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THE HUNGER TRAP: WOMEN, FOOD, AND SELF-DETERMINATION

Christine Chinkin and Shelley Wright*

INTRODUCTION

The right to food has major implications for women in all societies. This was recognized by the adoption of Resolution VIII on Food and Women by the World Food Conference, Rome, 1974. The goals in that resolution included requiring governments to involve women fully in making decisions on food production and nutrition policies; to promote equal rights for men and women; to include in development plans provisions for the education of women in food production, agricultural technology, marketing, distribution, credit, and nutrition information; and to provide women with full, effective access to all medical and social services, including the means to space their children's births.1 Unfortunately these requirements have neither been achieved nor incorporated into mainstream thinking on human rights, development, and economic structures. The growth of subsistence agriculture and the gathering, preparation, and distribution of food are all traditionally "women's" tasks. Yet, while women have the largest burden in providing food for the immediate needs of their families and communities, women's own needs for sustenance are often problematic. Women in many cultures systematically deny themselves, or are denied, food for a variety of complex personal, social, and economic reasons. The way in which food is prepared, the kinds of food which may be eaten, and who eats first and most are immensely important questions for all people, but especially for women. Only sex and sexu-

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Hunger Trap

ality seem to attract the same range of politically and personally significant taboos and customary practices, practices which are often related. Religious practices include ritual consumption or denial of food (fasting). National identities are often associated with types of food. Whether women eat first or last, whether they are included in ritual practices involving food, and the kinds of foods they may eat are important indicators of the general position of women within a particular society. The apparently private rituals of eating and food, sex and sexuality also relate directly to larger issues of the economic, political, and historical oppression of women.2

We examine the relationship of international law and food to women by first presenting seven stories of women from different situations, geographical locations, and conditions of affluence or poverty. These individual stories illustrate in a concrete way the circumstances of individual women's lives and their relationship to food and hunger. They are, to some extent, representative of women generally. We then examine the international legal framework and the provisions of international law that might be relevant to relieving the reality of hunger and women's vulnerability to food deprivation. It appears that many different aspects of international law have evolved with little recognition of the connections between them. The lack of any coherent approach to the various aspects of a guaranteed international right to food emphasizes the gap between the formal legal provisions and the realities of life for the women in our stories. Finally, given this enormous gulf, we question whether there are benefits to be gained from the imposition of legal requirements and, if so, how they could be made more effective. The thread which seems to bind our women's stories to the general international legal structures and institutions that purport to guarantee a right to food and a right to be free from hunger for every person is the right to self-determination. Yet, this right is seldom expressly connected to a right of human subsistence. We examine why this is so, and why it is necessary to radically rethink the right to self-determination and an individualistic right to life.3


3. For a valuable and detailed analysis of international law and agricultural development, the right to food, and women, see Symposium, The Global Food Regime in the 1990s: Efficiency, Stability and Equality, 1 Transnat'L L. & Contemp. Probs. 313 (1991); see especially Asbjorn Eide et al., Food Security and the Right to Food in International Law and Development, 1 Transnat'L L. & Contemp. Probs. 415 (1991) (focusing on the right to food as a human right and the need for a household-based approach to development and aid); Margaret C. Snyder, Gender and the Food Regime: Some Transnational and Human Issues, 1 Transnat'L L. & Contemp.
As the situation in Somalia so graphically illustrates, the capacity of a people to exercise rights of self-determination in a political sense is inextricably connected to economic and cultural integration. Where political, economic, and cultural cohesion disintegrates, basic rights of survival also become impossible. A right to life as a civil right is meaningless where death becomes the norm. Until rights of existence in the form of food, shelter, clean water, and some security for future subsistence are protected, there can be no "self" in either an individual or a communal sense to be "determined," and political and cultural rights appear to be meaningless. These rights are not meaningless. However, looking at human rights in isolation from the basic requirement of survival emphasizes the fragmentation of these rights and their lack of applicability to the reality of most women's, and men's, lives. To reintegrate the puzzle, we begin with the right to sustenance as an essential element of a reshaped concept of self-determination.

I. THE FOOD/HUNGER CONTINUUM

As the diagram "The Hunger Trap and Women" on page 265 illustrates, development and access to food can be interpreted as part of a complex food/hunger circle. This circle or continuum becomes meaningful when it is specifically constructed out of real women's lives. Seven separate stories are included to help trace this continuum. The diagram also demonstrates how the food/hunger continuum is affected by its intersection with legal concepts, such as the right to food, and its apparent non-interception with other legal concepts, such as self-determination.

The diagram names seven women spaced equally around an inner circle. This inner circle represents the private world of family, home, and domesticity — the kitchen or the hearth — the sphere where most women live and work for much of their time. This sphere tends to be hidden, invisible to the outer circle, which represents the public world of law — governments, States, international institutions, and multinational corporations — the sphere where men live and work. Men typically have access inward to the private world as well as intersecting with the public world of international law and legal structures, but women have great difficulty in reaching outward or in gaining much benefit from the public world.

PROBS. 469 (1991) (focusing on the marginalization of women and its relationship to poverty and on the importance of recognizing women's role in development).

International Instruments
- United Nations Charter
- Universal Declaration of Human Rights 1948
- International Covenant on Economic, Social and Cultural Rights
- First Optional Protocol
- International Covenant on Civil and Political Rights
- Regional Instruments e.g., European Convention on Human Rights
- Lome Conventions
- General Agreement on Tariffs and Trade
- Specialized Conventions e.g., United Nations Convention on Refugees
- Convention on the Elimination of all Forms of Discrimination Against Women
- Convention on the Elimination of Discrimination
- Convention on Children's Rights
- ILO Convention on Indigenous People's Rights
- Slavery Conventions
- Genocide Conventions
- Declarations and Resolutions of the United Nations on Peaceful Settlement of Disputes and Self Determination

International Institutions and Structures
1. United Nations and its many agencies and bodies -
   - General Assembly
   - ECOSOC
   - UNHCR
   - Human Rights Commission
   - Human Rights Committee
   - Sub-Commission on Minority Rights
   - UNICEF
   - UNESCO
   - WIPO
   - WHO
   - FAO
2. Bretton Woods System of Economic Management -
   - World Bank
   - International Monetary Fund
   - GATT System of Trade Regulation
3. Regional Bodies -
   - European Court of Human Rights
   - Lome System of Trade and Development Regulation
4. Private or Non-government Organizations -
   - International Red Cross
   - Freedom From Hunger
   - Community Aid Abroad
   - CARE
   - Oxfam
   - Church aid groups, etc.
Nevertheless, the public world impinges on women in substantial ways. The international institutions and structures listed on the right hand side of the diagram overlap the whole of the double circle showing their pervasive effect on the lives of all peoples. But the list of international instruments, which recognize the needs of human beings and grant to them limited rights of access to international power structures, barely touches the inner circle. These rights mainly represent men’s interests in the public sphere and only to a much less significant extent apply to the private sphere of women and children.

Not all women are equally separated from the public sphere. Western women tend to have greater access to public sources of power than those in Africa and Asia. Therefore, the inner circle is “off-center” to show the narrowness or width of the gap between private and public. But even where the gap is narrowest, it may still be impenetrable. Women of white Western middle-class backgrounds may fail to realize the significance of their position between the public and private worlds, or fail to grasp opportunities for recognition within this dichotomy, due to complex reasons related to Western constructions of the feminine as self or subject. We illustrate this in our stories of two Western women, Hayley who is anorexic and Monique who appears to fulfil the stereotypes of the “normal” housewife and mother. Women who are farther away from the outer circle may be paradoxically less invisible than their more privileged sisters because of the penetration of their world by overseas development aid, international assistance to them as refugees, grassroots organizations, or governmental structures. Maggie, an Australian Aboriginal woman, lives in a traditional Aboriginal community which is nevertheless profoundly penetrated by the public world of Western economic relocation and coercive power. Thandi lives in rural Zimbabwe and knows first-hand how pervasive interference by government and international development aid can be. The influence of the public world on the lives of these women is equally significant, even though the intervention is mediated through a liberal democratic order in Australia and a socialist regime in Zimbabwe. Neither of these two traditional cultures maintain rigid boundaries between public and private, as the more modern liberal or socialist systems seem to, although the roles of men and women may be even more clearly segregated on productive, reproductive, or ritual lines.

The order in which the stories are told does not reflect any degree of importance for one woman over another. First World women who suffer from eating disorders or who lead relatively affluent lives are different but not separate from their sisters in the developing world or
from less affluent women in their own countries. The abundance and waste of food and resources, and the marginalization of women who are either denied or deny themselves access to food, are related issues. Without disproportion in the distribution of wealth, and associated political, social, and psychological imbalances in our relationship to food, hunger might well disappear. By emphasizing an economy of scarcity, we ensure that it exists, at least for some — mainly women and children. We also ensure that waste becomes embedded in the economics of production and distribution, further aggravating seemingly intractable problems of poverty, hunger, social dislocation, and environmental destruction. Similarly, the distribution of food and hunger are connected to wider issues of the distribution of economic resources, political power, and the position of women as women within society. A competitive individualistic society relying on alienation and disregarding older rituals of status or kinship makes it hard for Western women to recognize the political economy of eating, either for themselves or for their poorer sisters, whose hunger is not a matter of individual preference. The food/hunger continuum is a method of looking at women and food by placing women’s relationship to food on a global basis. The specific impact of food deprivation on real women does not therefore disappear behind sweeping statements and anonymous statistics:

If we were to arrange the woman/food systems of the world along a development continuum, then at one end there would be women who prepare the family fields, grow and process food, fetch water and wood, make fires, cook and serve, and at the other end would be a “modern” American housewife who walks to her freezer, removes a TV dinner and puts it to warm in her microwave oven. Surprisingly enough, both these women spend more of their non-market time on activities related to food than on any other single activity. But what is the effect of going from one end of this continuum to the other? What happens to food, to equity in the food system — and to women?5

A. Monique: The Western Normative Model

Monique is a working class housewife living near Montreal, Quebec. Her husband works in a tobacco processing factory on a regular day shift. They have two children, aged seven and three. Monique’s day consists of

... preparing food, setting the table, serving meals, clearing food and dishes from the table, washing dishes, dressing her children, disciplining children, taking the children to day-care or to school, disposing of gar-

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bage, dusting, gathering clothes for washing, doing the laundry, going to
the gas station and the supermarket, repairing household items, ironing,
keeping an eye on or playing with the children, making beds, paying
bills, caring for pets and plants, putting away toys, books and clothes,
sewing or mending or knitting, talking with door-to-door salespeople,
answering the telephone, vacuuming, sweeping and washing floors, cut-
ting the grass, weeding, and shovelling snow, cleaning the bathroom and
the kitchen, and putting her children to bed.\(^6\)

Monique spends up to half of her time on selecting, purchasing,
transporting, storing, preparing, serving, and cleaning up food. Although modern “kitchen technology,” fast foods, and the supermar-
ket have led to the belief that women now spend less time on food
preparation, in fact housewives in the Western model still spend be-
tween sixty and eighty hours a week in household chores, including
food preparation work.\(^7\)

Modern Western meals, including convenience foods, may require
minimal preparation, but they take up a significant amount of time in
selection, storage, and planning. Compared with traditional meals,
modern meals are also more expensive, requiring greater family re-
sources, and thus greater paid work effort, to provide them. In addition,
modern purchased foods are environmentally costly, both
through high levels of manufactured processing and through packag-
ing. Finally, Western meals rely on an industrialized food industry
that is itself the cause of social dislocation and poverty both in First
World countries and the Third World. When Monique buys a can of
“Mixed Tropical Fruit” for her children, she is contributing to this
cycle of dislocation and poverty. Canned fruit relies on the labor of
low-paid workers in orchards and factories throughout the world.
The southern United States fruit industry (particularly in California,
Texas, and Florida) which supplies most of Monique’s mixed fruit
could not exist without the work of illegal migrant labor from Mexico
and Central America as well as that of indigenous Chicana women,
men, and children in the United States. Women who harvest fruit, or
who perform repetitive tasks as assembly line workers in canning fac-
tories, not only work long hard hours in seasonal employment for far
less than Western minimum wages, but they must also perform their
usual household tasks for their own families. The double work load of

\(^6\) Marilyn Waring, Counting for Nothing: What Men Value and What Wo-

\(^7\) See Philip Bereano et al., Kitchen Technology and the Liberation of Women from House-
work, in Smothered by Invention: Technology in Women’s Lives 162 (Wendy Faulkner
& Erik Arnold eds., 1985); Judy Wajcman, Feminism Confronts Technology 81-109
such women is itself exploitative.  

Monique is largely unaware of her contribution to this exploitation when she buys many food products, and would be very unlikely to see it as "her" problem. Her society stresses the individualization and isolation of domesticity within the closed circle of the "nuclear family," an entity which is rarely portrayed in terms that Monique understands as having political or economic significance to herself, let alone the unknown women from Spanish-speaking countries. Although the significance of the family has been a major part of feminist analysis in the West for many years, this discussion has only recently begun to appear in the mainstream media. The tabloid newspapers, women's magazines, television soap-operas and situation comedies, commercial radio, and romance novels which form the bulk of Monique's sources of learning (when she has the time) are usually either impervious or openly hostile to any "radical" critique, and discuss "family values" as if the position of women was solely an issue of morality or political expediency.

Monique herself is not immune from the double exploitation of women. Her husband is employed in a factory which is owned by a multinational corporation based in the United States. During the economic depression of 1992, and partly as a result of the greater mobility of capital (but not labor) created by the US/Canada Free Trade Agreement, her husband's job has become extremely vulnerable.  

The company is losing money and blames this partly on the strength of Canadian unions which have gained for their workers greater pay and work benefits than their counterparts in the United States. Similarly, American corporate owners blame Canada's social welfare system, high taxation rates, and higher land prices for the high cost of doing


business in Canada. The factory is vulnerable to closing, or to being moved to the cheaper labor environment in the south.11

If Monique's husband loses his job, Monique may be forced to look for work which will inevitably be low-paid, as she married in her late teens and has been working full-time as a housewife ever since. If Monique's marriage breaks down, it is unlikely that she will be able to force her husband to pay maintenance for the children, let alone for herself,12 again forcing her to look for low-paid, unskilled work or to go on social welfare. In any event, Monique's responsibilities to feed, clothe, shelter, and educate herself and her children will remain the same. Western women who engage in paid work spend somewhat less time on housework than women who work only in the home, but spend approximately the same amount of time on food work. Men do not yet share in these tasks to any significant extent. Women in paid work generally spend around thirty to forty hours a week on housework.13 Their paid work tends to earn considerably less than that of men, so women are underpaid for one job and unpaid for their second. Even in a wealthy Western country such as Canada, according to estimates, women receive only thirty-five to forty percent of the total income paid to all male and female recipients.14

This Western normative model of a woman engaged in full-time, unpaid housework is now relatively uncommon, as more women enter the workforce, marriages break up, or women have children outside of marriage.15 Monique is vulnerable to these pressures and will be fortunate if she and her family do not suffer major economic disruption within the next ten years. The high incidence of marital breakdown and sole parenting in countries such as Canada have revealed the ex-

11. Manufacturers, mainly in Ontario and Quebec, have been relocating to Tennessee, South Carolina, and other southern U.S. states since the economic downturn of 1991-92. This trend may begin to include Mexico as a result of the inclusion of Mexico in the North American Free Trade Agreement. See Brean, supra note 10.


14. See KATHLEEN A. LAHEY ET AL., THE TAXATION OF WOMEN IN CANADA: A RESEARCH REPORT (1988). For the position of women in other Western countries, especially Australia, see REGINA GRAYCAR & JENNY MORGAN, THE HIDDEN GENDER OF LAW 64-175 (1990). We would also like to recognize our student Miranda Stewart, who wrote a paper entitled Women and Taxation, for contributing to our knowledge in this field.

15. See GRAYCAR & MORGAN, supra note 14, at 73-112.
tent of women’s poverty, what is now being called the “feminization of poverty.” Further, the work done by women in the Western normative model is not counted as “work” in any system of economic measurement. Housework is not only unpaid, it is also of no value within material production. The fact that Monique has produced two healthy children and works up to sixty hours a week caring for the children’s, her husband’s, and her own needs counts for nothing within traditional Western economic models. Most importantly, the role that Monique plays as a consumer, producer, and preserver of food remains unrecognized. Her role as producer is correlated with her primary role as reproducer of children and is invisible within the economics of agriculture and food. Her husband, on the other hand, works in a factory making cigarettes. His job is valued, and he is paid accordingly. Despite the fact that this job is part of an industry which is directly responsible for high levels of ill health and death, the market accords his work value, and not the meals Monique selects, prepares, arranges, and cleans up for him and their children.

B. Maggie: The Boundary Model of Third World Women in a First World Country

Maggie is an Aboriginal woman living in Central Australia. She lives in a settlement on the fringes of her tribe’s traditional country. Her people were moved to this settlement in the early part of this century when it was established as a Christian Mission, and her tribal lands were taken over by white sheep and cattle farmers. The settlement now contains a shop and small community center as well as the Mission buildings and a petrol station. Maggie is a senior woman in her family. She is forty-five years old and has four children. She can remember the days when Aboriginal families were forcibly separated and children taken away from their families. Maggie’s sister Lilly was taken away when they were quite young and they have not seen each other since. Maggie believes that Lilly was taken to be trained for domestic service, like other childhood companions. Maggie and

16. See Nancy Fraser, Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory 144-87 (1989). There is a growing literature on “the feminization of poverty.” Id. at 158-60 (and sources cited in the notes). See also The Feminization of Poverty: Only in America? (Gertrude S. Goldberg & Eleanor Kremen eds., 1990) (a discussion of the decline of women’s living standards in several industrialized countries, including Canada).

17. See generally Waring, supra note 6.

18. The removal of indigenous children from their families in countries such as Australia and Canada is beginning to be traced in both countries. For a moving autobiographical account of one woman’s efforts to trace her Aboriginal roots in Western Australia, see Sally Morgan, My Place (1987).
her older sister escaped this fate through the efforts of their mother. Some of Maggie's happiest memories "are of days spent hunting with [her] close 'family': [her] jamirdi (mother's father's sister) . . . and [her] kapirdi (older sister) . . . ." 19

Maggie and other women of her people still hunt. The following is a description of such an occasion by an anthropologist who visited with Maggie and her family:

On one trip . . . we went ostensibly to hunt for the 'fat goanna' . . . . With crowbars for digging sticks, billy cans for coolamons, matches for firesticks, a blanket to sit on (no need to prepare a cleared area and make a 'cloth' of crumbled ant-hill), we were the modern well-equipped hunting party. However as soon as we were in the country, the influence of settlement life melted.

Pairs of women fanned out in different directions, their calls echoing back and forth across the creek where . . . . I wandered in search of bush tobacco which grew in such areas. We dug for frogs buried deep in damp sand in the bank of the dry creek, pulled up the crunchy little bush onions, found a shady spot, lit a fire and waited for the others to return. In the quiet of the afternoon we watched the shimmering haze over the hills beyond the creek and the women began reminiscing about when they walked through this country as girls, when they had first seen white men. . . . Finally the other women drifted back, we ate our fill and shared the remaining food: I was given the tail of a goanna (a sweet white meat), and my favourite part of the animal. At sundown, we loaded into the vehicle and returned to [the settlement]. 20

Women in this society are responsible for up to eighty percent of the tribe's diet. Women distribute what they gather as well as what men provide. The meat which men provide is relatively insignificant and is always supplemented by the women's contribution. Maggie now not only hunts but also buys food in the local shop. Her job is still to distribute this food to her family in accordance with kinship obligations. However, camps are now located around the settlement store rather than close to hunting grounds and places where food can be found — places which used to be largely selected by women. White men and, to a lesser extent, Aboriginal males now determine camp


20. BELL, supra note 19, at 54. The women described in this passage are from Warrabri and are of the Kaytej people. A "goanna" is a large monitor lizard; a "billy can" is a metal bucket used for making tea over a campfire; and a "coolamon" is a wooden basin or dish made and used by Australian Aboriginal people.
sites. Previously, Maggie and other women would hunt to feed themselves and those with whom they were camped. Women ate first rather than last and, if the hunting party was returning to the jilimi or women’s camp, the men would not share at all, although children would. Now this opportunity is reduced, as food is purchased from the settlement store. There is no longer the segregation necessary to protect the women’s right to eat first. As white culture has penetrated this community, Maggie’s position is devalued through the reduction of the tribe’s freedom and the imposition of white male values upon it.21

A related problem is nutrition. Increased dependence on the settlement store has meant the decline of the people’s nutritional intake. Although the caloric intake has increased, the balance of protein, vitamins, fat, and complex carbohydrates has been replaced by packaged or convenience foods with high levels of fat and simple carbohydrates. The result has been a significant fall in the health standards of the community. Diabetes, kidney disease, trachoma, tuberculosis, and heart failure are now endemic, mainly due to poor nutrition.22 Maggie is unusual in that she has lived to forty-five years old; most of the members of her generation, women and men, are dead.23 The introduction of alcohol to the settlement has aggravated this problem. This has harmed the community deeply, including causing food deprivation, as welfare money spent on “grog” causes alcohol related health problems, domestic and community violence, and a downward spiral of disease, dislocation, destruction, and death.24 Maggie has had alcohol problems and a history of minor criminal behavior and severe domestic violence as a consequence. The introduction of white culture, white food and drink, and the gradual erosion of Aboriginal customs has caused severe dislocation and harm to Maggie and her family.

Maggie and the other women of her community have taken steps to reduce the influence of alcohol and to improve nutritional and


health standards in the settlement. They have succeeded in banning alcohol from the settlement altogether. But this has not solved the problem, as alcohol is available in the nearby communities of Tennant Creek and Alice Springs. Although Maggie and other women in her community have been relatively successful in taking over control of management within the settlement, they have been unable to sway either the municipal authorities of white communities, or the Northern Territory government in redressing alcohol and related problems. The women of the settlement have also returned to traditional hunting and gathering to reduce their dependence on the settlement store.

The major direction of Maggie's effort, and the efforts of other Aboriginal women and men, is towards land rights and ultimately self-determination. The problems of nutrition, health, and social dislocation are seen as fundamentally connected to the takeover of land by white European settlers. Aboriginal women rely on the land not only as a source of food and water, but also as an integral aspect of their culture and religion. Without connection to the land, Aboriginal people are separated from all source of meaning in their lives. In addition, it now appears that their land itself is suffering environmental degradation through soil salinization, erosion, water pollution, the introduction of exotic species, the destruction of native plants and animals, and the use of chemical fertilizers as a consequence of white intrusion into the Australian continent. Aboriginal people identify both environmental problems and social problems within their own communities as directly connected to the removal of the land from their guardianship. Maggie's role as food provider is intimately connected to her responsibilities within kinship structures, ritual obligations, land guardianship, and political efforts towards self-government.


C. Anna: The Eastern European Post-Communist Model

Anna is a doctor in the Estonian capital of Talinn. She works twelve to fourteen hour shifts in the maternity wing of the local hospital and further hours in a family planning clinic near a large housing estate on the outskirts of the city. She is not married but has been engaged for several years to another doctor whom she met while studying in Moscow. Her fiance is Russian, whereas Anna is a native Estonian. They have not married because he only obtained permission to move to Talinn in 1989, and they are still waiting for a small flat. Meanwhile, Anna lives with her parents in the old part of the city in a small one-bedroom apartment, while Anna’s fiance lives in the hospital residence. Anna and her family supported the Baltic independence movement. However, Anna’s fiance is worried that, as an ethnic Russian who only recently arrived in Talinn, he will not be able to stay. Anna would like to remain in Estonia, but they have considered emigration to a Western country, a decision which itself would cause serious dislocation to Anna and her family.

Anna, her mother, and sister share in providing the family meals, although they all work outside the home, and Anna’s father does not. Anna’s sister also has a small child from a former marriage. The three women each spend a daily average of six hours waiting in line for basic food supplies, fuel, and other essential items. Anna’s mother will join any line she sees in the belief that something useful will be at the end of it. In trying to obtain gasoline for the family car, an old Lada, Anna must be in line by 5:30 a.m. at least once a week. After Christmas of 1991, obtaining gasoline became even more difficult, as the newly independent Russian Republic stopped supplies. This situation has since improved.


30. We owe most of the information in this section to our student Lucinda Jones’ paper entitled Human Rights in Estonia. See also Helsinki Watch & Women’s Rights Project, Hidden Victims: Women in Post-Communist Poland, News from Helsinki Watch, Mar. 12, 1992, at 12 (a description of the position of women in another Eastern European country) [hereinafter Hidden Victims].

31. In Estonia’s first post-independence election, Russians and other non-Estonians (at least one-third of the population) were not permitted to vote. See First Estonian Poll After Soviet Rule, Sydney Morning Herald, Sept. 21, 1992, at 9.
Anna and her family are delighted that the Soviet occupation of Estonia is over, but are unsure about what the future will hold. There are continuing problems with the supply and distribution of food supplies, gasoline, and basic raw materials. Since the breakup of the Soviet Union and Estonian independence, Estonia must now look to external markets or to economic agreements with former Soviet Republics to improve its economic position. The country has no foreign currency reserves, and Western countries, with the exception of Germany, have not been very forthcoming with aid or investment.

Anna also worries about the long-term interests of women in Estonia. She is worried that a resurgence of religious or traditional feeling might result in the loss of abortion and birth control rights for women. The free market ideology favored by the post-independence regime will probably entail the removal of subsidized rent, child care, and hospitalization. Anna's sister fears she may lose her job, but even if she does not, there may be no more free child care for her little boy. Anna looks at developments in Poland and former East Germany with considerable trepidation, although she has no nostalgia for communism. In the short term, Estonian conditions look extremely bleak with a very uncertain long-term future.

Just as Maggie perceives her struggle for Aboriginal land rights as connected to improved health and social welfare for her people, self-determination and self-government in Estonia are connected to nutritional standards, health, and social welfare for Estonians. However, the connection may have negative aspects, at least in the short term. Estonia has achieved independent Statehood, thus fulfilling the goal of political self-determination. But its effects on economic structures are problematic. Political self-determination has entailed a commitment to economic self-determination and the introduction of a free market system as in the rest of Europe. In countries such as Poland and the former German Democratic Republic this has meant the end of basic social services such as subsidized rent, price controls on basic food products, guaranteed employment, health services, universal child care, and even reproductive freedom, such as abortions. Women have suffered first and foremost from the removal of provisions which ensured these basic social and economic rights. High unemployment in Germany has also caused severe problems of racist attacks on asylum-

32. In 1940, as a result of the Molotov/Ribbentrop Pact, the Soviets occupied Estonia and the other Baltic States, which had all been previously independent. Estonia was admitted as a Member State of the United Nations in September 1991.

33. This has already occurred in Poland. See Hidden Victims, supra note 30, at 8. See also Church Triumphant: Poland Adopts One of Europe's Strictest Antiabortion Measures, TIME, Mar. 1, 1993, at 11 (Australian edition).
seekers and refugees from other parts of disintegrating Eastern Europe. Again, women and children often bear the brunt of such attacks. In Estonia, it is hoped that the long-term benefits of independence, control over resources, and the removal of a Russian-dominated command economy will outweigh the short-term pain and dislocation. But Anna worries about the future, as she looks in vain to Western political and economic models for basic freedoms for women, including a right to enjoy a reasonable standard of living.

D. Thandi: The Third World Model of Tradition and Vulnerability

Thandi is a mother with five living children in rural Matabeleland, Zimbabwe. She works for wages on a large, white-owned tobacco farm. He is rarely at home so Thandi, like most of the women in her village, is the center of all economic and family life. Thandi's day begins before dawn and continues until well after sundown. Her daily work consists of fetching water and firewood (a task which has become much more onerous than in the past, as an increased population has led to deforestation, and as drought is drying up local wells and rivers), preparing food for her children, getting them to school, and then working in the fields where she and the other women of the village grow eighty percent of the food consumed by


35. Tobacco is a major export crop for Zimbabwe, accounting for over 20% of its foreign exchange earnings. Turkish (oriental) tobacco is an important crop in Matabeleland. TABEX, ENCYCLOPEDIA ZIMBABWE 380-82 (2d ed. 1989). Although most tobacco is exported to Europe, some may eventually reach the tobacco products factory in which Monique's husband works. See supra part I.A.
themselves and their families. They also grow maize, groundnuts, and cotton as cash crops. This work, which varies by season, lasts until midday when a light meal is prepared and eaten, then is resumed until dark. At around 6:00 p.m. Thandi collects what firewood or cow dung that she can find on her way home, where her eldest daughter, aged fourteen, has already prepared the evening meal. Thandi serves the meal, cleans up, and puts her children to bed. In another year her eldest daughter will probably join her mother in the fields and, shortly thereafter, will marry. The only alternatives are to seek work for low wages on the neighboring tobacco plantation with her father and brother, or to go to the city to look for work. There is almost none available, so the only real alternatives are urban poverty, domestic service, low paid factory work, or prostitution.

Thandi and other women like her do almost all the work of subsistence farming and domestic chores in Zimbabwe as well as in other countries in Africa. Their lives consist of constant overwork, which is not deemed to be “productive” by existing economic standards. Although Thandi’s role is important within her own community, it is under constant threat through the introduction of Western development models and the shift from subsistence farming to cash-crop agriculture. This “greening” process will disadvantage Thandi, as the development capital and technology will most likely go to males rather than to her. Her tenuous ownership of a small plot of land is under threat from rural land redevelopment projects. She cannot use the new seeds and modern agricultural techniques because she cannot read, does not know how to borrow money, and will not be accepted as an appropriate person to obtain credit or even to own farm land.

Thandi’s slim hold on subsistence is under constant threat from natural disaster, such as drought, war (the civil war in her district caused her and her family extreme hardship while it lasted), and disease. Already she has lost two children to disease, one to AIDS-related illness. The drought of 1992 has made it likely that Thandi will have to leave her land and village, becoming one of millions of “economic refugees” throughout Africa. Another threat is the fear of expropriation of her land. An often overlooked aspect of the right to the basic resources necessary for growing and distributing food is the need for guaranteed land distribution. A consequence of the expropriation

36. See HERBST, supra note 34, at 82-109.
37. See WOMEN: CHALLENGES TO THE YEAR 2000, supra note 13, at 41.
38. See generally WARING, supra note 6.
of land resources by national, individual, or corporate entities is the denial of access to land to increasing numbers of farmers, particularly women. Rural workers forced from their traditional lands are pushed into exploitative employment conditions by cash crop growers or other industries, or they migrate to already congested urban centers in search of work, food, and shelter.\textsuperscript{40} In addition, legal barriers to the ownership of land by women still exist in some countries.\textsuperscript{41} Finally, whenever agricultural assistance is provided for the village, it is generally channelled through the older men who act as go-betweens with the outside world. The women are often denied access to useful information and have difficulty obtaining financial assistance. Although the mutual support among the village women provides informal networks of help, it is generally not enough to manage the outside pressures within Zimbabwean society.

Thandi and the women of her village, like Maggie in her settlement, are aware of their vulnerability and have taken steps to identify some of the causes of their oppression and to end it.\textsuperscript{42} Thandi gains enormous strength and support from the village women, many of whom are related to her. Together they have applied for and received both governmental and international assistance in setting up grassroots community endeavors to improve the village water supply, to open a small medical clinic to serve themselves and three other neighboring villages, and to encourage the education of their children. Thandi herself is, however, continually bemused by the stream of foreign aid workers and anthropologists who come to her village offering useless or harmful advice or presenting her with mystifying and often offensive theoretical perspectives on her life.\textsuperscript{43} The lack of coordination between the different aid agencies often reduces their usefulness to the village.

Although Thandi is not yet dislocated, it is becoming increasingly likely as the severe drought which is afflicting most of southern Africa

\textsuperscript{40} For a graphic depiction of the accumulation of such problems in Sierra Leone, see \textit{Trade Slaves} (Special Broadcasting System (SBS) of Australia television broadcast, Sept. 1, 1992).


\textsuperscript{42} This distinguishes these women from Monique and Hayley (see supra part I.A. and infra part I.F.) who seem oblivious to their vulnerability and continue to repeat patterns that trap them within cycles of poverty and oppression or turn inward towards narcissism and self-destruction.

\textsuperscript{43} This paragraph is largely drawn from the description of village women's life in Zimbabwe given by Sithembiso Nyoni, Director, Organization of Rural Associations for Progress in Zimbabwe. \textit{See} Sithembiso Nyoni, \textit{Little by Little: How Land Has Been Lost by the Poor in Zimbabwe} (unpublished paper given at the Freedom from Hunger Conference, Sydney, Oct., 1991) (on file with the \textit{Michigan Journal of International Law}).
continues. By 1993, Thandi may have moved into a Refugee Model, although she will not be recognized internationally as such because the reasons for her dislocation will be "economic" rather than "political." Her husband may soon lose his wage-earning employment as the drought destroys the tobacco industry in Matabeleland. Thandi is imminently and acutely vulnerable to becoming another "Unknown Woman" in our final model.

E. Helai: The Refugee Model of Recognized Dislocation

Helai was thirteen years old when, through an arranged marriage with her cousin, she moved five kilometers to his village and the home of his parents in central Afghanistan. She came under the authority of her mother-in-law who was relatively kind, rarely beating her, but expected her to perform most of the household chores. Her mother-in-law's greatest source of pride was her garden, which Helai was required to weed and water. Six months after the marriage, Helai’s husband and father-in-law told the women they had to leave because the Afghan government forces were going to bomb the village. Both men were fighters with the mujahadiin. Helai and her family packed up the few of their belongings they could carry and walked 250 kilometers to the Pakistani border. Helai and her mother-in-law were left there by their husbands in a refugee camp with thousands of others like them. Helai remembered the cucumber blossoms in the garden with regret, but also remembered the bombs falling on her home and the deaths of villagers when strafed by government planes on their way to Pakistan.

After reaching the refugee camp, Helai gave birth to a daughter. The baby girl soon died. Helai was eating almost nothing and could produce no milk. She therefore had to rely on a small supply of powdered milk which was provided by the camp officials and which she did not know how to prepare properly, as she could not read the instructions on the tin. The baby was also premature, partly because Helai herself was not yet physically mature when she gave birth. Helai received no help in caring for her baby from her mother-in-law or any of the other women, because they believed that a baby girl was useless and should not be given more than a bare subsistence. There

44. See infra part I.E. (Helai's story).
45. See infra part I.G.
47. In Afghanistan the illiteracy rate for women is 93.8% in rural areas, 56.4% in the cities. See WOMEN, CHALLENGES TO THE YEAR 2000, supra note 13, at 32.
were too few doctors or nurses in the camp to help her. Her task in saving her baby and herself was complicated by the strict purdah in which she and the other women lived.48 Without her husband and father-in-law, who were away and eventually killed fighting against Afghan government forces, Helai had no male family escorts to accompany her in collecting food and water rations, or in disposing of human waste and garbage. The health of all the women suffered enormously.49 The few resources available in the camp, including medical and educational facilities, were granted to men and male children first. Helai herself died of pneumonia within a year of reaching the refugee camp.50

Helai was one of millions of women refugees who are in situations of extreme dislocation, not only in Afghan refugee camps in Pakistan and Iran, but throughout the world.51 One of the immediate results of such dislocation is hunger, although absolute starvation may be delayed because of the provision of food by refugee aid organizations. The cause of the dislocation may be war, as in Helai's case, or it may be drought or famine caused by war or misguided development projects, as in the Horn of Africa.52 Many refugee women like Helai move from one rigidly patriarchal culture to another, consisting of virtual imprisonment and without educational opportunities. Helai lost her chance to exercise some control over her life through her own future role as mother-in-law, or by gaining status in her husband's home. Political self-determination, the goal of her husband and father-in-law, meant nothing to her or to her mother-in-law.

This very negative picture is not universally true, however. Some women who are involved in liberation struggles, or who are forced into refugee camps do manage to maintain control over their lives and keep women's issues central to the struggle for political and economic self-determination. Examples are women in the Eritrean liberation strug-


49. The information regarding the devastating affect of purdah on Afghan women in the refugee camps was brought up during the discussion of this paper during the Freedom from Hunger Conference. See supra authors' acknowledgement.

50. This account is largely taken from Annick Roulet-Billard, First Person Feminine, REFUGEES, Nov., 1989, at 24.


52. See, e.g., Africa Watch, Somalia: A Fight to the Death?, NEWS FROM AFRICA WATCH, Feb. 13, 1992, at 18-19 ("War and famine in Mogadishu feed on each other in a vicious circle of deprivation and destruction. . . . Hunger and fighting are inextricably inter-twined: beneath the fight for political control there is a fight for survival. It follows that a solution to the political conflict cannot succeed without a solution to the food problem.").
gle and the Polisario struggle in the Western Sahara. 53 Ironically, however, even Helal had a higher international profile than the other women in our stories through her recognition by an international agency, the United Nations High Commissioner for Refugees, as a political refugee and had greater entitlements under the Refugee Convention. 54 Although the insurgents have now won their war for Afghanistan, thus achieving a kind of self-determination in the overthrow of the communist regime, the violence continues, as rival factions fight for control over the country’s future. For the women of Afghanistan this simply means further dislocation, continuing residence in refugee camps, and an extremely bleak future in an intensely patriarchal religious and cultural context.

F. Hayley: The Western Pornographic/Anorexic Model

Hayley is a college student in Seattle, Washington. She is twenty years old, single, and the younger daughter from an affluent professional white family. Hayley is dying. She has been hospitalized twice with chronic anemia and, most recently, kidney disease. She weighs nearly a third less than she should for her height, build, and age. The cause of Hayley’s illness is self-induced starvation, anorexia nervosa. Since Hayley was fourteen years old she has gone through progressively worsening cycles of dieting, heavy exercise, “binge” eating accompanied by purging with emetics and induced vomiting (bulimia), and more dieting. She is convinced, against all objective evidence, that she is “too fat.” She has failed to respond to psychiatric treatment. Hayley is obsessed with food. Her days at home consist of monitoring her food intake, researching and reading about new diet and exercise regimes, preparing diet meals, doing aerobics and jogging (when she is strong enough), taking medication including emetics and diet pills which contain amphetamines, and, occasionally, “binge eating” followed by purging and vomiting.

Hayley is one of a possible sixty percent of Western women with “trouble eating,” either through serious eating disorders or less obvious obsession with weight, dieting, or “slimming.” Western women seem to have developed what has been described “as a compulsive fear of and fixation upon food.” 55 Surveys consistently show that Western


55. See *Naomi Wolf, The Beauty Myth: How Images of Beauty Are Used*
women think they weigh too much, and this trend is worsening. Although apparently about twenty-five percent of both women and men in the United States are overweight, women are far more likely to perceive this as a problem than men, regardless of whether they are in fact obese. The standards for acceptable weights may also be too low, as one study suggests that women live longer and are healthier if they are ten to fifteen percent heavier than life insurance figures suggest is the norm. The consequence of this is the creation of the weight-loss industry and images of women that are unhealthily thin, leading to guilt and loss of self-esteem for those who think they do not fit the image. At its most extreme, the result is physical and mental breakdown leading to death. “Dieting is the most potent political sedative in women’s history; a quietly mad population is a tractable one.”

Where women are moving through constant cycles of guilt and low self-esteem with enormous amounts of time and money spent on dieting and exercise, hunger and fixation on food, and physical appearance, then these same women (including middle-class or professional women with real economic and political advantages) are not spending their time on economic and political problems, including hunger associated with poverty.

This hunger seems to be self-induced. It appears that Western women, despite their positions of disproportionate affluence, are choosing hunger and starvation. But the nature of the choices available is highly problematic. Women force themselves, or allow themselves to

56. WOLF, supra note 55, at 186. For further discussion of modern Western women’s attitudes toward beauty ideals, see SUSIE ORBACH, FAT IS A FEMINIST ISSUE: THE ANTI-DIET GUIDE TO PERMANENT WEIGHT LOSS (1979) (correctly identifying dieting and weight-loss as feminist issues but still retaining the goal to become “thin”). See also SUSAN FALUDI, BACKLASH: THE UNDECLARED WAR AGAINST AMERICAN WOMEN 237-56 (1991) (a general discussion of modern Western women and the pursuit of physical beauty). It is interesting to compare Wolf and Faludi with the earlier Orbach. The most recent popular feminist bestsellers, of which Wolf and Faludi are good examples, stress the damage the narcissistic search for physical beauty according to intensely unrealistic standards imposed by the media, advertising, weight-loss, fashion, and cosmetic industries has done both for individual women and for feminism as a political movement. Orbach was writing at the end of the first enthusiastic wave of feminism in the First World when the attention of Western feminists began to turn inward towards personal psychology and the feminine body as the subject of feminist analysis. The conclusion would appear to be that focusing on the body, mind, and emotional problems, such as self-esteem, has had, in conjunction with wider social changes, a negative impact on women’s rights generally and women’s personal struggle for liberation. For an example of this “turning inward” and away from wider political or economic issues, see GLORIA STEINEM, REVOLUTION FROM WITHIN: A BOOK OF SELF-ESTEEM (1992).

57. WOLF, supra note 55, at 187.
be persuaded, into unhealthy eating patterns as a response to their general oppression within society, which is now expressed through the body itself rather than less directly through the family, social structures, or lack of education. This may be partly a result of the removal of food preparation as a culturally accepted source of power for Western women. Fast food is now moving food preparation and presentation out of the home and into the public realm or market place. While the home is being fragmented and destroyed, women have not yet made the complete leap into the public realm. Food is no longer a cultural practice or a means of sustaining family structures but a matter of convenience. Women have denied themselves food by eating last and least. Now this self-denial is being commercially encouraged in the search for thinness.

Food, or denial of food, is also being used as a weapon. The model is pornographic as well as anorexic:

Food is the primal symbol of social worth. Whom a society values, it feeds well. The piled plate, the choicest cut, say: We think you're worth this much of the tribe's resources. Samoan women, who are held in high esteem, exaggerate how much they eat on feast days. Publicly apportioning food is about determining power relations, and sharing it is about cementing social equality: When men break bread together, or toast the queen, or slaughter for one another the fatted calf, they've become equals and then allies. The word companion comes from the Latin for "with" and "bread" — those who break bread together.

Women, by denying themselves food because they are told in repeated public imagery that this is essential for them to be accepted and successful, are declaring their own inferiority in an age-old pattern repeated worldwide and throughout history. In the West this denial, instead of being broadly tied to social status and communal worth, is now explicitly associated with sexuality and sex. Women are dieting to increase their sexual attractiveness. This emphasis on bodily appearance and sexuality (as opposed to external costume) appears to have begun at about the same time that Western middle-class women made substantial political gains in the early part of the twentieth century. The extreme emphasis on hunger and small body size seems to have accelerated since the early 1960s when readily available birth control methods gave women unprecedented individual control over reproduction. This sexual liberation seems to have been mirrored by increased body display and body discipline in which women have accepted increasingly unrealistic models of body size leading to physically damaging eating disorders, an increase in narcissistic

58. WARING, supra note 6, at 154.
59. WOLF, supra note 55, at 189.
individualism, and further alienation and fragmentation of women's lives, both in the private sphere and as a potentially powerful political and economic force in the public realm.

It is important to emphasize that this model of thinness, sexuality, physical debility, and neurosis has political consequences both for the women in Western cultures caught in this particular aspect of the "hunger trap" and also for their sisters in other cultures. First, women in Western cultures who have some access to public power are not using it, either for their own benefit or for the benefit of others, because of their inability to escape from the mental and emotional commitment to emulating the commercialized image of sexuality presented to them. Second, resources that could be spent on ameliorating poverty and hunger for women are spent instead on advertising and commercialized "beauty." Third, women in the West have been encouraged to participate in an essentially narcissistic culture in which political choices are interpreted as matters of individual preference. The emphasis on individual rights in human rights law is part of this same social construction. The economic and political roots of women's oppression disappear into the particular psychology of self-esteem and success. Finally, the connection between body discipline, reproductive choices, and women's oppression in the West on the one hand, and on the other hand hunger, population control, and the liberation of women in the rest of the world is obscured, creating divisions between First and Third World women, or between white middle-class women and black or indigenous women in their own countries.

G. The Unknown Woman: The Model of Extreme Unrecognized Dislocation

The subject of this last story has no name. Her story is one of anonymous starvation and death without any recognition or identification outside her own immediate family and community. This woman could be a Somali woman unable to reach a food camp, or having reached one, unable to gain enough sustenance to live. Her land has been destroyed through drought and war. Her story is repeated throughout sub-Saharan Africa and, as a result of drought and civil unrest, is spreading to eastern and southern Africa as well. She might be a woman of the Indian subcontinent driven out of her home through terrorism and civil war, as in Sri Lanka, Kashmir, the Punjab, or among the northeastern Indian hill tribes or through flooding caused by massive environmental degradation, as in Nepal, Bangladesh, or Pakistan. She might be a Yanomami or a Penan tribeswoman in Brazil or Malaysian-Borneo, her home devastated by disease and
violence through Western development policies, mining, and deforestation. She might be a Canadian West Coast native woman, murdered and mutilated by a white male citizen while working the streets of Vancouver as a prostitute to support her children.60 She might be a young girl from Chengmai who sells herself as a sex worker to German, Japanese, and Australian male tourists in Phuket, Thailand. She works to send money home to support her family whose farm is no longer profitable due to land degradation from deforestation that supplied the Japanese and U.S. computer industry with clean white paper. She might be a child of the streets in Sao Paulo or Rio de Janeiro shot down by a Brazilian shopkeeper for stealing. She might be a young black woman in a Los Angeles suburb, unmarried, pregnant, abused by her male relatives and her boyfriends, and addicted to “crack.” She might be an Iraqi Shiite woman driven into the marshes of the lower Tigris-Euphrates valley to escape the violence of the Iraqi military; or a Kurdish woman trapped in a United Nations camp on the Turkish border; or a Palestinian woman now searching the streets of Amman for a living after being exiled from Kuwait because of her husband’s alleged collaboration with the Iraqi military during the 1990-1991 Gulf War. She might have a sister in the Occupied West Bank with ten children and no means of subsistence, because her husband is interned by the Israelis for alleged terrorist activities. She might live on the streets of Calcutta, her family killed and herself blinded by Union Carbide in Bhopal. She might be begging for food on the streets of Minsk, her only daughter dying of leukemia which the doctors say may have been caused by radiation from Chernobyl. She might be a woman of the Peruvian Andes whose village has been destroyed by the “Shining Path” Maoist guerilla fighters or a shellfish seller in Caracas dying of cholera. She might be a Haitian woman who tried to reach America and freedom, but was ordered by President George Bush back to poverty, fear, and an early death on the streets of Port-au-Prince. She might be an old woman wandering the streets of New York, a plastic bag in one hand as she searches through garbage cans in the alleyways for leftovers.

She might be any one of millions of nameless women who lose the struggle for daily survival in a global political economy which has no use for them and places no value on their lives. We might get a fleeting glimpse of her on television before the camera moves on to a new disaster and before she dies. She is part of massive global dislocation

60. This woman can be identified, as her story appeared on the Canadian CTV Evening News, Mar., 1992. Her killer was apparently apprehended, and nothing more has been said of her or her story since.
which uproots whole populations through war, environmental spoliation, terrorism, and misguided development and social practices. Short of immediate relief through food aid, her only hope is long-term changes in regional and international policies which control economic and political conditions everywhere.

II. THE INTERNATIONAL LEGAL FRAMEWORK FOR THE RIGHT TO FOOD

It might surprise the women in our stories to know that there is a sizeable body of international law with respect to the right to food. The right to food or (to put it in negative terms) the right to be free from hunger, is a complex right. It may be expressed as part of a more general and fundamental right, i.e., the right of all peoples to an adequate standard of living, including the right to adequate health care, a healthy environment (including shelter), and social security of some form in the case of sickness, disability, or some other social disadvantage. This broader right is regarded as necessary for the "creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations."61 It is set out, with particular reference to the position of women, in the Universal Declaration of Human Rights:

24.1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.62

This broad statement is reaffirmed in the International Covenant on Economic, Social and Cultural Rights, which contains perhaps the most widely accepted formulation of the internationally guaranteed right to food:

11.1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect

61. U.N. CHARTER art. 55 (further developing the purposes of the United Nations as set out in art. 1).

the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
   (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
   (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure distribution of world food supplies in relation to need.63

The drafting of article 11 was substantially influenced by the United Nations specialized agency, the Food and Agricultural Organization (FAO), which has the main task of addressing problems of hunger and food on a global basis.64 It is a complex provision with several distinct elements.

First, in paragraphs 1 and 2, article 11 refers separately to two separate concepts: the right to an adequate standard of living and the right to freedom from hunger. The standards are not the same. A minimum standard of food ensuring freedom from hunger might nevertheless not constitute an adequate standard of living. The latter phrase is not defined, and different people in different societal contexts may well have divergent views on what constitutes an adequate standard of living. An adequate supply of food has been defined as "enough food to facilitate a normal active existence rather than a minimum calorific package which does no more than prevent death by starvation."65

Article 11 does not merely spell out the rights but contains some indications of the means to achieve the rights. Thus States parties ac-


65. Alston, supra note 64, at 167.
cept an obligation to take steps, both within national and international arenas, "to improve methods of production, conservation and distribution of food" and "to ensure an equitable distribution of world food supplies in relation to need." An interesting addition is that in designing and implementing such programs, States should make "full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition." This provision raises issues of transfer of technology and the sharing of knowledge.

Alston has developed Henry Shue’s approach to State’s duties and has further articulated a full list of the obligations on States which flow from the broad wording of article 11. Alston describes this “system of accountability” as “an indispensable component of a comprehensive, balanced, practical and effective approach to the right to food.”

These duties include:

A. Duties to Avoid Depriving
1. The duty to avoid international politics and practices which deprive other states of their means of subsistence or which promote an inequitable distribution of world food supplies.
2. The duty to mitigate national policies which have the effect of promoting an inequitable distribution of world food supplies.
3. The duty not to use food as an international sanction (discussed below).

B. Duties to Protect from Deprivation
4. The duty to ensure that international trade and aid policies and practices contribute as far as possible to the equitable distribution of world food supplies.
5. The duty to regulate the activities of domestically based entities (including transnational corporations and state trading enterprises) whose activities have, or might have, a significant impact on the distribution of world food supplies.

C. Duties to Aid the Deprived
6. The duty of food-surplus states to contribute to emergency buffer schemes and to assist in cases of internationally declared emergencies.
7. The duty to co-operate as far as possible with multilateral programmes which are aimed at ensuring an equitable distribution of world food supplies.

However, as Alston recognizes, these are extrapolations from article 11. Such duties are not spelled out in the provisions of any legally binding treaty. States have not accepted such expansive obligations

66. Id. at 170.
67. Id. at 172.
68. But see the Food Aid Convention, Mar. 13, 1986, S. TREATY Doc. No. 1, 100th Cong., 1st Sess. (1987). Members to the Convention (Argentina, Australia, Austria, Canada, European Community and Member States, Finland, Japan, Norway, Sweden, Switzerland, and the United States) have entered into binding obligations to contribute grain to developing countries as food aid.
and would probably regard the imposition of such duties as an unwarranted intervention into their internal affairs and as an interference with their right to formulate their own domestic and international food policies. Accepting these duties would cut across principles of sovereign independence and equality and thus go to the very roots of international law.\textsuperscript{69}

Further, while the specific measures listed recognize the need to ensure equitable distribution of food supplies, they nevertheless assume that development, technology transfer, the dissemination of knowledge (specifically scientific knowledge), and agrarian reform are necessary to achieve food equity. This assumes a Western concept of growth and development, technical and scientific assistance, and "reform" of agrarian techniques, none of which may be appropriate to the adequate supply and distribution of food to a particular group of people or within a particular region. The link with housing, clothing, medical care, and social services, explicitly contained in article 24 of the Universal Declaration, is now effectively severed, as most of these latter rights are placed in separate categories.

Other rights may also be important in our understanding of a right to food. The right to food, to be free from hunger, or to have an adequate standard of living is at the most fundamental level the right to \textit{live}, to exist in a culturally and personally sustaining environment. The right to \textit{life} is a specific and separate civil and political right spelled out in the Universal Declaration,\textsuperscript{70} the International Covenant on Civil and Political Rights,\textsuperscript{71} and regional human rights treaties.\textsuperscript{72} However, this right is not seen as guaranteeing a right to life in the broad sense we have described; instead it is limited to circumstances of protection from publicly sanctioned imprisonment and violence.\textsuperscript{73}

\textsuperscript{69} C.M. Chinkin, \textit{The Challenge of Soft Law: Development and Change in International Law}, 38 \textit{INT'L & COMP. L.Q.} 850 (1989) (discussing generally the difficulty of converting non-binding or "soft" law into traditional international law).

\textsuperscript{70} Universal Declaration, \textit{supra} note 62, art. 3.


\textsuperscript{73} Thus, article 3 of the Universal Declaration says simply: "Everyone has the right to life, liberty and security of person." Universal Declaration, \textit{supra} note 62, at 72. Article 6 of the International Covenant on Civil and Political Rights expands on this definition: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." Civil and Political Rights Covenant, \textit{supra} note 71, at 52. Similar wording appears in the regional human rights treaties. The operation of this right in the public
Other rights which might be relevant include the rights to self-deter-
m\ation,\textsuperscript{74} to development,\textsuperscript{75} to a reasonable environment,\textsuperscript{76} and to education, especially for women.\textsuperscript{77} The need for equitable redistribution of resources is another essential component in guaranteeing the right to food to all peoples. Thus principles set out in the Charter of Economic Rights and Duties of States are also relevant.\textsuperscript{78} The rights to a healthy existence and to life are separately expressed in similarly divided terms in regional human rights instruments, for example the Banjul Charter,\textsuperscript{79} the European Social Charter,\textsuperscript{80} and the American Convention on Human Rights.\textsuperscript{81}

Rights which do not tend to be enumerated in existing human rights instruments but which might also be part of a broader definition of a right to food or a right to existence include the right of access to clean and adequate water supplies,\textsuperscript{82} to cooking fuel, and to the basic sphere of government action is seen by the explicit reference to the death penalty in all these provisions, with the exception of the Banjul Charter. The Banjul Charter, \textit{supra} note 72.


\textsuperscript{79} The Banjul Charter, \textit{supra} note 72, arts. 4, 16, 20.

\textsuperscript{80} European Social Charter, October 18, 1961, arts. 11-14, 529 U.N.T.S. 89, 104-07.

\textsuperscript{81} American Convention on Human Rights, \textit{supra} note 72, art. 26.

\textsuperscript{82} \textit{But see}, e.g., World Charter for Nature, \textit{supra} note 76, art. 10. The importance of safe water and sanitation is stressed in \textit{WOMEN, CHALLENGES TO THE YEAR 2000}, \textit{supra} note 13, at 17 ("[A]n estimated 80 per cent of all disease in the world is attributed to the lack of clean drinking water and sanitation." "The fact that the provision of water, sanitation and nutrition are women's responsibilities in most developing countries gives these tasks a gendered dimension that needs to be taken into account.").
resources necessary for growing and distributing food;\(^{83}\) the right to reproductive control in order to space and limit the number of children;\(^{84}\) and the right to be free from war and civil unrest.\(^{85}\)

The international legal system has not only provided a framework of legal rights within which the right to food is located, but it has also attempted to support the legal framework through institutional development. Thus, one of the consequences of the World Food Conference of 1974 was the establishment of the United Nations World Food Council as the “chief global instrument of the World’s Governments” in attempting to eradicate hunger.\(^{86}\) The Council’s main functions are: to monitor the world food situation; to determine whether the world food strategy as a whole makes sense; to identify malfunctions, gains, and problem areas; and to exert its influence through moral persuasion to make improvements.\(^{87}\)

### III. TENSIONS IN HUMAN RIGHTS LAW AND THE MEANING OF SELF-DETERMINATION

A large body of formal law, backed up by such international institutions as the FAO and the World Food Council, relates to the right to food. Most of the treaties mentioned above have been widely accepted, and ratification or accession by formerly reluctant States, or newly created States, continues. At the outset, it would appear that a lack of formal commitment and organizational willingness on the part of States is not the major problem with the implementation of human

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83. Although the International Covenant on Economic, Social and Cultural Rights, article 11.2(a) mentions “technical and scientific knowledge” as part of a reform of “agrarian systems” in meeting the right to be free from hunger and to create more efficient agricultural practices, this is not the same as ensuring the basic needs of farmers for land, resources, implements, seed, and fertilizer to grow food. Economic, Social and Cultural Rights Covenant, supra note 63, at 50-51.

84. This latter right is contained to a limited extent in the Women’s Convention, art. 16.1(e). However reproductive issues are more frequently seen as part of a State’s right to control its population, for example either through prohibition of abortion, or through compulsory sterilization programs. Women’s Convention, supra note 77, at 196.


rights, including the right to food. However, a number of developments in human rights law since 1945 have created tensions and might have weakened the impact of these provisions in providing an effective guarantee to be free from hunger. Among the most significant of these developments are the bifurcation of political and civil rights from economic, social, and cultural rights, as well as a broadening of the process by which international obligations are formed. They will be further discussed below.

One other major development in postwar international law has been the growth of the concept of collective, as opposed to individual, rights. The most important of "peoples'" or "group" rights is arguably the right to self-determination protected under Common article I of the International Covenant of Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as in other major human rights instruments. This right is usually interpreted as referring to the right of colonial and trust territories to political independence, and it has formed the foundation of the decolonization process which gave birth to over a hundred new nations since the U.N. Charter came into existence. We are still seeing this process unfold, as the old Soviet Empire disintegrates and the countries of Eastern Europe struggle towards a new political and economic future.

This right to self-determination may be too narrowly defined. Political cohesion sufficient to exercise a right of self-determination is generally defined in terms of language, religion, race, or ethnic origin. This can in turn lead to irredentist claims, aggressive practices towards "others" (who may be long-term neighbors as in Bosnia-Herzegovina), and violent fragmentation within any wider sense of community. Serbia's intransigent pursuit of "self-determination" has directly led to this "people's" increasing isolation from the rest of the international community. But a "self" cannot solely consist of territory, boundaries, and political institutions.

We would argue that a "self," to be defined in terms which recognize the needs of all human beings, must begin with a basic right of existence, the right to live beyond the bare minimum of survival. In this sense, Somalia and not (as yet) Yugoslavia, is the real test of what a "self" might be under international law. In this country no major

88. For a brief description of these rights, see PAUL SIEGHART, THE INTERNATIONAL LAW OF HUMAN RIGHTS 367-78 (1983).
89. See Civil and Political Rights Covenant, supra note 71, art. 1; Economic, Social and Cultural Rights Convention, supra note 63, art. 1; U.N. CHARTER art. 1; Declaration on Independence, supra note 74.
90. Circumstances in Bosnia-Herzegovina have deteriorated to the point where survival and
differences of language, religion, or ethnic origin create diverging groups competing for rights of self-determination (as there are for example in Ethiopia and Yugoslavia). The historical progression of Somalia from colony to trust territory and finally to independence is not radically different from other countries in the former colonial world, particularly Africa. Yet a combination of colonial neglect, First World exploitation, massive arms sales, autocratic rule, the collapse of democratic institutions, and worsening economic conditions, compounded by environmental degradation and drought, has driven Somalia to the point where it can no longer be described as a viable political unit under international law. It is ironic that the only solution to chaos and the starving deaths of millions of Somalis as a result of armed gangs preventing the distribution of food aid is military intervention by the United States — the country which is principally responsible for the arms build-up and the aberrant development that has caused the present crisis.

Somalia is internationally recognized, or "determined," as a nation-State, but no longer exists as an identifiable "self." The disintegration of this country forces us to rethink our priorities in terms of basic human needs. Political and economic rights cannot exist without basic guarantees of life, existence, and fundamental security of survival. At the moment Somalia lacks these basic elements. Where political, economic, and social institutions based on the requirements of masculinist and excessively patriarchal elites are allowed to spiral out of control, the first sufferers will be women and children. We would argue that the needs and rights of these members of the group must be addressed first, and not last, in redefining what is meant by self-determination. Food, shelter, clean water, a healthy environment, peace, and a stable existence must be the first priorities in how we define or "determine" the "self" of both individuals and groups, instead of the present definitions, which are based on masculinist goals of political and economic aggrandizement and aggressive territoriality.

the maintenance of a coherent identity or "self" is now extremely problematic. As in Somalia (although to a much less serious extent), food is now also being used as a weapon between the warring factions. See A New Weapon in Bosnia: Food, TIME, Mar. 1, 1993, at 10 (Australian edition).


92. As is said in Time's description: "Burdened by nearly a million refugees, years of drought and an enfeebled economy, Siad Barre turned to the U.S. for help. Washington was eager for a strategic outpost near the Arabian oil fields and struck an agreement to take over the old Soviet military facilities. For the next 10 years [from 1978 to 1988] the U.S. poured millions of dollars into arming the country." Id.
A. Civil and Political Rights versus Economic, Social, and Cultural Rights

The first tension within human rights law relates to the dichotomy that has been drawn between political and civil rights and economic, social, and cultural rights. The Universal Declaration of Human Rights draws no distinction between these types of rights, incorporating both within the same document. However, instead of a single, follow-up, legally binding convention to the Declaration, there were the two United Nations Covenants, the Civil and Political Rights Covenant and the Economic, Social and Cultural Rights Covenant. The former Soviet Union and other socialist States had argued that economic and social rights, such as the right to a reasonable standard of living, to work, to equal remuneration, to health care, and to education, should receive highest priority, while the liberal democratic traditions of Western States placed an emphasis on civil and political rights, such as the right to life (in its narrow sense), the right to security of the person, the right to due process of law, and the freedoms of conscience, religion, speech, assembly, and association. One unfortunate consequence of the perceived division of human rights law into these two areas has been a priority accorded to civil and political rights to the detriment of economic and social rights. This has been especially so in the West, where the historical and philosophical development of human rights has emphasized political freedoms.

This dichotomy between civil and political rights and economic, social, and cultural rights is especially significant in the context of food and hunger, since the most detailed and important provisions relating to these rights are in the Economic, Social and Cultural Rights Covenant. A number of consequences flow from this. First, it has been asserted that economic rights must be subordinate to political freedoms:

Many in the world are indeed hungry. But there is a prior issue. Less than half the world — barely a third is free. More than two-thirds is slave. . . . Hunger, or at least poverty, is the long-trend line of the human race. Such poverty did not begin with the present generation or with the present-day economic systems. . . . If [President Carter] wishes to end hunger and poverty, let him first break the shackles of whole empires of the unfree. . . .

While this is the view of a single person, his official status gives the remarks greater weight. A number of comments can be made in response to this position. It may just as well be argued that political

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freedom is a luxury that can only be afforded by those who are not fully occupied with attempting to ensure that they and their children will eat today and tomorrow. It is also sobering to note that one consequence of the gains in political freedom in the former Soviet Union and the Baltic States has been concerns about the availability and distribution of food for the foreseeable future. Commitment to democracy has become a criterion for Western recognition of new States, but not a commitment to feed the population. In addition, the comment makes assumptions about the meaning of the word "free." It is not clear that freedom of any kind can exist where the basic necessities of life enslave human beings to a subsistence level of existence or to ill-health and death through malnutrition. Likewise, while hunger and poverty are conflated, they are not necessarily the same, nor in some cases even related, even though real systemic hunger is far more likely to be endured by the world's poorest. There is an acceptance of hunger and poverty as eternal, somehow immutable, verities of human existence that do not depend on existing economic, much less political structures. There is an assumption that poverty and hunger can never be alleviated, while political freedom in the terms of the West can be achieved. In our stories, it is hard to argue that Maggie (in a Western, liberal, democratic country) or Anna (in a newly "liberated" country) are currently "free." Both Monique and Hayley, despite their apparent political freedom, experience restrictions of choice. The victory of the Afghan liberation fighters in April 1992 came too late for Helai and her daughter, but in any case is unlikely to lead to freedom for her mother-in-law or the other women in the Afghan refugee camps.

Another disadvantage of the inclusion of the basic categorization of the right to food as an economic and social right is that the enforcement provisions are weaker than those in the Civil and Political Covenant. Under the Economic, Social and Cultural Rights Covenant, States are only required to report periodically to the Economic and Social Rights Committee established by the Economic and Social Council of the United Nations (ECOSOC). There is no provision for

94. See supra part I.C (the story of Anna).

95. An interesting counterpart to this is the emphasis American writers are placing upon democracy as a new norm of international law without reference to the consequences this may have for the people. There is an assumption that the achievement of democracy is in all situations a desirable objective. See Thomas M. Franck, The Emerging Right to Democratic Governance, 86 Am. J. Int'l L. 46 (1992).

the hearing of complaints against any State by an individual,97 group, or another State.98 This reporting procedure allows States to be selective and myopic in what they mention and, more importantly, provides no mechanism for ensuring that States accurately report the condition of economic and social rights within their jurisdictions. The Working Party set up by ECOSOC to handle reports has failed to provide an adequate procedure for examining or even recording the reports submitted to it. Further, the language of the Covenant on Economic, Social and Cultural Rights is aspirational and programmatic rather than immediately imposing identifiable and absolute obligations upon States.99

Another aspect of the primacy given to civil and political rights is the emphasis placed in the Civil and Political Rights Covenant upon the individual. The concept of individual human rights, derived from liberal political theory, assumes that human beings live in isolation from one another and that there is no valid group organization outside the State.100 Human beings are seen as autonomous and isolated units, each in relationship with the State. The State is seen as potentially dangerous and intrusive, and the individual must be protected from its worst excesses in order to achieve the chief goal of modern liberal democracy — to be free from fear of coercive State intrusion into private life.101 In contrast, under economic and social rights the State is seen as potentially benevolent, even paternalistic, with major responsibilities to individuals in ensuring an adequate standard of living and acceptable economic and social conditions of existence. The emphasis remains, however, on the individual as the recipient of such social and economic benefits.

Thus, within the category of economic and social rights, the right to an adequate standard of living is defined in individualistic terms.


98. There is also no provision for inter-State complaint as there is in the Civil and Political Rights Covenant, supra note 71, art. 41.

99. For example, under art. 2, "Each State Party . . . undertakes to take steps . . . to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant . . . ." Economic, Social and Cultural Rights Convention, supra note 63, at 49.

100. For a discussion of the basis of liberal political theory and other theoretical perspectives, see ALISON M. JAGGER, FEMINIST POLITICS AND HUMAN NATURE (1983) (see especially chapter 3).

101. This was Montesquieu's chief goal in his De l'Esprit des Lois, which greatly influenced the founders of the American political experiment. See JUDITH N. SHKLAR, ORDINARY VICES 7-44, 226-50 (1984).
The right to food in article 11 of the International Covenant on Economic, Social and Cultural Rights is applicable to "himself and his family." This illuminates the androcentric and patriarchal assumptions underlying this right. "Everyone" is characterized as a male head of a household. Women and children are subsumed within "his family." This ignores the reality of woman-headed households. It also ignores the primary responsibility that women in every society have for food preparation, as well as their responsibility for food cultivation, production, and distribution in many cultures.

However, people are not autonomous units. The primacy given within the framework of civil and political rights to the isolated individual whose only meaningful social relationship is with the State ignores human relationships with family, friends, work colleagues, members of the same ethnic group or religion, neighbors, and others. All peoples are the products of their community, culture, and society. Individual abuses of rights are indivisible from the social structures which perpetuate or create social injustice. In particular, women, unlike men, cannot be easily or realistically separated into individual units in view of their traditional and continuing role as primary caregivers to children, the elderly, and to men. Women cannot be autonomous as men can be, since they are often connected in either a caring or subservient role to other people, often physically through pregnancy and breast-feeding. The primacy accorded to the protection of individual rights does not correspond to the reality of most women's experiences.

Finally, civil and political rights and economic and social rights are not mutually exclusive. In both cases they reflect the need to protect individuals within the context of their particular societies. Both kinds of rights are predicated upon the accessibility of these rights to people through States or international agencies, either to protect specific political freedoms or to improve economic and social conditions. Both, however, tend to ignore the problem that women have in relat-

102. It is estimated that one-third of the world's households are headed by women. WOMEN, CHALLENGES TO THE YEAR 2000, supra note 13, at 40.
104. For the argument that the view of individuals as separate and autonomous is masculine, see Robin West, Jurisprudence and Gender, 55 U. CHI. L. REV. 1 (1988); on women as living by an "ethic of care" depending on relationships rather than logic or "justice", see CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982).
B. Treaty Rights versus Soft Law Rights

Another development in human rights law that is closely associated with the concept of peoples’ rights is a changing perspective as to the nature of rights to be protected and the process through which norms are generated. Primarily through the instigation of the post-colonial States, attention has been focused upon what has been termed a “third generation” of human rights.106 Third generation rights include control over natural resources, the right to development, the right to peace, and the right to a healthy environment.107 These have been promoted through resolutions of the General Assembly, where the previously colonized States hold a majority.108 The acceptance of these third generation rights as part of customary international law is controversial. Traditional (notably Western) international lawyers point to the fact that they are enunciated primarily through non-binding General Assembly resolutions and are not in treaty form. It is argued that acceptance of such rights without the “quality control” tests to determine what is established customary international law weakens the normative structure of the international legal system, to the detriment of the protection of all human rights.109 For their part, proponents of the “third generation” rights argue that international law-making should be more flexible and that it should be recognized that such “soft” instruments can generate legal norms.110

Most of these “third generation” rights are group or collective rights. However, no existing set of group rights takes into account the special needs or requirements of women either as a “people” or as part


107. The most cogent formulation of these rights is found in The Banjul Charter, supra note 72, arts. 20-24.


110. There is an enormous literature on soft law. See, e.g., Chinkin, supra note 69.
of a specific group that can be described as a "people." There is a
tension both between the concept of group rights and that of individ-
ual rights and the usually invisible position of women as members
of a group, as well as uncertainty as to the normative status of the
resolutions which create these rights.

C. Individual versus Collective Rights: Self-Determination

The emphasis accorded to the individual in human rights law has
to some extent been lessened by the development of these "peoples'"
or group rights. Perhaps the most important of these rights is the
right to self-determination, which is arguably a fundamental principle
of the post-1945 international order. However, here again, one
finds an odd categorization. The right to existence is seen in statist
terms as a right to political self-determination. This is reflected in the
priority given to aspects of self-determination contained in the defini-
tion of the right in Common Article 1 of both the International
Covenants:

1. All peoples have the right of self-determination. By virtue of that
right they freely determine their political status and freely pursue their
economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural
wealth and resources without prejudice to any obligations arising out of
international economic co-operation, based upon the principle of mutual
benefit, and international law. In no case may a people be deprived of its
own means of subsistence.

111. In the Draft Bill of Rights (1990) created by the African National Congress for a post-
apartheid South Africa, issues of gender are expressly addressed both as part of individual and
peoples' rights. This is an exceptional and promising development. There is, however, consider-
able doubt whether the terms of this draft will survive the South African negotiation process.
Provisions relating to gender may very well be sacrificed to the needs of political expediency and
economic "realities." This would be extremely unfortunate as South Africa has a unique oppor-
tunity to create both a non-racist and a non-sexist society out of the existing injustice. See
Christina Murray, A Bill of Rights for A New South Africa, 3 AFR. J. INT'L & COMP. L. 589

112. This tension can be illustrated by the decision of the Human Rights Committee that the
collective right of peoples in the International Covenant on Civil and Political Rights, article 1 is
not susceptible to the right of individual complaint. See also Omniyak and the Lubicon Lake
(1990), reprinted in CANADIAN HUM. RTS. Y.B. 222 (1991-92). The Committee considered that it
could only consider individual rights relating to cultural issues under article 27 of the Covenant.

113. For example, the Lovelace Case revealed a conflict between the individual's claim to
participate in the life of the Indian tribe of which she had been a member before her marriage to a
non-member of the tribe, and the group's right to determine its own membership. Report of the

114. Article 20.1 of The Banjul Charter describes the right to self-determination as "inaliena-
ble". The Banjul Charter, supra note 72, at 62.

115. Economic, Social and Cultural Rights Covenant, supra note 63, art. 1; Civil and Politi-
cal Rights Covenant, supra note 71, art. 1.
The right to self-determination has several strands: the right to political freedom; the right to economic and cultural development; the right to deal with one's own natural resources; and the right not to be deprived of the means of sustenance. Taken together, the strands seem to underpin the right of a people to a secure existence. The preliminary right in article 20.1 of the Banjul Charter declares that "[a]ll peoples shall have the right to existence." However, the right to self-determination has been primarily directed at the decolonization of those peoples subjected to European colonial rule or apartheid. It has been viewed as a collective right of colonized peoples to achieve political independence. It is first and foremost a political right of fairly narrow interpretation. This is particularly clear in the Banjul Charter, article 20.2, which declares that "[c]olonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to means recognized by the international community." This collective right must usually be expressed and gained through political independence as a State, although other forms of political organization, such as merger with another State, are accepted as satisfying the right. Once Statehood is achieved, international law focuses on the State through its government rather than on the peoples who comprise the State, allowing individuals to claim only those political, civil, economic, and social rights recognized by the State as protected by international law.

However, self-determination in an individualized sense must relate to the basic right of existence, the right to life in a much broader sense than it is normally defined. Presently, the right to existence is perceived as a collective right accruing to identifiable groups or "peoples" until the right is subsumed into Statehood, at which point it becomes an individual right to life very limited in meaning, referring only to the individual's relationship to agencies of the State.116 Those provisions apparently deal with the most fundamental right of all — the right to exist — yet they are not concerned with the continuation of human life generally. This fact reflects an overall inadequacy in the drafting and interpretation of international legal regulations. Whether describing individualized rights or group rights, they are male-oriented in that they focus on the public world of white European men and the possibility of deprivation of life in this public sphere that they most fear. These rights do not address the ways in which women, children, and most other men require guarantees to the right to life in terms relevant to their needs.

116. Civil and Political Rights Covenant, supra note 71, art. 6.
Our stories of women indicate that a political right to self-determination is a very complex right in its effect on the lives of women. For Helai, it meant nothing, but was the indirect cause of her death through disease in a refugee camp. Helai, her mother-in-law, and the women of Afghanistan seem to have little personal self-determination and no input into the question of national identity or Statehood for their country. For Anna, self-determination in the traditional sense of independence as a nation-State was something she herself supported, but which may now lead to serious economic and social problems, including problems of food distribution. Although Anna, her sister, mother, and other Estonian women (but not migrant Russian women) had a greater say in the political self-determination of Estonia, the consequences for their own personal development and identity may not all be positive. For Maggie, self-determination for her people is seen as the key to resolving serious problems, including problems of health and nutrition. But even for Maggie and other Aboriginal women, internal communal problems make self-determination in a wider sense problematic. Domestic violence and sexual assault are serious problems within Maggie’s community. As it has been noted, “[m]ore Aboriginal women have died in domestic violence in Queensland and the Northern Territory over the last ten years than all Aboriginal deaths in custody over that period . . . .” But raising issues of male/female violence, including rape, is enormously sensitive and difficult.\textsuperscript{117} Thandi and Maggie both have strong communities and a sense of solidarity with the other women of their village or tribal group, but this female network is not recognized as a source for a radically new vision of “self-determination” by the wider community, or in international law. Monique is concerned about Quebecois sovereignty and will be seriously affected both socially and economically if Quebec does leave Canada. This is the main reason, disregarding constitutional issues of reform or the meaning of a “distinct society” for Quebec, why she voted in favor of remaining within the Canadian Confederation in the October, 1992 referendum. Hayley, the most economically and socially privileged of the women, seems to be entirely oblivious to the political consequences of her own lack of personal “self-determination.”

Another group right fundamental to the right of existence is the right to be protected from the international crime of genocide. The association between article 6 of the International Covenant on Civil and Political Rights\textsuperscript{118} defining the right to life and the Genocide Con-

\textsuperscript{117} PETTMAN, supra note 21, at 70 (citations omitted).

\textsuperscript{118} Civil and Political Rights Covenant, supra note 71, art. 6(3).
vention could lead to a more imaginative analysis which would condemn the denial of adequate food to a group of people as genocide. Genocide can also be seen as a negative protection against the antithesis of self-determination — group annihilation. Article 2(c) of the Genocide Convention\textsuperscript{119} could be applied to condemn conditions inflicted on ethnic or tribal groups within nations, or even to whole nations themselves, where food, an essential "condition of life," is denied. Examples include the blockade of Eritrean and Tigrean peoples by Ethiopian armed forces during the recently concluded civil war, the fragmentation of tribal groups in Somalia, where food aid shipments are being prevented from reaching areas of critical need by opposing forces\textsuperscript{120} and, most recently, the banning of relief flights to refugees in southern Sudan by both the government in Khartoum and the rebel Sudanese People's Liberation Army.\textsuperscript{121} However, allegations of genocide are usually applied to situations of deliberate killing or massive physical destruction, such as of the Jews during World War II.\textsuperscript{122} It is rarely seen as applicable to the creation of situations of extreme poverty and starvation. In addition, the requirement of intentional infliction of certain acts for the purpose of destroying a defined racial, ethnic, national, or religious group would not include many situations of extreme hunger where the denial of a right to live appears as a marginal result of conflict or aggressive development practices, as in the civil war in Liberia or the destruction of rain forests in Brazil or Southeast Asia.\textsuperscript{123} The right to life is limited to individuals in situations which ought to be regulated by national legal processes. The right to be free from genocide is also limited to specifically defined groups. The right of human beings generally to be free from intolerable living conditions is left to the less effective regime of economic and social rights, such as is contained in article 11 of the International Covenant on Economic, Social and Cultural Rights.

The second element contained in the peoples' right to self-determination is a right to economic, social, and cultural development. The right to development is also contained in the Banjul Charter, article


\textsuperscript{120} See Africa Watch, supra note 52.

\textsuperscript{121} See Rule by Famine and Fundamentalism, TIME, Sept. 28, 1992, at 17 (Australian edition).


\textsuperscript{123} But cf. MIRON DOLOT, EXECUTION BY HUNGER: THE HIDDEN HOLOCAUST (1985) (an account of Stalin's policies in the Ukraine).
22, where it is associated with peoples’ freedom and identity, and with the equal enjoyment of the common heritage of mankind. The association of self-determination with development is also reflected in article 55 of the U.N. Charter. Again, the right is associated with political statist goals and is curiously tied in the Banjul Charter to a “common heritage” ideal, which is not defined. “Common heritage” provisions are usually associated with the right of all nations, especially developing nations, to enjoy the economic benefits of areas such as the deep sea bed, the moon or Antarctica which are not part of any State.

D. Human Rights versus Economic Development

Human rights law and the institutions for applying it have developed separately from international economic law and international economic institutions, although they are drawn together through the right to development, which has enormous economic significance, particularly in relation to women.124

The politics of development are closely allied with those of the integration of First World and Third World economies and the requirements of world trade. Many of these policies have been formulated through the principles and guidelines of the United Nations Commission on Trade and Development (UNCTAD).125 Other significant bodies or instruments are the World Bank;126 the International Monetary Fund (IMF);127 the Lomé series of Conventions between European Community Nations and their former colonies in Africa, the Caribbean, and the Pacific;128 the General Agreement on Tariffs and Trade (GATT);129 and specialized agencies of the United Nations, notably the Food and Agriculture Organization (FAO). Non-governmental bodies, including Oxfam, Community Aid Abroad/Freedom

125. UNCTAD was responsible for their formulation in the 1974 General Assembly Resolutions on the Establishment of a New International Economic Order. Charter of Economic Rights and Duties of States, supra note 78.
From Hunger (which have amalgamated under a single body), the Red Cross and Red Crescent Societies, and various church groups, also play an increasingly important role in determining the hard and soft law of international development.

The main determinants of how and to whom the right to development is granted are funnelled through the policies of the Bretton Woods system developed out of the Bretton Woods Conference initiated by the United States and Great Britain in 1944. The World Bank and the IMF were both created as a result of this Conference. A parallel trade body failed, but the GATT provided an international mechanism for the regulation of international trade. The Organization for Economic Cooperation and Development (OECD) and UNCTAD have also been important contributors to the Bretton Woods system of liberalized world trade, although not formally part of it. The World Bank was set up to provide long-term financial assistance to countries in post-war reconstruction and, subsequently, to Third World development. The IMF regulates currency restrictions and manipulation and short-term financing assistance to countries with difficult external payments demands and provides a forum for the resolution of international monetary problems. Inevitably, those States that gained independence after 1945 played no part in the setting up of these organizations and, as a result of the weighted voting in which the interests of the major economic powers are safeguarded, still have little say in their management. The U.N. system, especially through UNCTAD, has provided an alternative structure which is more heavily influenced by developing nations. Neither system expressly recognizes the specific needs of women and children in most instances, although the latest Lomé Convention has recognized the need to include human, social, and cultural interests, including the interests of the most-disadvantaged, within the context of economic development.


133. Documents of the Fourth Lomé Convention, supra note 128, at 837. For the impact of the Bretton Woods system on human rights, see also Maryam Elahi, The Impact of Financial
Development, as channelled through the financial, monetary, and trading wings of the Bretton Woods system, has tended, therefore, to entrench and extend a Western free market economic model in both the First World and the Third World. This capitalist model depends on growth and expansion, the proliferation and export of First World technology, the gearing of developing economies to servicing First World industrial needs, and the exploitation and frequently destruction of Third World economic and social structures. Women and children, because of their invisibility within the international monetary and financial system, have tended to suffer a disparate proportion of the burden.

The right to development, like the right to self-determination, is not necessarily connected to the provision of food and the avoidance of hunger, nor is it predicated on the provision of basic services and an adequate standard of living for the people of developing countries. Instead, it is geared towards the servicing of First World commercial institutions and Third World elites. This has been further complicated by the large presence of the military-industrial complex as a major player in First World economies with Third World countries as major consumers.

E. Self-Determination and the Disposal of Natural Resources

The disposal of natural resources and wealth is the third level of rights associated with self-determination in Common Article 1. The connection of this right with either trade-related issues of development or environmental concerns tends to be ignored. The attempt to prevent the wholesale disposal of natural resources, a major prob-
lem for many indigenous peoples, is in turn tied to the need to service
debt burdens which transfer both cash and resources from the Third
World to the First World. The destruction of the natural environment
is a major cause of poverty, hunger, and social dislocation for many
people, in particular women and children, who may not be able to
participate in the natural resources industries created by this trade.
These industries, where they employ local labor or management skills,
tend to favor men.

F. The Right to Subsistence and Agricultural Reform

The final limb of self-determination within Common Article 1
states that “[i]n no case may a people be deprived of its own means of
subsistence.” This limb is last and has received the least amount of
attention, whereas we would argue it should be first and the most im-
portant. The removal of the means of subsistence is often the direct
result of the three preceding limbs, which affect women and children
most heavily where they have the least participation in decisionmak-
ing. Statist goals of self-determination and development, tied to West-
ern economic priorities and the exploitation of natural resources, are
arguably among the most significant causes of world hunger and
poverty.

A significant factor in the existing structures of rights to existence
or to maintaining an adequate standard of living, whether located
within existing economic and social rights, as part of individual or
group rights to life, or within the wider structure of self-determination
and development, is the impact of Western-derived reforms to tradi-
tional agricultural practices. These “reforms” take the form of tech-
nological incursions into food production at all stages, with the result
that capital-intensive, large-scale agricultural enterprises tend to stifle
small traditional farmers. World food distribution has become inter-
nationalized, and problems are exacerbated by trade wars between
First World countries. The most recent example is the ongoing Amer-
ican and European agricultural subsidization battle which has under-
cut prices to the detriment of developing countries exporting similar
agricultural products. A related problem is growing Third World de-
pendence on cheap foreign imports of products such as grain, which
leaves them at the mercy of First World price-fixing. First World
trade wars also tend to result in massive “stockpiling” of food and

allegedly is in contravention of the rights of the people of East Timor to self-determination and
access to their natural resources. The Treaty is being challenged by Portugal, the colonial power
responsible for East Timor when it was invaded by Indonesia in 1975. Case Concerning East
consequent waste. The participation of women in food production is rendered invisible, as their work is labeled "housework" or "subsistence farming." These labels ignore women's significant productive work and relegate women's tasks to use-production within the private sphere and to reproduction.\textsuperscript{138} Finally, the elimination of food production within small communal structures and the displacement of rural populations to the cities has been exploited by the introduction of "fast foods" creating nutritional problems and price-fixing.\textsuperscript{139} Again the structures created tend to entrench existing capitalist and patriarchal patterns imported from the First World.

Technological exploitation and monopolization through licensing import agreements between First World industries and Third World countries backed up by international intellectual property regimes also have an important role to play.\textsuperscript{140} The result is the removal of Third World technologies through expropriation or destruction, dependence on First World technologies, and associated social and economic disruption. One of the main causes of hunger in the Third World is the decrease in biodiversity of agricultural plants through the spread of high-yield hybrids, which may be unsuitable for local soil and climatic conditions except where supported by imported fertilizers, herbicides, and elaborate irrigation systems — all of which may be disrupted or unavailable when combined with extreme climatic conditions, war, natural disaster, or the failure of local political or economic structures.

An example of the use of Western technology protected by Western derived international protections is the development of new plant varieties through biogenetic engineering. Biogenetic engineering can speed up the process of species mutation, but it relies on fairly high levels of expensive technological expertise and resources. Biogenetically altered species may now be protected through monopolistic intellectual property regimes specifically instituted to meet these new "high tech" species. The basic stock for creating new plant varieties, however, relies on species usually taken from developing countries without payment, the argument being that "natural" plant varieties are part of the "common heritage of mankind [sic]" and should be free for all. Local agricultural practices may depend on particular varieties of plants taken by Western multinational corporations or national government agencies. These varieties may be "redesigned," "patented,"

\textsuperscript{138} See generally \textsc{Warin}, supra note 6. See also supra parts I.A. and I.D. (the stories of Monique and Thandi).

\textsuperscript{139} See supra parts I.A-C (the stories of Monique, Maggie, and Anna).

\textsuperscript{140} See \textsc{Michael Blakeney}, Legal Aspects of the Transfer of Technology to Developing Countries (1989).
and thus "owned" by their corporate plant breeders, who can then demand payment from the original "owners." Agricultural reform often involves the introduction of both naturally and artificially created plant varieties protected through monopoly rights under national legislation (following international conventional standards) or through international licensing agreements.\(^{141}\) This activity, which receives relatively little publicity, has profoundly affected agricultural development in the Third World, resulting in massive environmental degradation, the reduction of the diversity of both plant and animal species (as forest areas supporting a wide variety of life are destroyed to make space for cultivation of the new strains), the expropriation of land and resources, and consequent social dislocation, especially to women.\(^{142}\)

G. **Conflicting Claims from Different Groups**

A final significant development in human rights law has been the articulation of special rights to meet the requirements of particular categories of people. Examples are the Convention on the Elimination of All Forms of Discrimination Against Women 1979,\(^ {143}\) the Convention on the Rights of the Child 1989,\(^ {144}\) and the 1949 Geneva Red Cross Conventions and the Protocols.\(^ {145}\) Targeting especially vulnerable groups allows their specific needs to be identified and provisions


142. We are indebted once again to the work of our students Brendan Coady and Patricia Hay. They wrote respectively Biotechnology in Agriculture and Plant Variety Rights - Why We Shouldn't Protect Them. The protection of intellectual property rights of the American biotechnology and pharmaceutical industries was the major reason why U.S. President George Bush refused to sign the Biodiversity Treaty at the Earth Summit in Rio de Janeiro in June of 1992. See *Convention on Biological Diversity*, June 5, 1992, 31 I.L.M. 818 (1992); Sharon Begley et al., *And Now, the Road from Rio*, NEWSWEEK, June 22, 1992, at 46. See also supra note 134 and accompanying text.

143. Women's Convention, *supra* note 77.

144. Children's Convention, *supra* note 77.

drafted to take account of those needs. The Women's Convention and the Children's Convention, for example, combine civil and political rights with economic and social rights in a way that was not possible under the 1966 Covenants.

There is, however, a danger that the use of special conventions will marginalize these groups outside the mainstream of human rights protection. In particular, in relation to the Women's Convention, it seems strange that fifty-three percent of the world's population should require "special" treatment under a particularized treaty. This would seem to imply that "human" rights do not incorporate "women's" rights, leading to the further conclusion that "human" rights are indeed "men's" rights, inapplicable to many women. The proliferation of conventions also causes problems of conflicting provisions, creating the need to assert priorities between them, a task that the international community has been unwilling to undertake.

H. Conclusions

This brief analysis of human rights law has revealed a number of tensions in its operation and effect. First, there is the tension between civil and political rights on the one hand and economic, social, and cultural rights on the other, with primacy accorded by many States to the former, even though political rights are meaningless in the absence of the essentials of existence. The rights to food, access to adequate health care, and to shelter in order to live, as opposed to the right to life, are given a lesser emphasis through their inclusion in the Covenant on Economic, Social and Cultural Rights. Enforcement provisions are weaker in this Covenant, and States' obligations are not absolute. Second, the tension between the conventional rights as articulated in the United Nations Covenants and the rights formulated

146. See Women's Convention, supra note 77, art. 14 (addressing the particular difficulties faced by rural women).


150. The U.N. bodies themselves assert the equality of the two sets of rights, but their indivisibility is still not widely accepted. See Alston, supra note 75, at 233.
through nonbinding resolutions challenges the way in which international law is made and applied. This allows States to deny the normative status of any right not concluded in binding treaty form, or to be diverted into arguments as to whether it has emerged as a principle of customary international law. This, however, is to the detriment of practical measures of implementation. Third, there is the tension between individual and collective rights, with priority given to the former. Fourth, there is the tension between human rights principles and international economic institutions in formulating and financing development policies and programs. Fifth, a tension is caused by the continued primacy of the nation-State in determining which treaty obligations to accept and in setting priorities and agendas. The protection of national sovereignty remains the paramount concern of States, but their decisionmakers rarely include women. The use of food as a sanction by nation-States, for example, in situations of civil disorder, is unacceptable but has occurred in recent years. Sixth, there is the tension between the potentially conflicting demands of different groups who have been identified as requiring particular attention and protection. This tension is heightened by the demands of those who consider that they too should receive such identification but have not yet been successful. Finally, and pervasively, there is the tension caused by the gendered definition of human rights, whether individualized or collective, and the masculinist interpretation of legal instruments, which sets “human” rights against “women’s” rights. Separate identification of these tensions should not obscure the fact that they interlock and overlap at all levels. Taken together, they undermine the effectiveness of the legal guarantees in breaking the “hunger trap” and ensuring an adequate standard of life for the women in our stories.

The right of self-determination as defined in Common Article 1 highlights the tensions and confusion within existing human rights law. This article accords primacy to political rights and the State’s interests in economic development. Control over the exploitation of natural resources takes precedence over human rights to basic subsistence. Development practices and use of natural resources can exacerbate, rather than alleviate, poverty. Hunger, as part of a web of social dislocation, cannot be seen in isolation. Comparing the right to self-determination under Common Article 1, the right to food under arti-

151. For example, there is no general human rights treaty on the rights of indigenous persons, although there have been General Assembly resolutions and an ILO Convention. See the Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, June 26, 1957, ILO Convention No. 169, reprinted in INTERNATIONAL LABOUR ORGANIZATION, INTERNATIONAL LABOUR CONVENTIONS AND RECOMMENDATIONS: 1919-1981 858 (1982).
cle 11 of the Covenant on Economic, Social and Cultural Rights, and
the right to life under article 6 of the Covenant on Civil and Political
Rights indicates a serious failure in international law in the setting of
standards and priorities with regards to the fundamental right of all
human beings to a safe and continuing existence. The masculinist ba-
sis for these definitions is, we would argue, a major cause for the fail-
ure of international law to look beyond statist goals towards the need
to eradicate hunger in all its complexity.

IV. SHOULD WE ABANDON LAW ALTOGETHER?

Given the inadequacies that we have identified and the irrelevance
of the international guarantees to the lives of women in such disparate
circumstances, is there any point in attempting to develop effective
international legal provisions for a right to food and an adequate exist-
ence? At a very basic level an enormous gulf divides the most poverty-
stricken people, whose energies are focused on simply trying to sur-
vive, and the formality of legal regulation. At this point we can do no
more than to raise issues and to open them for further discussion.

However, certain more positive points in relation to legal regula-
tion are important. A legal commitment is a publicly made and bind-
ing obligation upon States. The treaties provide objective standards
against which States' behaviour can be judged. Failure to comply with
legal commitments incurs State responsibility, however inadequately it
may be enforced.\textsuperscript{152} The existence of internationally guaranteed rights
allows outside bodies, United Nations organizations, and NGOs to re-
mind States of their legal obligations and gives force to their argu-
ments. Legal instruments are themselves important political tools.
People in situations of extreme distress appear to be powerless, but the
language of legally guaranteed rights is empowering and probably
should not be abandoned for this reason alone.\textsuperscript{153} The existence of
legally accepted obligations can focus the activities of bodies which are
prepared to act on behalf of such people and to raise their concerns
before international agencies. Further, monitoring provisions within
the Conventions and Covenants themselves further strengthen this
possibility. As States become more accustomed to fulfilling their inter-
national reporting obligations,\textsuperscript{154} as NGOs play a more active and co-


\textsuperscript{153} See Patricia J. Williams, Alchemical Notes: Reconstructing Ideals from Deconstructed

\textsuperscript{154} See, e.g., Civil and Political Rights Covenant, supra note 71, art. 40; Economic, Social
and Cultural Rights Covenant, supra note 63, art. 16; Women's Convention, supra note 77, art.
ordinated role in assisting various human rights committees in obtaining a more rounded view on the measures taken, or not taken, by the reporting States, and as the committees themselves become more aggressive in their handling of these reports, such monitoring may become something more than a bureaucratic exercise.

The real question is how to develop strategies for making legal provisions more effective. How can legal requirements be made to correspond to the actual violations of these rights? This question can be examined from the perspective of strategies within international organizations, strategies within national legal systems, and strategies with respect to rethinking the substance of international law.

A. Actions within International Institutions

During the 1980s, nutrition levels for women and children declined in many parts of the world:

The economic crisis of the 1980's coupled with the remedial structural adjustment and stabilization programmes imposed by international financial institutions, impeded efforts to supply clean drinking water and sanitation. . . . Women . . . suffered most, both from the economic crisis and from its bitter "cure."\textsuperscript{155}

The situation was worsened by military expenditure which increased in the developed world by over forty per cent and by almost one hundred and thirty per cent in developing regions since 1970.\textsuperscript{156}

There is some optimism that this bleak position might be rectified in the 1990s. Alston has argued that the events culminating in the collapse of communism in Eastern Europe have created an institutional and legal environment conducive to "loosening up previously entrenched positions on a wide range of issues which lie at the heart of the U.N.'s right to development debate."\textsuperscript{157} He is encouraged by the policy directions of the United Nations Development Programme's Human Development Report 1991,\textsuperscript{158} by the inclusion of the relevance of the relationship between human rights and development as a


\textsuperscript{155} WOMEN, CHALLENGES TO THE YEAR 2000, \textit{supra} note 13, at 18. The publication was prepared as part of an educational campaign to draw international attention to the discouraging results of the appraisal of the implementation of the Nairobi Forward-Looking Strategies Report by the Commission on the Status of Women.

\textsuperscript{156} \textit{Id.} at 77 ("Some twenty seven developing countries spend more on defence than health and education combined.").

\textsuperscript{157} Alston, \textit{supra} note 75, at 221.

\textsuperscript{158} \textit{Id.} at 228-29.
priority item on the agenda of the 1993 United Nations Human Rights Conference, and by what he perceives as a more receptive attitude to these ideas by the international financial institutions, notably the World Bank and the IMF.

Alston identifies seven practical objectives as central to the right to development program:

1. Formal international recognition of the role of human rights in the development process;
2. Recognition of the indivisibility of the two sets of rights (that is, civil and political/economic, social and cultural);
3. Recognition of the essential human rights dimension of the concept of participation;
4. Shaping an effective international role in promoting the integration of human rights and development activities at the national level;
5. Relating human rights to the policies and programmes of the international financial institutions;
6. Increasing international co-operation in respect to aid flows and other technological and resource transfers from North to South; and
7. Promotion of the principle that a 'peace dividend' should flow from disarmament to development activities.

While we would agree with all these objectives, we would argue that the relevance of gender must be factored into each one. For example, greater awareness and fuller consideration of human rights issues in development programs or in the work of the international financial institutions, will not assist the women in our stories without specific attention being paid to the inherent gender bias in the definition and interpretation of those human rights. Thus, human rights committees, international financial institutions, and national governments need education on the inadequacies of the existing international conventions from the perspective of women. This may expose the need for still more specific provisions relating to women and children. However, it must be remembered that the Women's Convention already requires State Parties to take steps:

To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men

159. Id. at 223 (citing G.A. Res. 45/155 (1990), para. 1 (b)).
160. Id. at 235-38. Alston cautions, "There is clearly a very significant risk that, at the end of the day, the World Bank will define good governance solely in terms of an efficient and non-corrupt public sector management, and the rule of law as requiring freedom of contract and enterprise and predictability in the outcome of legal disputes over investment." Id. at 236. Alston is nevertheless encouraged by the fact that the debate has begun within these institutions on the relevance of human rights issues to their work. Id.
161. Id. at 230.
and women.\textsuperscript{162}

It is apparent that legal provisions alone will not persuade States to change deep-rooted social and cultural attitudes towards women. Indeed, the reservations made by some States to a number of provisions of the Women’s Convention demonstrate their lack of any intention to do so.\textsuperscript{163} Individual States and international organizations should take active steps to ensure that these obligations are recognized by all States as requiring positive commitment and action.\textsuperscript{164} At the national level this must include real commitment to such rights as the right of women to education. The right to education is reiterated in a number of the instruments, but remains theoretical for women where there is a cultural prejudice against the education of girls.\textsuperscript{165} The education of women is a vital factor in improving living standards within a society. The stress in the Women’s Convention on the particular right of women to education is, therefore, of great significance.\textsuperscript{166} Commitment is also needed within international organizations, especially in the context of participation. The concept of participation must include gender equity among those responsible for policy formulation and decisionmaking within these institutions, as well as at the national level.\textsuperscript{167}

\textbf{B. Actions within National Legal Systems}

Not only does international law fail to consider the “woman question,”\textsuperscript{168} but national legal systems are similarly androcentric in substance and process. For many women, access to the local courts remains as remote a possibility as access to the Geneva or other international human rights centers. The importance of developing local

\begin{itemize}
\item \textsuperscript{162} Women’s Convention, \textit{supra} note 77, art. 5 (a).
\item \textsuperscript{164} See Byrnes, \textit{supra} note 147, at 6.
\item \textsuperscript{165} “[E]ducation is the single most important weapon to combat sexual stereotyping and discriminatory attitudes towards women.” \textit{WOMEN, CHALLENGES TO THE YEAR 2000, supra} note 13, at 28.
\item \textsuperscript{166} Women’s Convention, \textit{supra} note 77, art. 10. \textit{See also} Children’s Convention, \textit{supra} note 77, art. 28 (the requirement of the right to education on the “basis of equal opportunity”).
\item \textsuperscript{167} The existing gender imbalance in most international organizations is appalling. \textit{See} Charlesworth et al., \textit{supra} note 4, at 621-25.
\item \textsuperscript{168} Katharine T. Bartlett, \textit{Feminist Legal Methods}, 103 HARV. L. REV. 829, 837 (1990) (“The woman question asks about the gender implications of a social practice or rule: have women been left out of consideration? If so, in what way; how might that omission be corrected? What difference would it make to do so?”).
\end{itemize}
human rights strategies cannot be overestimated. These include organizing to find cases to be presented in the courts or other government structures which challenge the continued oppression of women through claiming rights; forming and supporting grassroots organizations which can assist women in accessing financial structures, including borrowing facilities and educational bodies; lobbying governments and pressing for law reform; developing and working on research projects based on women's needs; and giving women's human rights a high local profile. These are not easy tasks.

It can also be argued that these tasks are impractical for assisting the women in our stories. Without financial and other resources, domestic legal reforms will be of little direct assistance to those women; we have already referred to Thandi's irritation with aid workers who have little appreciation of her daily life and struggles. However, as we have argued previously, law can be empowering. While it is certainly not the only strategy, or even the most important one, legal reform and use of legal instrumentalities can complement other more immediately practical efforts.

C. Rethinking Substantive International Law

It may be possible to move outside the existing legal framework towards a more radical conception of the right to live or the right to an adequate existence. As we have seen, the framework of international economic law is crucial here, as is environmental and resource law. The need for a fairer economic distribution of resources and the need to abolish economic disparities underlies the aspirational New International Economic Order, formulated within the United Nations in 1974. The Charter of Economic Rights rests upon the need to redress global injustices where rich States increase their wealth while poor States become poorer. There is nothing new in this realization. But even these initiatives rely on the fundamental concept of Statehood and the sovereign equality of States, with preferential rights given to poorer States. The problem of inequitable distribution of resources within States remains untouched, even as a proposal.

Starvation, hunger, and the lack of the essentials of life hit the poor the hardest both within and across national boundaries. The main problem is not production, but access and distribution. Although the most recent discussion of agricultural policies within the context of GATT, in the hopes of freeing trade in the area of food production,
may create possibilities for greater equity in this area, the past history of international economic arrangements does not lead to unmitigated optimism.

There has been an acceptance of the need for States to cooperate in matters of food production and distribution, and of the desirability of an institutional framework to coordinate policies and programs. It is tempting to propose more radical formulations, such as viewing food as part of the "common heritage of humanity" and placing it outside the arena of normal international trade and development. If this approach were adopted, the right to food would become a fundamental principle of international law overriding existing economic and political considerations. It might become a peremptory norm of international law or jus cogens.

But the problems with implementing such a radical solution may make it unworkable. Making food part of the "common heritage of humanity" would require States to set aside areas within their own territory (not beyond the limits of national jurisdiction as with the deep seabed, the moon, or Antarctica) for the common good. States will undoubtedly be unwilling to allow any weakening of the basic international principle of territorial control in relation to their own resources, especially as it would require positive action on their part through the preparation of areas for planting, tending crops, harvesting, and distribution. Focusing on the rights of States to develop their economic and natural resources would seem to go against the existing right of self-determination. Some incentive could come from the growing area of environmental law. Concerns about the ozone layer, climate change, biodiversity, and depletion of rain forests are already being treated as appropriate for international regulation, despite the weakening of State sovereignty this entails. Concerns over food production and distribution are directly connected to these same environmental concerns, although the international community has been slow to recognize the link, preferring to put food and the environment into separate baskets.

Removing major food production areas from national control would most likely exacerbate, rather than ameliorate, existing environmental problems. Arguments in relation to the environment already prove largely unacceptable to developing countries, which have vigorously objected to intrusions into national goals of economic development, including food production and distribution. Common heritage arguments are also used by First World countries and multinational corporate entities to justify theft of natural agricultural resources from the Third World. The idea resembles the present development of
large-scale agricultural enterprises which has led to expropriation of land, human dislocation, environmental degradation, reduction in biodiversity, and hunger.

It may be that the answer is not to attempt a universalized global scheme common to all, but rather to continue work on fostering international cooperation coupled with grassroots level work with existing small-scale enterprises meeting local needs. This latter method would seem to be more sensitive to the needs of women and their families, although problems of distribution will still require attention at the global level.

V. SOMALIA: THE UNKNOWN COUNTRY

In mid-December, 1992 the United States took the unprecedented action of ordering troops into Somalia for the purpose of ensuring that relief food supplies reach the people of that country. This action was taken with the consent of and under the aegis of the United Nations, but without the consent of the Somali people or that of the rival warlords, who now, in a precarious sense, control parts of the country. Since the defeat and flight of Siad Barre\textsuperscript{170} in January, 1991, the country has been without a government of any kind. This desperate situation, exacerbated by years of war and drought, has led to famine and the apparent collapse of any kind of ordered society. It is not possible to analyze in depth in this article the causes or solutions of the situation in Somalia, but the present debate over what is happening in Somalia must be widened.

First of all, small-scale, local efforts to resolve issues of basic subsistence are obviously incapable of succeeding where major systems of national and international militarism, misguided economic policies, and First World interference have become entrenched within regional structures. Thandi, and the other women in our stories, may attempt to ameliorate their circumstances to some extent by mutual cooperation and innovative efforts to determine their economic and social structures, but these local efforts are fragile and intensely vulnerable to larger fields of power. This is not to say that resistance on a small scale is not necessary, but that it is simply not enough. Whether the local efforts are initiated by the people themselves (as in Thandi's and Maggie's stories) or whether overseas aid agencies, such as Community Aid Abroad or UNICEF are involved, local solutions cannot function without major structural support. The situations of Helai

\textsuperscript{170} Siad Barre was the absolute ruler of Somalia after the military coup of October, 1969. See Gregory, supra note 91.
and the “Unknown Woman” demonstrate the breakdown of local efforts to achieve a kind of “self-determination” for these women in the face of large-scale power imbalances. Somalia is a classic example of a resilient people, with considerable assistance from nongovernmental organizations, unable to cope with a massive structural breakdown that is directly linked to international political and economic agendas. A major realignment of priorities within international structures and institutions is necessary, or else we may see more Somalias soon.

Second, Somalia, despite the recent attention it is getting in the Western media, is not unique. A few years ago our attention was directed towards Ethiopia. At this moment rival governmental and insurgent factions in northern and southern Sudan are also using denial of food aid as a weapon, and large numbers of Sudanese people are slowly starving to death due to war, drought, and lack of access to food supplies. The situation is nearly as desperate in both Liberia and Mozambique, again for similar reasons. Thandi, living in one of Africa’s “success stories”, Zimbabwe, is nevertheless acutely vulnerable to extreme dislocation as a result of drought. Indeed, nearly the whole of sub-Saharan Africa is facing a crisis of existence that has gone largely unnoticed in the First World. Although Alston points to the changes in Eastern Europe as a hopeful sign of the possibility for constructive change, the attention on Europe and Asia in recent years has meant an immediate loss of hope for Africa.

It is arguable that the problems facing Africa and other countries in the Third World are directly connected to the traditional view of self-determination as a political and economic right based on the model of patriarchal Statehood imported from the First World. The decolonization process has not improved the lives of most Africans, nor of others in the developing world, arguably because the concept of self-determination that was adopted is geared towards servicing First and Third World male elites and their own goals of political, military and economic ascendancy. Third world countries, while given apparent political self-determination, are increasingly caught in the neocolonialism of global capitalism and militarism. This has led directly to the situation in Somalia and to the likelihood of this situation being repeated in other countries.

Finally, the situation in Somalia is not gender-neutral, either in its causes or in its effects. The large majority of victims are women, children, and the elderly. The warring gangs consist of young men and

171. See Rule by Famine and Fundamentalism, supra note 121.
172. See Alston, supra note 75.
boys armed with an astonishing array of military hardware sold to Somalia by arms merchants around the world to meet the military needs of Siad Barre, his small elite group of advisers, and tribal members. The male priorities of military aggression, territorial expansion, and authoritarian control are being played out in Somalia on a level of anarchy and chaos, but these priorities are not fundamentally different from those which have shaped the country and which are repeated everywhere. Somalia has never been isolated from the competition between First and Third World patriarchal systems, a competition heavily weighted in favor of the developed world. The primary sufferers in this competition are women and children. If we begin to focus our attention away from the traditional tools of self-determination, i.e., military weapons and political rhetoric controlled by male elites, we will be able to see a new set of priorities and new means of defining how both individuals and peoples may be "selves" determining their own future.

VI. CONCLUSION

The right to be free from hunger, or the right to an adequate standard of living, is incomplete without incorporating within it associated guarantees in relation to housing, clothing, a safe and peaceful environment, education, adequate health care, social security in the event of sickness or disability, access to resources including land, reproductive rights for women, and peace. This group of rights comprises a right to life, but one which accrues to all people as a fundamental and inherent component of humanity. This right should be the basis of a completely restructured and redefined right of self-determination in which the requirement of subsistence would be first and not last on the list of guarantees. Economic development programs and policies would have to include the recognition of all human needs, especially those of women. In a sense this is not as radical as it sounds. It is not sensible decisionmaking on a global or national level to exclude relevant information as to the impact of policy on the whole population and to refuse to acknowledge the most important element in the "food chain," the work of women. The international legal order repeats this blindness through false dichotomies between categories of rights, through an emphasis on individual rights that focuses on men's needs and fears, and through priorities of rights that put the needs of women last rather than first. Nevertheless, international law and human rights have a role to play in at least focusing attention on the problem of hunger and in providing a standard of social justice which binds States. The blindness of existing international legal systems to the
lives of women has helped to create and prolong the “hunger trap.” The individual stories of women coping on a daily basis with survival for themselves and their families should become the concrete basis for a new and more sophisticated view of the right to food and its negative, the right to be free from hunger.