo nationality from the southern highlands into the northern Amhara-Tigray regions. The change was characterized by violent wars and the formation of or subjugation of semi-independent principalities within the region. By the sevententh century a decentralized system had evolved with an emperor as a figurehead dominated by regional warlords. This system continued until the mid-nineteenth century.

The early imperial political system of Ethiopia was unable to form a cohesive nation-state from which industrial and commercial production or large markets could grow. On the contrary, the empire was based on conquest and feudal holdings. It tied peasants to an archaic form of land tilling with payment of agricultural produce to the feudal landowners. This reduced any incentive for the peasants to produce excess grain or to save the land from degradation.

The emperor traveled from one region to the other to extract his due and to suppress the incessant rebellions. The political system became one with a mobile seat of government. This had two effects on food production. First, the peasant army that accompanied the emperor was not formally organized or paid. It depended on the local populace to provide food in the form of grain and domestic animals. This food was either provided voluntarily or was acquired through plunder. Over an extended period of history this had a negative impact on agricultural production because peasants refrained from producing surplus because of the fear that their farms would be devastated by a passing army. Refusal to stockpile food resulted in famine in years when crops failed. Another effect of the "mobile seat" system of government was the hindrance of the development of city centers where modern political processes and national economic and social conditions could evolve.

In the late nineteenth century, the Amhara-Tigray political formation resurged strongly.[26] It was able to repel colonial invasion. In addition, it acquired a larger territory during the delineation of boundaries with colonial powers in neighboring countries.[27] Thus, Ethiopia became an even greater conglomerate of diverse nationalities and ethnic and linguistic groups. The increasing contact with developed countries, especially when importing manufactured goods in exchange for primary goods, reduced the possibility of independent economic growth. The Ethiopian economy was gradually integrated into the world market.[28] Thus, the growth of a national economy was stunted.

26. This may have been the result of the acquisition of modern weapons by the then Emperor Menelik and the creation of large economic resources in the southern region through amalgamation by conquest.

27. C. YOUNG, IDEOLOGY AND DEVELOPMENT IN AFRICA 69 (1982).

28. Low duty rates were imposed on imported goods: 5% for British goods, 3% for French, by treaties of 1841 and 1843, respectively. The decentralized character of the government made it difficult to develop systematized import-export duties. *See* PANKHURST, *supra* note 25, at 527. For opening up of the country to foreign investment at generous tax incentive, see Notice of 1950 for the Encouragement of Foreign Capital Investment; Marine Industry Proclamation No. 137 of 1953, Agricultural and Industrial Expansion Proclamation No. 145 of 1954; Income Tax Proclamation No. 173 of 1961

This left various regions within the empire-state economically isolated from one another. Fighting continued for autonomy and secession. This power struggle had a destructive effect on the production of food and the ecology of the area. Again, the populace was exposed to the threat of famine in bad years.

After World War II, the Ethiopian empire began importing massive numbers of modern weapons. It created a modern army with aid from foreign powers.[29] This had three effects: first, it made the government totally dependent on foreign powers for its survival. Second, internal resistance was stifled. Whatever moderating influence that the regional barons had previously exerted on the central government was eliminated with the acquisition of modern weaponry. In the absence of any form of democratic participation in the government, armed struggle and rebellion broke out in the rural area, a phenomena still occurring today.[30] Third, the modern military enabled the empire to maintain the semifeudal landholding system. Tenancy predominated in the country.

Continuous civil war and the archaic landholding system destroyed any incentive for the peasantry to produce excess grain for storage.[31] The recurrent famine in Ethiopia is attributed partially to these structural problems. The 1973-1974 famine became the immediate cause for partial demolition of the old order. The succeeding government during the past decade focused primarily on gaining legitimacy through severe repression of any opposition by city or regional forces.[32] While attempting to maintain the political status quo of power at the center,[33] the issue of minimizing the effects of a forecasted drought and the consequent famine was relegated to a secondary importance.[34]

Contemporary Structural Problems

During the post-World War II period, hunger occurred because of structural problems in food production. Richard Barnet notes that: "Today, with the introduction of higher tech in agricultural production, much of the land which was used by individuals is overtaken for export products. Settlers become wage earners at best and buy their food. The large majority remains jobless and having no means of buying food."[35]

Paradox of Efficiency in Production Accompanied by Starvation

The rapid expansion of international trade in food grains occurring after World War II caused significant changes in the structure of world food pro-

29. The total U.S. military aid to Ethiopia was more than half the amount given to all black Africa, at over $270 million from 1952 to 1974. HALLIDAY & MOLYNEUX, THE ETHIOPIAN REVOLUTION 69 (1981).

30. For details of various regional and political opposition groups, see *id.* at 156.

31. According to Ethiopian Civil Code article 2991, a landlord may exact up to three-quarters of a tenant's produce.

32. *See* HALLIDAY & MOLYNEUX, *supra* note 29, at 110.

33. *Id.* at 157; YOUNG, *supra* note 27, at 82.

34. Up to 80 percent of the Ethiopian government's budget goes to finance ordinary expenditures. Of this, security and defense took the largest share. Befekadu Degefe, *Ethiopia*, in Adedeji, *supra* note 3, at 271.

35. Barnet, *supra* note 21, at 145.

duction. Increasingly, various agribusiness methods that had proven successful in developed nations were implemented in the less developed countries, with little consideration of the impact such methods would have on the local economy or the populace. Currently, the agribusiness and contract systems operate in various countries. Investors manage the process of production and marketing, while ownership of the land is a matter of governmental policy.

Contract farming, as an agricultural system, exists in one part of the world to serve the interests of people living in another.[36] The products of these operations are destined to go to the international market. For example, the production of beef in multinational corporations (MNCs) in the Third World is earmarked for consumers in Europe, North America, and Japan. A large majority of people within the producing nation can rarely afford to purchase the food produced by these operations. The case of poultry production in Colombia is revealing. Ralston Purina developed a highly efficient system of producing chickens and eggs in Colombia. The products were affordable only to the Colombian middle class living in the cities. However, for the common man, a dozen eggs costs at least a week's earnings.[37]

The methods of agribusiness clearly promote more efficient food production, and efficiency in production results in higher yields. Such higher yields, however, are accompanied by the displacement of a large number of the rural population who previously had produced their own food.[38] Production of food for domestic consumption is reduced, and imported food is available only to those few who can afford it. This structural deformity grew so quickly that some net exporters of food grain during the pre-1971 period became net importers by 1980.[39]

The agricultural model used by agribusiness is inappropriate for developing countries. The model of agribusiness is best implemented in countries where labor is expensive and land is abundant. A high output per person is achieved through mechanization. In the LDCs, however, labor is relatively plentiful and land is scarce. Therefore a labor-intensive model is more appropriate.[40] Introduction of the "dominant model" of agribusiness in developing countries results in a breakdown of traditional agriculture, leaving large rural masses

36. *Id.* at 152.

37. *Id.* See also a summary of current international political note on this issue in *Why Africa is Hungry*, THE GUARDIAN, Apr. 28, 1984 at 18.

38. "The World Food and Hunger Problem: Changing Perspectives and Possibilities, 1974-1984," World Food Council Document WFC/1984/86, at 94. See also the case of Monaragala Sugar Co. Ltd. in Sri Lanka, which agreed with the government to establish a sugar plantation and factory evacuating people from 12,000 acres, without arrangement for the future of the displaced people. SATURDAY REVIEW, 4 August 1984.

39. One African country that was a traditional exporter of rice until 1971 had to import 800,000 tons of rice in 1980. Court of Auditors, "Special Report of Community Food Aid" European communities, Brussels, 30 Oct. 1980, at 125.

40. *See* "The State of the World's Children 1982-83," Report by James P. Grant, Executive Director of UNICEF, New York, 1982, at 7. For elaborate study on the effects of agribusiness in Africa, see B. DINHAM & C. HINES, AGRIBUSINESS IN AFRICA: A STUDY OF THE IMPACT OF BIG BUSINESS ON AFRICA'S FOOD AND AGRICULTURAL PRODUCTION (1984).

unemployed. Although introduction of this model may result in surplus food production, a large segment of the population does not benefit from this because of uneven distribution systems.[41] Thus, despite the higher food yields, starvation exists side by side with plentiful production because of the use of an inappropriate agricultural model.

Uneven Distribution Systems

Plentiful food production within a country does not, in itself, ensure the absence of a famine during time of drought or other climatic aberrations. Stores of food and grain were available in many famine-stricken countries.[42] The general decline in food supply of these areas was negligible. During the 1974 famine in Bangladesh, food production was greater than in normal years. Food being exported during famine is not uncommon; for example, the Wollo region of Ethiopia in 1973, Bangladesh in 1974, and Ireland in 1940, all exported food during famines within their own country.[43]

Exportation during famine occurs because the hungriest have nothing to exchange for food and, hence, lose their portion to grain dealers. "Market demands are not reflections of biological needs or psychological desires, but choices based on exchange of entitlement relations."[44] Thus, the existence of food in storage in famine areas indicates severe problems of the wealth distribution within a country.

Primary Victims

The wealth distribution within a country is often a reflection of the availability of jobs. Availability of jobs has a pyramidal structure in most societies. Those in the base of the pyramid face the greatest job insecurity. Thus, they are usually the ones exposed to starvation during adverse times. Amartya Sen indicates that the primary victims of the famine of 1943 in Bengal were the landless rural laborers and fishermen; in Bangladesh in 1974, rural laborers were the most gravely affected; in the 1973-1974 famine in Ethiopia, peasants, rural servants, and pastoralists suffered the greatest harm.[45] In the latest famine in Ethiopia, this same group, including rural peasants and pastoralists, suffered the most.[46]

The category of victims within the general population is an indicator of where jobs are lacking. Rural communities, especially those on the fringe of the economic system such as pastoralists, fishermen, and peasants, are usually at the mercy of weather conditions for survival. This vulnerability is

41. George, "The Hunger Problematique and Critique of Research," Japan, The United Nations University, 1980, at 8.

42. Jackson, *Food Aid: Contribution or Obstacle 2*, in FOOD AS HUMAN RIGHTS 213 (Eide, A. et. al. eds. 1984).

43. A. SEN, POVERTY AND FAMINES—AN ESSAY ON ENTITLEMENT AND DEPRIVATION 161 (1981).

44. *Id.*

45. Amartya Sen, IFDA Dossier 35 April/May 1983, at 4.

46. *See* New York Times, Dec. 18, 1984, at A19.

exacerbated by current structural changes in the economic and agricultural models pursued by developing countries, and especially by alterations in the system of property ownership. Modern development investments in the rural areas have caused displacement of rural workers. This creates large armies of landless peasants. A few of these are absorbed into the agricultural scheme as laborers while the rest are thrown into the fringe category.[47] Without jobs or marketable skills, these people become the first and primary victims of famine or adverse changes in weather or climate.

Changes in Consumption Patterns

In addition to displacing large numbers of rural peasants, use of the dominant model of agribusiness by developing countries results in alteration of the consumption pattern of the local populace. "A Mexican looks for bread and soft drinks, abandoning tortillas. A Palestinian shoeshiner saves piasters for real Coca Cola, rather than local Cola."[48] This reduction in consumption of domestic food products leads to dependency on foreign countries for food and consumer goods. If importation of these products ceases, the dependent countries fail to sustain themselves.

Provided that structural readjustment and appropriate food policy is adopted, every country may achieve food self-sufficiency. In addition to the obvious advantages of this status, such nations would be in a stronger position when negotiating international trade agreements. "No country can bargain successfully in international trade so long as it is desperate to sell its products in order to import food to stave off famine."[49] Without basic food self-reliance, the much acclaimed "interdependence becomes a smokescreen for food control on one country by another."[50]

Food problems may arise from the adoption of capital-intensive agricultural schemes focused only on production of export goods. The export economy per se is, however, not the culprit. Many instances in different countries with different policies show that both export economy and food production (self-sufficiency) can be attained simultaneously.[51] Pinstrip Anderson suggests that accelerated introduction of technology, which results in increased food production, may help attain food self-sufficiency without sacrificing export. He argues that more investment in food production research should be the target of developing countries.[52]

Export agriculture is expressed as an "active force" by Lappe and Collins. They argue, however, that as long as it is controlled and appropriated by the few domestic elites in collaboration with international investors, the structure exposes the majority of the population to misery and hunger in various

47. See discussion on such category, Etherrigton, *Economies of Scale and Technological Efficiency: A Case Study in Tea Production*, 1 EAST AFRICAN J. OF RURAL DEVELOPMENT (1971).

48. Barnet, *supra* note 21, at 155.

49. LAPPE & COLLINS, *supra* note 2, at 232.

50. *Id.*

51. *Id.* at 231.

52. Anderson, *Export Crop Production and Malnutrition*, 9 FOOD AND NUTRITION 2, 6 (1983).

ways.[53] For example, the indigenous low purchasing capacity does not affect the elite producers because sufficient demand for their products exists in Europe and North America. Hence, the elite have less concern for domestic poverty. Such a structure encourages local and foreign elites to resist any attempt at redistribution of control over productive forces. Dictatorial regimes representing the elites become the main feature in the political structure of such countries. The majority of the local population must compete with foreign consumers for domestic food production. Payment of high domestic food prices reduces the real income, which results in greater poverty.[54]

Dieter Bauer presents a similar argument concerning domestic elites and the manner in which they attempt to bring about change through reorientation of international economic relations:

> [T]he changes which are required have painful consequences, especially for the urban elites in developing countries. Their relatively high standard of living drains away too many resources which would better be spent on improving the rural areas. Of course, representatives of these elites whom one meets at the UNCTAD Conferences and other international meetings prefer to seek solutions through changing the international economic order. One of the reasons why they fight with so much vigour against the conditions laid down by the IMF is that they are the first to lose from cut state budgets, and reduced food subsidies, and curtailed social benefits. But in the long run, there is no other way to development but through this painful process of readjustment. For too long, developing countries have nurtured the unrealistic hope that help would come from outside.[55]

Domestic restructuring is necessary if countries are going to solve their food problems. The food question can be successfully resolved only when viewed as a problem of overall development of a country. The appropriate method of implementing the necessary structural changes has been the subject of various theoretical discourses. Some of the major lines of thought will be discussed briefly in the following section.

Theoretical Notes on Development Issues

Works regarding the foregoing development issues may be categorized as presenting theories of modernization, dependency, and socialist trends.

Modernization

Chilcote notes that modernization has its roots in "nineteenth century theories of evolution and in the belief that the Western world would civilize

53. LAPPE & COLLINS, *supra* note 2, at 232.

54. *Id.*

55. Bauer, *UNCTAD VI In Belgrade*, 4 DEVELOPMENT AND COOPERATION: CONTRIBUTION TO DEVELOPMENT POLICY (July/Aug. 1983).

other less developed areas by spreading Western values, capital and technology."[56] The negative impact of this theory in its application resulted in colonial expansion. The damaging effect of colonialism on the process of production of food for self-sufficiency is noted above.[57]

Modernization theory underwent various reformulations during successive historical developments.[58] This reformed concept was applied to the development process through operations of investment and trade. In the sixties and early seventies, however, traditional investment contracts and concessions were rejected as unequal agreements. The concept of sanctity of contracts between unequal partners was questioned.[59] In trade, the General Agreement on Tariffs and Trade (GATT) became the foundation for post-World War II international operations. The GATT is accused of largely benefiting the products of industrialized countries through the "most favored nation" principle, while ignoring export products of LDCs.[60]

Indeed, the structures that were successfully established worked to the economic detriment of the developing countries, creating a lopsided flow of resources in favor of the developed countries. The impact was severe on the rural population in the LDCs. The adoption of capital-intensive production without necessary arrangements for those displaced, international economic fluctuations, and natural calamities resulted in great harm to this group. Because the majority of the displaced population does not have productive capacity or buying ability, they become the victims of hunger.

Dependency

The modernization theory drew constant challenges. These challenges became more formidable, especially on international forums when presented by newly independent countries. The dependency theory developed as a result of the challenges. The main theme of the dependency theory stems from the vision of a bifurcated world. The parts of this world are the center, which trades in industrial goods, and the periphery, which specializes in primary products.[61]

56. H. CHILCOTE, THEORIES OF DEVELOPMENT AND UNDERDEVELOPMENT 10 (1984).

57. See *supra* text accompanying notes 9-12.

58. Post-1960 decolonization period witnessed theoretical works by W.W. Rostow (1960); A.F.K. Organisky (1965), and S.H. Huntington (1968).

59. For an effective critique of the traditional Western concept of contracts as applied to investment agreements, see K.B. Asante, *Stability of Contractual Relations in the Transnational Investment Process*, 28 INTERNATIONAL & COMPARATIVE LAW Q. 401 (1979). The law of contract and the law of responsibility of states for their action, as developed in Western legal tradition, were regarded by LDCs as means of maintaining injustice for centuries. *See* Rood, *Nationalization and Indignation in Africa*, J. OF MODERN AFRICAN STUDIES 429 (1976).

60. See UNCTAD Document TD/B/C. 2/AC 1/F of May 31, 1967, "The Question of the Granting and Extension of Preferences in Favour of Developing Countries, . . . No. 9," and Document TD.B.C. 1/2/ AC. 1/2 Rev. 1 of July 1966, No. 10.

61. "Towards a New Trade Policy for Development," Report by the Secretary-General of the United Nations Conference on Trade and Development, E/Conf. 46/3, 1964. The thesis was propounded by ECLA under leadership of R. Prebisch, in "The Economic Development of Latin America and Its Principal Problems."

The long-term consequences of the past economic relation between the center and the periphery was a lopsided flow of benefits from the periphery to the center. The inelasticity in demand for exports of primary goods as compared to the demand for industrial export caused the countries in the periphery to suffer deterioration in terms of trade, and thus an increase in exports did not bring about an increase in national income.[62] The panacea advocated was to develop and protect import substitution industries while creating an intraregional trade and market structure. As this theory developed, however, it underwent severe criticism.[63]

The concept of development based on import substitution industries was criticized on the grounds that it would transplant the consumption pattern of developed countries to the elite of the poorer regions.[64] The kinds of goods that would be produced by such industries would be based on the demands and tastes of the elite rather than the majority of the populace. This would enhance the creation of periphery capitalism, which would not generate indigenous innovation.[65] Instead, it would lead to external dependence whereby the industries that are the core of the economy would be directed by the controlling interests in the developed countries.[66]

Another critique asserts that the contemporary nation-states of the Third World countries already form a subsystem of the international capitalist system. The penetration of further capital in the form of import substitution industries would destroy the development of national capital and entrepreneurship. This, in turn, would only promote dependency and marginalization.[67]

Despite the popularity of the dependency theory, the result in practical application was mixed. The autarchic development approach advocated by that school of thought could hardly be achieved in the contemporary interdependent world.[68] In international forums, however, it may have served as a guide line around which developing countries gathered.[69] On the domestic level, the projected change and rapid industrialization was not achieved.

62. A comprehensive literature has been produced on the subject; see especially AMIN, UNEQUAL DEVELOPMENT (1977); A CRITIQUE OF THE THEORY OF UNDERDEVELOPMENT (1974); C. LEYS, UNDERDEVELOPMENT IN KENYA (1974). See also *infra* notes 63-68, 71, 75.

63. For example, Perroux and Adrade proposed creation of poles of development, i.e., regional flagship development projects integrated into a national pole of production. This avoids duplication and diversifies modern technology in different regions. *See* Perroux *Multinational Investment and the Analysis of Development and Integration Poles*, in F. PERROUX, MULTINATIONAL INVESTMENT IN THE ECONOMIC DEVELOPMENT AND INTEGRATION OF LATIN AMERICA (1968).

64. *See* Furtado, *The Concept of External Dependence in the Study of Underdevelopment*, in THE POLITICAL ECONOMY OF DEVELOPMENT AND UNDERDEVELOPMENT 118 (Wiber ed. 1973).

65. *Id.*

66. *Id.*

67. Sunkel, *Big Business and Dependencia*, 50 FOREIGN AFFAIRS 517-31 (1972). On the same line of argument, see also Dos Santos, *The Structure of Dependence*, 60 AM. ECON. REV. 231-36 (1970); CARDOSO, DEPENDENCY AND DEVELOPMENT, Translated by Marjory Mattingly Urquidi (1979).

68. YOUNG, shows difficulty of delinkage despite the claim by some countries, *supra* note 27, at 16-17.

69. For instance, establishment of UNCTAD.

However, concentration on import substitution industries and development of agricultural raw materials for such industries have drawn more of the rural population into the agricultural work force in some countries. This has enabled governments to plan for extended rural food self-sufficiency. India is an example of a country that has implemented this theory.

Socialist Trends

The post-independence period in Africa saw the development of various Socialist theories and rejection of the conventional modernization theory. The expulsion of colonial administration and repudiation of its political and philosophical foundations left only the most rudimentary conceptual framework on which a future society would be restructured. Thus new ideas found fertile grounds. Among the earlier thoughts of independent development were the short-lived attempts of Kwame Nkrumah to establish a Socialist society in Ghana, and Julius Nyerere's Tanzanian self-reliance. Although these theories share the notion of negative impact of the developed/developing countries' economic relation with the dependency school of thought, they also restructure the domestic social economic system on Socialist lines. A number of countries have attempted to restructure their economies along this line with mixed results.[70]

Nkrumah argued that a political independence that is unaccompanied by restructuring of economic relations with the DCs creates client states. The reason for this is that monopoly capitalism indirectly controls and decides the political and economic activities of such states.[71] He further articulated the process whereby indigenous and international bourgeoise form a league that creates "a single productive process [which] is divided between states."[72] In practice, these statements became vague. The wavering between nationalism and socialism, adopting short-term political priorities at the expense of long-term economic planning, hasty reorganization, uncommitted state bureaucracy, and increased dependence on external capital, led to the overthrow of Nkrumah.[73] The successive interchange of government between civilian and military forms created more instability in the economy. The political rivalry for power relegated the question of a meaningful plan for food self-sufficiency to a secondary place.[74]

Nyerere's premises for domestic reorganization of the society are similar to the traditional African social system. He maintains that the society cares for the individual, unlike other societies where the individual, because of insecurity of the future, hoards wealth. In the African society, "nobody starved,

70. For various trends of development thoughts in Africa, see generally YOUNG, *supra* note 27.

71. *See* K. NKRUMAH, NEO-COLONIALISM: THE LAST STAGE OF IMPERIALISM (1966).

72. *Id.*; REVOLUTIONARY PATH 313 (1973).

73. Roseberg & Callaghy, *supra* note 14, at 119.

74. Similar stories are repeated in many other African socialist states. For example Mali, see *id.*, at 123. Nonconsolidation and lack of depth of the ideology even over a longer period can be observed from the meteoric change of Egypt from a socialist to a capitalist state.

either of food or of human dignity, because he lacked personal wealth."[75] He postulated self-reliance as the guiding principle of this theory.[76]

Tanzania undertook enormous domestic restructuring on the basis of self-reliance. Import substitution industries, however, were initiated with borrowed foreign capital or grant money. Scarce resources were directed to capital-intensive operations, with urban-biased allocation.[77] Nevertheless, this concentration on capital-intensive projects did not reduce the government's determination to reform rural areas to create a basis for the development of agriculture. The frantic pace of implementation, which was done largely with government outlays, especially in regrouping and villagization programs, outstripped the government's capacity.[78] The consequences of regimentation, instead of voluntary association, resulted in minimal compliance from the peasantry with only an outward servility to bureaucrats.[79] This, in turn, had a chain-reaction effect on food production, with agricultural crises arising during times of drought.

The failures of the Socialist and non-Socialist governments in economic performance has initiated a second wave of Socialist ideology, especially in Africa. It is implemented by military governments that are dedicated to changing society through "scientific socialism."[80] These governments face political and structural problems in implementing socialism. Young succinctly describes them in the following manner:

> In reality, the Leninist concept immediately encounters the contradictions posed by the origins of the regimes. For those germinating in military cliques, the army is quite ambivalent about placing full power in the hands of a party that is not a simple emanation of the junta. Further, the Marxist political field is partly preempted by radical civilian movements espousing leftist perspectives. It is in practice very difficult to disperse these formations, especially to secure their voluntary self-effacement before a monopolistic political instrument under military hegemony. In 1980, this problem still prevented formation of a single Leninist party in Ethiopia, and impeded its attainment of exclusive political leadership in Madagascar.[81]

Although development becomes a declared primary goal, the means of implementation limit attainment. Most of these countries are food-deficient. During the recent drought in Africa, some of them were among the most severely affected. Ethiopia falls in this category. This country's attempt to

75. U. JULIUS NYERERE, ESSAYS ON SOCIALISM 3, 34 (1968).

76. His program of action on self-reliance was elaborated in the Arusha Declaration of 1967

77. W. CLARK, SOCIALIST DEVELOPMENT IN TANZANIA 112 (1978).

78. YOUNG, *supra* note 27, at 114.

79. U. BEOSON et al., SOCIALISM FROM ABOVE 166 (1977).

80. The "second wave" included a number of countries. For example, post-Nkrumah Ghana, Somalia, Ethiopia, etc., see Roseberg & Callaghy, *supra* note 14, at 174-231, 345.

81. YOUNG, *supra* note 27, at 27-28.

restructure farming under the Socialist principle will be discussed as an example of implementation of the second-wave ideology.

Problems in Structural Change: Ethiopia

Barely a decade ago the former regime of Ethiopia was deposed partly because of an undisclosed famine that claimed more than 200,000 lives. The present catastrophe is even more severe. Although the problem of famine is ascribed to drought, it goes much deeper, particularly in Ethiopia. There are contributing factors related to history, to the center, and to regional conflict, and to some extent the hectic restructuring of the production process in the last few years.[82] Although analyses of these factors are beyond the scope of this paper, a few examples of the structural problems in agricultural production are worth mentioning.

Since 1977-1978 the budget for agriculture increased substantially and credits through the government-owned Agricultural and Industrial Bank (AIDB) grew likewise.[83] The main beneficiaries of the credit were state farms, which absorbed about 85 percent of credit from the AIDB.[84] Apart from the associated problems of such capital-intensive agricultural projects,[85] the parastatal farm production has shown poor performance records.[86] The increase in peasant production of food crops was the target of total rural land nationalization in 1975. Performance showed decreasing results, however, after the first year post-reform increase in production of about 15.4 percent. Successive years experienced a decline in total food production, for example, by 4.8 percent in 1976-1977 and by 9.1 percent in 1977-1978.[87]

82. Ethiopia has had recurrent recorded famine since the ninth century. In modern times the period of 1888-1889 is noted as a period of great famine that caused widespread deaths and devastation. Since then famine has occurred with varying degrees of severity in 1916-1920, 1927-1928, 1934-1935, 1957-1958, 1964-1965, 1972-1973, 1984-1985. The neglect and depletion of farmland because of disincentives created by the traditional administrative structure is discussed earlier. In more recent periods, widespread tenancy, which by law allowed landlords to exact up to three-quarters of a tenant's produce (see Ethiopian Civil Code, 1960 at 2991), especially in the eastern, southern, and western regions, coupled with ethnic bias against population in the region, reduced the productivity of these more fertile areas. Currently the stalemate in the northern regions between government and separatist forces, and new armed movements in the central and southern regions seem to demand that government places priority on security. In addition to this, the restructuring of the economy, including a controversial resettlement program, limited the government's capacity to contain the effects of drought and enhanced famine. *See generally* Hoben, *The Origins of Famine*, THE NEW REPUBLIC (Jan. 21, 1985).

83. From 1977-1978 to 1981-1982, capital expenditure in agriculture grew at a rate of 54.1 percent. Thirty-eight percent of the agricultural budget was earmarked for investment. Lirenso, *State Policies in Production, Marketing and Pricing of Food Grains: The Case of Ethiopia*, 8 AFRICA DEVELOPMENT 1, 74 (1983).

84. The new Ten-Year Plan focuses mainly on large-scale state farms and mechanized peasant farms. *See* Report of the Chairmen of Committee for Organizing the Workers Party of Ethiopia, to the Ethiopian Worker's Party Formation Meeting, Serto Ader, Pagume 1, 1976 E.C. (August 24, 1985), at 10. *See also* Lirenso, *supra* note 83.

85. See *supra* text at notes 77-79.

86. Hoben, *supra* note 82, at 18.

87. Lirenso, *supra* note 83, at 75.

Various reasons were given for this unsatisfactory result. The most important one was the creation of the Agricultural Marketing Corporation (AMC) in 1976. This is an autonomous state enterprise that is designed to increase state control of the agricultural sector. The AMC, *inter alia*, is empowered to purchase and to sell agricultural food products. It supplies grain to the military and to urban centers at a stable price. Failing to compete against private traders, it was propped up by government directives whereby state farms, peasant associations, service cooperatives, and private traders were required to sell 50 to 100 percent of their produce to the enterprise at its own fixed price.[88] Peasants were dissatisfied with this system because of the low price offered for their grain produce.[89] For example, of the peasants interviewed during field research in one of the advanced regions during the formation of the peasant associations, 60 percent did not like the AMC arrangement. Delays in payment for their crops and in removal from the field, which contributed to waste because of exposure to weather changes, were also important factors. The equal pricing system, rigidly applied to all regions regardless of differences in fertility and proximity to market centers created a major disincentive for peasant production.

Many of the evils that the developing countries attempted to avoid through conceptual reformulation of the classical concept of development emerged during the processes of structural reformulation or implementation. The model of modernization only through investing in large-scale projects disregards the waste of manpower and natural resources. There is continuity in the system from the colonial period's plantation schemes to the modern import substitution agro-industries and agribusiness, and finally to state agricultural enterprises. When governments balance attention between small and large food production sectors, sufficient quantities of food may be produced to provide for domestic consumption and commercial export needs.

The theories on development require LDCs to make difficult choices. The aspiration of developing an independent, self-reliant economy is curtailed by the lack of necessary capital, know-how, and organization. In order to acquire the necessary international capital, prerequisites, which may encroach upon the desired independent development, must be met.[90] In practice, most LDCs are becoming more pragmatic in their attempts to adopt the appropriate mix of both. More studies are required to allow the theories on development to evolve from their infancy into mature conceptual discourse that integrate the results of this pragmatic approach.

The various theoretical works have generated the euphoric aspiration to

88. Dejene, "Small Holder Perceptions of Rural Development and Emerging Institutions in Arssi Region Since the Ethiopian Revolution," development Discussion Paper 192, March 1985, Harvard Institute for International Development, Harvard Univ., at 130-31.

89. *Id.* at 133. *See also* Lirenso, *supra* note 83, at 74.

90. Countries that have opted for the importation of capital, accepting all preconditions, have increased dependency despite growth. See criticisms against Zaire, and even Gabon and the Ivory Coast, as countries whose economy is based on foreign management and capital. YOUNG, *supra* note 27, at 197, 241-43.

reorient the pattern of relations between DCs and LDCs. The continuous dialogue has created sets of international, conceptual, and normative understandings regarding development questions. In the next section the food problem, especially the famine and hunger conditions, will be considered within the context of such international understandings.

The International Law Dimension of the Food Question

General Approach to the Food Question

The international community attempted to deal with the food question during the post-World War II era through the creation of institutions and the passing of successive resolutions, declarations, recommendations, and covenants.[91] Despite these measures, as well as the global increase in food production,[92] a staggering portion of the world's population is subjected to starvation and famine and death.[93] Alston succinctly writes that "the right to food has been endorsed more often and with greater unanimity and urgency than with other human rights, while at the same time being violated more comprehensively and systematically than probably any other right."[94]

The declarations and resolutions passed by the international bodies lack specificity on the question of food. The relevance of the declarations to the issue of food can only be gleaned from phrases like "right to life," "adequate standard of living," or "health."[95] The generality of these phrases is not without reason. The shaky commitment of many states to resolve the food problem is that reason. Commercialization of production and distribution of food in the midst of starving people,[96] political priorities instead of food,[97]

91. The creation of organizations such as the Food and Agricultural Organization, the International Fund for Agricultural Development, the World Food Council, and resolutions such as the Declaration of Human Rights, United Nations Charter, arts. 55, 56, International Covenant on Civil and Political Rights, art. 6, International Covenant on Economic, Social and Cultural Rights, art. 11, International Refugees Convention 1951, and regional instruments such as European Convention for the Protection of Human Rights and Fundamental Freedoms, art. 1, American Convention on Human Rights (1971), arts. 4, 26, American Declaration of the Rights and Duties of Man, art. 11.

92. It is estimated that the present world agricultural output per capita of grain could supply everyone with more than 3,000 calories and 65 grams of protein daily. *See* BERG, MALNOURISHED PEOPLE: A POLICY VIEW 2 (1981).

93. It was estimated that more than 400 million people were hungry and malnourished in developing countries by 1974 and this figure more than doubles according to another World Bank estimate. *See* U.N. Doc. E/CONF. 65/3 (1974), at paragraph 176; and Renthinger and Selowsky, "Malnutrition and Poverty: Magnitude and Policy Options," World Bank Occupational Paper No. 23 (1976) at 23, respectively.

94. ALSTON, INTERNATIONAL LAW AND THE HUMAN RIGHT TO FOOD 9 (Alston & Tomasevski eds. 1984).

95. These phrases are included in the UN Charter article 55, Universal Declaration of Human Rights, G.A. Res. 217 (1948), articles 3 and 25, and in many other declarations passed as human rights covenants.

96. See *supra* text accompanying notes 67-81.

97. See *supra* note 82.

and the imposition of criminal liability for food "theft" by the hungry[98] leads to such a conclusion. In defense of such generality, it is argued that the existence of a social security system and commitment to the right to work make specific mention of the right to food redundant.[99] This is not a satisfactory explanation, considering the absence of social security systems in countries where the main question of food availability exists.

The conscious formulation of the provisions and the declarations denies the creation of a normative standard at a municipal level. This means that the right to food is an unenforceable right under international law. It is argued, however, that the right to food can be enforced as a specific human right.[100]

Treating the right to food as a human rights issue may serve to dissipate the clouds of death hovering over a starved population in a certain country. But, international practices demonstrate that if the food problem reaches that dimension, there is a gratuitous, onetime outpouring of food from individuals and states out of a feeling of moral or religious compulsion.[101] This makes the implementation of the right to food, as a specific human right, duplicative. Even if the right to food is implemented as a human right, it will only be "papering the crack" unless it is dynamically integrated into a long-range plan for the development of food production and distribution to the starving populations. Such a plan will encounter domestic and international constraints.[102] Attempts to overcome such constraints and to focus on the immediate and long-range problems of food production will require the countries to confront two very important concerns, those of waiting until the most pressing development problems are overcome[103] and the probability of recurrent famines in countries like Ethiopia because of structural problems.[104]

Availability of food is an integral part of development issues. In the parlance of international law, bringing these issues forward as primary to international relations would be a step toward the realization of the right to food. The recognition of the right to food as a perennial right requires the remodulation of traditional concepts of right and duty, and the reorientation of contemporary modes and concepts of cooperation among states regarding food as basic are steps toward the realization of such perennial rights. Such remodeled cooperation transcends the traditional formal equity or purely jurisdictional

98. Alston suggests that this reasoning implicitly underlies reports of the states' parties to the International Covenant on Economic Social and Cultural Rights. ALSTON, *supra* note 94, at 77.

99. *Id.*

100. See, for example, articles in Eide, *supra* note 42; Alston & Tomasevski, *supra* note 94; RIGHT TO FOOD, HUMANIST PERSPECTIVES (Gustafson, ed. 1979); CHRISTENSEN, THE RIGHT TO FOOD: HOW TO GUARANTEE (1978).

101. *See* NEWSWEEK, Nov. 26, 1984. The importance of nongovernmental organizations should be given serious attention in this respect.

102. See *supra* text accompanying notes 77-79.

103. Alston argues that the focus on the human right to food per se makes a difference. This is out of concern regarding the damage inflicted till development is achieved. ALSTON, *supra* note 94, at 11 n.49.

104. Allan Hoben forecasts that unless the current agricultural policies of Ethiopia are changed, it is likely that famine will recur every decade this century. Hoben, *supra* note 82, at 19.

sovereignty of states. According to Georges Abi-Saab, it calls for a new set of principles, measures, and procedures, which, in the field of economic relations between developed and developing countries, has been called the international law of development. A basic principle of this law is that of "positive discrimination."[105]

Conceptual Basis of the International Law of Development

United Nations resolutions, conventions, and declarations epitomize the opinions of the world community. Development, as the will and intention of nations, has been set forth in articles 55 and 56 of the UN Charter.[106] A number of similar resolutions concerning the use of natural resources and a new economic order have been passed.[107] It can be concluded that deviation from the conventional international norm, for development purposes, is becoming real.[108] The reexamination of the conventional norms, it has been said, enables one to "point at the gross inequalities among states to justify differential standards."[109] Thus it is argued that the resolutions and the implementation measures, especially in the international trade area, created a "dual norm" in the international arena.[110] Various demands and interests of the developing countries are treated under such a broad international differential standard or norm. The food question is one element deserving such treatment.

Moral grounds provided the conceptual justification for reformulation of the conventional international norms, according to some scholars. Oscar Schachter, for example, says that need underlies the promotion of an international law of development and justifies reformulation on the same grounds.[111] The concept of need implies that a moral obligation exists that requires that the best benefits under the circumstances should be provided

105. *See* Georges Abi-Saab, foreword to ABDULQAWI, LEGAL ASPECTS OF TRADE PREFERENCES FOR DEVELOPING STATES: A STUDY IN THE INFLUENCE OF DEVELOPMENT NEEDS ON THE EVOLUTION OF INTERNATIONAL LAW (1982).

106. The mention of phrases like "achievement of high standard of living," conditions of economic and social development, and requirements of "cooperation by member states" toward this end are ascribed as the basis for the acceptance of the world community of the principle of the right to development. *See* 2 AMADOR-GARCIA, THE CHANGING LAW OF INTERNATIONAL CLAIMS 632 (1984).

107. *E.g.*, U.N. Resolution on Decolonization and Self-Determination of Peoples; The Permanent Sovereignty over National Resources, Res. 317, XXVIII (1973); The adoption of Part IV of GATT, Declaration on the Establishment of New International Economic Order, Res. 3201 (1974), Charter of Economic Rights and Duties of States, Res. 3281, 1974.

108. For example, the General Scheme of Preferences as an exception to the basic principles of most favored nations of the GATT.

109. Geisner, *A New International Economic Order: Its Impact on the Evolution of International Law*, 9 ANNALS OF INTERNATIONAL STUDIES 97 (1978).

110. *See* AMADOR-GARCIA, *supra* note 106, at 632.

111. Schacter, *The Evolving International Law of Development*, 15 COLUM. J. TRANSNAT'L L. 1 (1976). The concept of right to development beginning with the neediest in societies was a development of the early seventies that grew out of the North-South controversy. A theoretical cloak was given to it by John Rawls' *A Theory of Justice*. It later became McNamara's *Basic Need Policy of the World Bank Lending*.

to the needy, if equality is unattainable. Thus the amount of satisfaction of the needy is controllable because it is dependent upon the rationalization of the giver. Seen in terms of right, the amount of right due to the satisfaction of need, is determined by the giver.[112] The basic needs concept, promoted as a criterion for lending by multilateral institutions, may have this influence.[113]

Welfare is another concept that may provide a basis for reformulation of international norms.[114] It imposes an obligation on a state to provide for the welfare of nonearning members of the society. In the international context, this concept has similar characteristics of the need approach. However, it is difficult to accommodate the dynamic character of the developing countries' demands within either the welfare or the need concepts. In the long run, these demands of LDCs strive to promote benefits more through trade than through aid. They seek to achieve a mutually beneficial exchange system.[115] The elimination of the widening economic gap between developed and developing countries and ensuring steady development of the LDCs are equitable and just aims. Moreover,

> interests of the developed countries and those of the developing countries can no longer be isolated from each other, . . .therefore, the close interrelationship between the prosperity of the developed countries and the growth and development of the developing countries, are facts which can hardly be ignored. Thus, the ideas of "equity" and of "common interest" or interdependence . . . furnish the rationality of the right to development.[116]

Reformulation of the international norm is the process by which LDCs may attain economic sovereignty.[117] The traditional international law concept of reciprocity in relations with developed countries did not achieve this goal.[118] Therefore, LDCs demand the implementation of the principle of favorable discriminatory treatment in their dealings with developed countries, which

112. This reflects the Christian and Judaic concept of right. *See* Shestack, *The Jurisprudence of Human Rights*, in 1 HUMAN RIGHTS IN INTERNATIONAL LAW: LEGAL AND POLICY ISSUES 72 (1984).

113. See *supra* note 111.

114. *See* ROLING, INTERNATIONAL LAW IN AN EXPANDED WORLD (1960); FRIEDMAN, THE CHANGING STRUCTURE OF INTERNATIONAL LAW (1964).

115. This latter concept is promoted by Amador-Garcia, who also presents an ethical side of the issues AMADOR-GARCIA, *supra* note 106, at 650.

116. *Id.* at 652.

117. See *supra* text under "Socialist Trends." *See also* Carty, *From the Right to Economic Self-Determination to the Right to Development: A Crisis in Legal Theory*, in HUMAN RIGHTS AND DEVELOPMENT 74 (1984). In writing about the tendency of law to abstract itself from history, he quotes Benchikh (1983): "Because the constraining consequences of colonial history are ignored, resort is had simply to the language of solidarity among legally equal states. Regard is merely had to their present formal capacity, with perhaps an exhortation to moral solidarity thrown in for good measure."

118. This has been true especially in trade relations, which are conducted on a reciprocal basis under the principle of most favored nations of the GATT. See *supra* text accompanying notes 58-60.

results in unreciprocal treatment among equal sovereigns, or positive discrimination.[119]

The Concept of Right Under International Law of Development

The concept of positive discrimination as the basis for the international law of development is made concrete in terms of right. This concept of right transcends the conventional approach of analyzing right in terms of reciprocal duties.[120] It is an absolute privilege;[121] the duty on DCs arising from such privilege does not create a corresponding duty on LDCs. Such right recognizes a preferential or positive discriminatory or nonreciprocal treatment of LDCs in their international economic relations with developed countries.[122]

This right, claimed by the developing countries, arises from two sources. The first is what Brietzke calls "a *de novo* product of the ongoing experience of decolonization."[123] This right is characterized as a form of restitution for colonial damage. Since current economic underdevelopment partially stems from this historical damage, LDCs claim rights of restitution without reciprocal duties on themselves.[124] The contemporary international economic relations in trade, finance, and investment, made concrete under the Bretton Woods

119. *See* A. YUSUF, LEGAL ASPECTS OF TRADE PREFERENCES FOR DEVELOPING STATES (1982).

120. Western legal thought maintains that every right has its corresponding duty. Hobbes, for example, distinguishes right of action and right of recipience. The former entails freedom from legal or moral impediment, whereas the latter creates duty on another. John Locke maintains natural rights to be obligations on others. He deduces duty from rights. His right to life is an obligation to others not to kill him. See further discussion in POLITICAL THEORY AND THE RIGHTS OF MAN 56 (Raphael ed. 1967). Other philosophers, such as Bentham, Mill, Austin, and Dworkin, elaborate rights on similar lines. For a critique of the liberal legal rights approach, see Singer, *The Legal Rights Debate in Analytical Jurisprudence from Bentham to Hohefeld*, 6 WIS. L. REV. 975, 1059 (1982).

121. *See* Hohefeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning*, 23 YALE L.J. 16 (1913). He distinguishes various types of rights: that with correlative duty in another, that which refers to immunity from change in legal status, that which indicates privilege, and that which refers to power to create legal relationship. The LDCs claim may be categorized as a right with correlative duty on DCs. But the duty on DCs does not create a reciprocal duty on the LDCs to benefit DCs. Thus it is a one-sided right or privilege to be enjoyed by LDCs. For a critique of the liberal concept of legal right/duty as applied in international law discourse, see Surakiart Sathirathai, "An Understanding of the Relationship Among International Legal Discourse About Development, Third World Countries, and International Peace," S.J.D. dissertation, Harvard Law School, 1985.

122. For example, the general system of preferences is conceptually a negation to the most favored nations principle of article 1 of the General Agreement on Tariffs and Trade. This may be an example whereby an international law norm is created raising rights without reciprocal duties from the recipient.

123. Brietzke, *Development as Human Rights*, in HUMAN RIGHTS AND DEVELOPMENT, THIRD WORLD LEGAL STUDIES 34 (1984).

124. For the effect of colonialism on food production, see *supra* in text under "Colonial Era." See also article 16 of the Charter of Economic Rights and Duties of States, G.A. Res. 3281, 29 G.A.O.R., Supp. 30, U.N. Doc. A/9030, at 50, 1974, where duty is imposed on states for "restitution and full compensation" for the economic and human damages caused by their promotion of colonialism. This creates a one-way right in favor of the colonized countries or the right of recovery of lost rights.

system, did not operate to benefit the LDCs and resulted in the continuing demand of LDCs for the reformulation of the structure of relations between LDCs and DCs.[125] The right to positive discrimination accrues to the LDCs as the result of their present struggles against the historical and contemporary economic damage inflicted by the economically stronger states. Both LDCs and DCs are dialectically interlinked, as is the right emerging from their prior relationships.[126] This forms the new generation of rights distinguished from the conventional legal rights and duties.[127]

The other source of the right to positive discrimination is ethical and moral.[128] The power of this source is best exemplified by popular efforts throughout the world, regardless of ideology or political beliefs, to stave off the recent famine that has claimed thousands of lives in Africa, particularly in Ethiopia.[129] The extraordinary activities by various social groups, professions, organizations, and individuals to conduct massive fund raising for the starving people, disregarding unfavorable government policies, politics, or international relations,[130] signifies the enormous strength of this ethical and moral force. This potential moral force supports the creation of the right to food and development. Jean-Marie Domenach's observation is appropriate to mention here:

> Development is not . . . an aim that our societies are free to adopt or reject. . . .If rightly understood, it is not just one particular duty amongst others, nor even the primary duty: development is the condition of all social life and therefore an inherent requirement of every obligation. . . . To reject development as a primary obligation would be to reject the humanization of man and therefore to deny the very *possibility of a moral system*.[131]

The potential of this moral force as an expression of the will of the people

125. See *supra*, the dependence concept at note 65. The current debt problem of the Third World may also be related to the market fluctuations and inflation originating in the developed countries through no fault of the LDCs.

126. The dialectical interlinkage makes both postcolonial states and noncolonized states share the right because they are victims of a continuous interlinked system. Therefore, the problem that Benedek notes, i.e., the difficulty of relating the responsibility of a particular colonial state to its victim, could not arise. Benedek, *Das Recht any Entwickling in Universeller Sicht und in Rahmn des Afrikanischen Mencheurechtsschates*, as quoted by Carty, *supra* note 117, at 74.

127. Three generations of rights are identified by Brietzke: those with Stoic Christian and Roman Law roots, the Socialist concept as it emerged with the Russian Revolution, and the right to development in the process of formulation beginning with the decolonization movement. *Id.* at 34.

128. *See* AMADOR-GARCIA, *supra* note 106, at 650. Tony Hall, Ohio congressman, says the inequity between food surplus and famine stricken countries is "unconscionable." NEWSWEEK, Nov. 26, 1984, at 52.

129. NEWSWEEK, Nov. 26, 1984, at 56.

130. It is charged that "Ethiopia's status as a Soviet ally inhibited U.S. relief." *Id.* at 54.

131. Domenach, "Our Moral Involvement in Development," in the UN Center for Economic and Social Information, *The Case for Development: Six Studies*, 131-34 (1973), quoted in AMADOR-GARCIA, *supra* note 106, at 650 (emphasis added).

may be realized and consistently channeled through appropriate international structures.[132]

Implementation to Resolve Question of Food

There is a lack of specific criteria to turn the substantive contents of international declarations into normative commitment by individual member states or collectively as a community of nations. A report of the Secretary-General to the United Nations General Assembly on "Progressive Development of the Principles and Norms of International Law Relating to the New International Economic Order" may give a clue to the weight attached to a resolution beyond its formal status. He suggests that the convergence of the degree of consensus in obtaining the content of a resolution, the degree of concreteness, and the layout of follow-up mechanisms enhances the probability of "transformation into an effective pattern of behavior, hence the emergence of a feeling of obligation."[133]

In most of the resolutions concerning human rights, the question of food can only be gleaned with second-or third-stage analogy from generic terms like "right to life." Only article 11 of the International Covenant on Economic, Social and Cultural Rights deals specifically with food and hunger.[134] Placing this provision on the aforementioned scale, the content still lacks some of the necessary characteristics to be valued as normative.

Despite the numerical strength of the states that are parties to the convention, the framing of the article and the enforcement structure remain seriously deficient. The primary duty for taking "appropriate action" to realize the right to adequate food falls on each state that is a party to the covenant. The role of the international community has been so mildly worded that if ever there is a duty implied, it is a self-created and initiated one. Developed countries have only a moral duty that they may control and generate at will.[135] The phrase "essential importance of international cooperation *based on free*

132. The mobilization of such forces by events like the "Live Aid" concert is criticized as lacking political content, which would have brought awareness to more than a billion and a half watchers about the real causes of the problem. "No political questions on the nature of the world system of distribution were addressed. . . .The concert seemed to be only a charity event, satisfying a sense of guilt—an orgy of self-congratulation." *See* SOCIALIST WORKER (Aug. 1985).

133. U.N.G.A., Thirty-ninth session, A/39/504/Add. 1, at 37. See also S.K. Agrawala, "The Role of General Assembly Resolutions as Trend-Setters of State Practice" 2.1 I J.I.L. 4, 513-33, 1981, and for a contending view, Obed Y. Asamoah, "The Legal Significance of the Declarations of the General Assembly of the United Nations," 1966. It is argued, on the other hand, that the cumulative effect of the "body of resolutions" may be taken as indication of customary law. *See* Rosalyn Higgins, "The Development of International Law through the Political Organs of the United Nations," (1963), at 5. *See also* Samuel A. Bleicher, *The Legal Significance of Recitation of General Assembly Resolutions*, 63 A.J.I.L. 444 (1969); Schacter, *supra* note 111, at 4.

134. Annex to G.A. Res. 2200, 21 GAOR, Sup. 16, UN. Doc. A/63/6, at 49 (1966). For an elaborate background analysis of this article, *see* ALSTON, *supra* note 94, at 9.

135. See *supra* note 111.

consent" precludes the cooperating country from assuming the duties that are necessary for positive discrimination and that are created by historical and structural processes of world cooperation formerly discussed.[136]

Sub-article 11(2) seems to place the international cooperation duty on a par with the individual states' responsibility to improve "method of production, conservation and distribution of food." Sub-article 11(2)(b) articulates the "right to be free from hunger" through improvement of the methods of production. But this can only be done within the limits of considerations for the problems of both food-importing and food-exporting countries.[137] The phrase "equitable distribution of world food supplies in relation to need" may not carry the wishes of the parties affected by this article since the mechanisms of exchange are hardly compatible with need.[138] Even if the "equity" part of the article is taken as the primary object of the sub-article, the lack of measures to ensure equitable distribution renders the provision ineffective. This leaves the control mechanism in the hands of the global food producers for export operating in both poor and rich countries.

This power of decision permits the choice of methods for improvements in food production. One of the methods which is widely publicized is agribusiness.[139] The system allows global food production for global markets that causes the hungry country to be a food-exporting state.[140] Thus the formulation of article 11 appears to maintain the status quo in terms of food-production systems and distribution.

Some important aspects, however, can be gleaned from the article.[141] It promotes the concept of international duty through cooperation with activities of food sufficiency at the domestic level. This concept should be pursued in terms of the rights accruing to the poorer countries out of historical and economic relations with the developed countries. The concretization of this right should be the focus of the demands of the poor countries in terms of

136. Emphasis added. Alston takes a sympathetic view that the phrase, "free consent," "cannot reasonably be interpreted as rendering the commitment to international cooperation . . . *entirely* optional and thus meaningless." ALSTON, *supra* note 94, at 40. In the real world, however, the optional nature of the article may be seen even in grave food shortage situations, for example, food aid curtailed from famine and drought-stricken areas. See *supra* text accompanying note 34.

137. This sub-article seems to have a doubly confusing message. The first part seems to be concerned with the trade market problem, e.g., the food-exporting countries' problems, while the latter part stresses the equitable distribution of food. Alston takes the emphasis on the latter part, basing his analysis on the intentions of the "sponsors of the draft." The distribution of food supplies should be based not solely on the interest of the countries involved or on purely economic grounds, but also on social and humanitarian considerations. Even then, the power to decide the equitable measures is more specified, which leaves it to the say of the stronger party.

138. *See generally* SEN, *supra* note 43.

139. See *supra* note 36 and accompanying text. *See also* Kowalewski, *Transnational Corporations and the Third World's Right to Eat: The Caribbean*, 3 HUMAN RIGHTS Q. 45-64 (1981).

140. Poor countries get their foreign earnings from exporting agricultural products. Their main problem is lower earnings for what they produce because of market fluctuations. Article 11(2)(b) does not seem to address such problems.

141. ALSTON, *supra* note 94.

requiring appropriate technology for food production and sufficiency and in breaking up the conventional norm of the international food regime.[142]

Another positive contribution of such declarations is that they should be considered building blocks for a conceptual basis from which practical steps may be taken.[143] It is suggested that these

> declarations and charters are not neutral principles. They are by and large, challenges to the existing order and their leading motif is the demand for a wider distribution of wealth. Moreover, their adoption by large majorities through parliamentary and conference voting procedures is seen as an attempt to impose obligatory norms on dissenting minorities and to change radically the way in which international law is created.[144]

To implement the intent of the convenants, the passing of more pragmatic resolutions are the steps to be actively pursued by the beneficiaries. Despite the vagueness, the covenant cements certain rights that are part of the ongoing growth process of the International Law of Development. Mechanisms for implementation are questions of the day.

International law may play various roles in the achievement of the general principles set out in various conventions. One role may be that of channelling resources of existing international institutions to production of food for self-sufficiency. Multilateral financial institutions influence change toward domestic food production in a number of ways.[145] First, the financial institutions may

142. Hopkins and Puchala characterize the conventional food regime as (1) respect for free international markets; (2) national absorption of adjustments imposed by international markets; (3) qualified acceptance of extra market channels of food distribution; (4) avoidance of starvation (in the context of famine); (5) the free flow of scientific and crop information; (6) low priority for national self-reliance; (7) national sovereignty and the illegitimacy of external penetration; and (8) low concern about chronic hunger. *International Regimes: Lessons from Inductive Analysis*, 36 INTERNATIONAL ORG. 245, 264 (1982).

143. In Texaco Overseas Petroleum et. al. v. Libyan Arab Republic, Arbitration, it was stated that UN Resolutions "have varying legal value, but it is impossible to deny that the United Nation's activities have had a significant influence on the content of contemporary international law" 17 I.L.M. 1 (1978).

144. Schacter, *supra* note 111, at 4. Some argue that covenants such as economic, social and cultural rights, create "legally negligible" rights. *See, e.g.*, Vierdag, *The Legal Nature of the Rights Granted by the International Covenant on Economic, Social and Cultural Rights*, 9 NETHERLANDS YEARBOOK OF INTERNATIONAL LAW 69 (1978). Expecting the enforceability of international covenants as domestic laws disregards the slow practices of states in putting their international obligation into operation. For example, Declaration on Granting of Independence to Colonial Countries and Peoples, G.A. Res. 1514, 15 GAOR, Sup. 16 (1960); Inclusion of Part IV of the GATT, etc., were Declarations with legal effects but without an enforcing institution similar to domestic courts. In practice, even those states that voted against such Declarations have finally implemented them as most of the world community adopted them as international norms. E.g., U.S. accession to the latter Agreement, or France and UK, regarding the former Resolution. The CESCR may provide even better legal rights by devising clearer practical steps based on the analysis of the articles.

145. E.g., The World Bank Group, IMF, etc.

refocus their lending to food production.[146] One problem may be the system of project lending, in which the banks focus on single-sector development. This may lead to the capital-intensive project investment syndrome.[147] The experience of countries that had successful labor-intensive methods of agriculture may be used as models for investments in food-deficient countries. Credit allocation, marketing, training, and technology geared to small farmers in China, Taiwan, and Japan have convincingly shown the success of this approach.[148] The banks may also encourage member countries to adopt appropriate agricultural policies. This may be effectively enforced with the status these banks currently enjoy as last-resort lenders and granters of certificates of good standing for debtor countries.[149]

Specialized agencies can assist in the implementation of the resolutions of the world community. They have a fundamental responsibility to promote the realization of human rights.[150] Their role may be varied. For example, they may be independent appraisers of a country's performance in food production.[151] More particularly, they may expose states that are responsible for neglect that results in people dying of starvation. This should lead to international condemnation of the responsible government.[152] In addition, the activity of such specialized agencies may encourage the drafting of clear international covenants by eliminating any concern about encroachment on sovereignty.[153]

The activities of nongovernmental organizations (NGOs) during periods of famine have shown the capacity of such organizations to operate in various parts of the world without interference from physical, ideological, political, or social boundaries. Such institutions may be important mechanisms to begin implementation of the right to food. With the necessary funds, their activities may be linked from immediate food distribution to longer-range development

146. The World Bank initiated lending for small farmer production under McNamara.

147. For a thorough analysis of this type of lending, see C. PAYER, THE WORLD BANK: A CRITICAL ANALYSIS 72 (1982).

148. *See* "The State of World's Children 1982-83," *supra* note 40, at 7.

149. The banks have created enormous influence on the borrower countries through imposing conditions. *See* Payer, *Tanzania and the World Bank*, THIRD WORLD Q. (1979). *See also* J. GOLD, ORDER IN INTERNATIONAL FINANCE: THE PROMOTION OF IMF STAND-BY ARRANGEMENTS AND THE DRAFTING OF PRIVATE LOAN AGREEMENTS 1-38 (1983).

150. Alston, *The United Nations Specialized Agencies and Implementation of the International Covenant on Economic, Social and Cultural Rights*, 18 COLUM. TRANS. NAT'L L. 79, 117 (1979).

151. *See* Trubek, *Economic, Social and Cultural Rights in the Third World: Human Rights Law and Human Needs Programs*, in HUMAN RIGHTS IN INTERNATIONAL LAW: LEGAL AND POLICY ISSUES 219 (1984). Moreover, such neglect is not less criminal than genocide, which is outlawed under international law.

152. Governments under which people die because of neglect should be internationally condemned, especially where governments have put political priorities over the deaths of large numbers of people. This is justified by the analogy of permissibility of intervention on humanitarian grounds. The massive loss of human life because of famine supersedes sovereignty. *See Humanitarian Intervention Under Internal Law*, HENKIN et. al., INTERNATIONAL LAW 922 (1980).

153. Such concern has influenced the drafting of the Economic Covenant. *See* Trubek, *supra* note 151, at 219.

programs by which local populations may attain self-sufficiency.[154] Such NGO's operations should be linked with local grass-roots organizations.[155]

Certainly, the activities of these organizations need coordination in order to integrate them effectively into long-range development schemes. The same kind of coordination is required for various UN organizations, especially those concerned with food and agriculture. Financing could be made more efficient in coordinating programs, which will also enable NGOs to obtain more stable financing resources.

The concrete demand of LDCs at an international level should focus on the sharing of agricultural research, technology, and capital with the food-deficient countries.[156] To date, this focus on research for production of food has been low. The research choice may open possibilities to feed millions, or it may increase hunger.[157] To achieve the benefits of developing technology, the establishment of appropriate research centers should be a main goal of LDCs through the International Law of Development. Only then can starvation be stamped out effectively.

Finally, the LDCs must take responsibility for initiating change. The erstwhile solidarity of international forums has created a general understanding of relations between LDCs and DCs. This should be a basis for initiating advanced relations in trade as well as other relations.[158] These activities contribute to the growth of self-sufficiency at the domestic level.

154. Brietzke puts their qualities as nonbureaucratic and unpoliticized as other UN agencies, and they have capacity to promote grass-root organizations. See *supra* note 123, at 41.

155. Various grass-roots local and international NGOs are identified. *See* Dias and Paul, *Developing the Human Right to Food as a Legal Resource for the Rural Poor: Some Strategies for NGOs*, in ALSTON, *supra* note 94, at 65.

156. "The State of the World's Children 1982-83," *supra* note 40, at 7.

157. Barnet, *supra* note 21, at 157.

158. See, for example, the Counter Trade operations, in I. OUTTERS-JAEGER, THE DEVELOPMENT IMPACT OF BARTER IN DEVELOPING COUNTRIES: SYNTHESIS REPORT (1979).