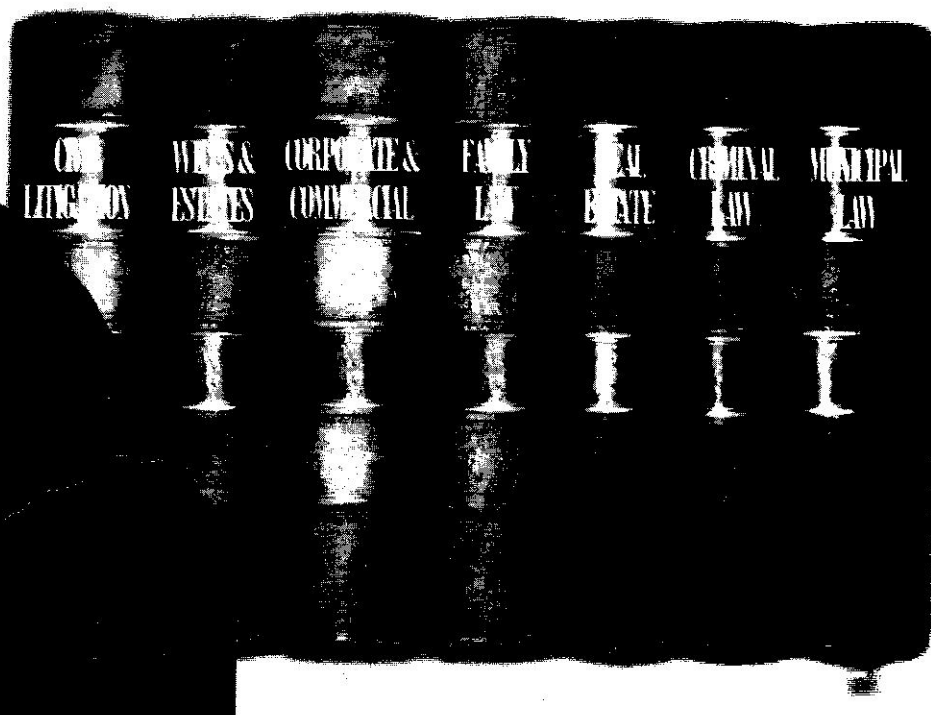


Modern Trends in Laws of Nigeria:

ESSAYS IN HONOUR OF
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CHAPTER SEVENTEEN

RIGHT TO FOOD AND ADEQUATE NUTRITION: CREATING LEGAL AND PUBLIC AWARENESS IN NIGERIA¹¹⁰⁵

*Hunger makes a person climb up to the ceiling
And hold on to the rafters.
It makes a person lie down -
But not feel at rest.
It makes a person lie down -
Unable to stand.
It makes a person lie down -
And count the rafters . . .
-oral tradition from Nigeria*

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INTRODUCTION

The emphasis on a person's right to adequate food and nutrition is enshrined both in National laws and International Declarations and Covenants. The right to food and adequate nutrition reflects important human rights issues which have been discussed widely today. The World Food Program described the global food crisis as a "silent tsunami" surging over an unaware populace, helpless in the face of massive destruction. The financial crisis rapidly going global now threatens to increase everyone's vulnerability to hunger. The compound effect of the twin crises seems overwhelming.

¹¹⁰⁵ Adebayo Serifat Mojisola and Savage-Oyekunle Oluremi. A. Assistant Lecturers, Lagos State University Faculty of Law, Dept. of Private & Property Law.

Though hunger and financial shock may come in waves, not everyone will "drown" in famine or financial ruin. In fact, both crises are making a handful of investors and multinational corporations very rich even as they devastate the poor and put the rest of the planet at severe environmental and economic risk¹¹⁰⁶

The purpose of this paper is to examine the position of the law concerning the right to food and nutrition as a human right and discover a framework within which the public will be given adequate awareness and action.

Estimates indicate that more than 840 million people throughout the world are chronically undernourished-in spite of a record availability of food per capita in most countries and globally. Nearly 40,000 children die due to malnutrition and its diseases every day. Usually it is the poor who are the victims. The poor are deprived of their resources while the rich monopolize them for their luxury needs. People are displaced from their lands, forests, pastures, fishing grounds. Also, billions of people are excluded from secure participation in the economic life of their respective countries and globally-and hence from food security¹¹⁰⁷.

Even though there are arguments from some quarters that the right to adequate food and freedom from hunger are merely aspirational goals not binding obligations, and that rather than wasting time and resources on developing legal instruments, the government should focus on adopting sound policies that expand food production, encourage economic development, and improve access to food; it is also necessary as Canadian legal scholar **Donald E. Buckingham** has argued, that the existence of law modifies behaviour. Legally binding rights to food will therefore contribute to world food security by prescribing and proscribing certain national and international actions¹¹⁰⁸.

HISTORICAL BACKGROUND

The historical and political background of the right to food is much more than the history and politics of malnutrition. It concerns the development of the notion of access to food as a right. As a right, it sets certain obligations on the

¹¹⁰⁶ <http://www.foodfirst.org/en/node/2295>, accessed on the 12th of September, 2008.

¹¹⁰⁷ <http://www.umn.edu/humanrts/edumat/IHRIP/circle/modules/module12.htm> accessed on the 12th of September, 2008

¹¹⁰⁸ Legal Obligation and Rights to Food: What's New from Rome?, *Canadian Journal of Development Studies*, Volume XIX Special Issue (January 1998):209-236.

state which must be fulfilled by them and even though obligations, it has also been established that it is "enforceable" through centuries of social struggle for a democratic state in the service of the people.

Providing access to food and work has been seen as a moral obligation for rulers from the dawn of history. The only difference between these moral obligations and the right to food however is the fact that human rights give a claim to the poor and vulnerable groups that is, in principle, makes it enforceable¹¹⁰⁹.

Traditionally, people had no remedy other than revolt against a king or state that failed to meet its obligations. The idea of the human right to food is to establish a procedural and legal means for seeking remedies against authorities when they fail to guarantee access to food. This idea is barely 200 years old and it is not yet legally implemented in most states even till today. In situations of scarcity, the best states in the world cannot guarantee that its citizens will not go hungry. Research into historical famines of the last 100 years has shown, however, that most of these famines did not originate from lack of availability of food but were due to lack of access to food by the victims, as a result of poverty, lack of awareness or (other) political disorder¹¹¹⁰.

Long before human rights were written down in international documents and national constitutions, people were committed to principles of propriety, justice, and caring through cultural practices and oral traditions. Basic rights and responsibilities, such as the right to food and the golden rule of "Do unto others as you would have them do unto you," revolved around dealing involving the family, tribe, religion, class, community, or state.

The earliest attempts of literate societies to write about rights and responsibilities date back more than 4,000 years to the Babylonian Code of Hammurabi¹¹¹¹. This Code, the Old and New Testaments of the Bible, the Analects of Confucius, the Koran, and the Hindu Vedas are five of the oldest written sources which address questions of people's duties, rights, and responsibilities. In addition, the Inca and Aztec codes of conduct and justice and the Iroquois Constitution are Native American sources dating back well before the eighteenth century. Other pre-World War II documents, such as the

¹¹⁰⁹ Right to Food: Putting it into Practice, FAO, GTZ. 2005, www.fao.org/righttofood accessed on 19th September, 2008.

¹¹¹⁰ <http://www.unn.edu/humanrts/edumat/IHRIP/circle/modules/module12.htm> accessed on the 12th of September, 2008

¹¹¹¹ *Louvre (Arts and Architecture)*. Köln: Könemann. ISBN 3-8331-1943-8.

English Bill of Rights, the United States Constitution and Bill of Rights, and the French Declaration of the Rights of Man and the Citizen etc focused on civil and political rights. They concentrated on the rights of citizens to equality, liberty, and due process and of participation in the political life of their community and society through activities such as voting¹¹¹².

At the end of World War II, citizens working through *nongovernmental organizations* urged the creators of the United Nations system to include the promotion of a spectrum of human rights in the *United Nations Charter*. These are rights to which all people are entitled, regardless of who they are or where they live. The United Nations created a *Commission on Human Rights* in 1946. Forcefully led by Eleanor Roosevelt, the Commission drafted the *Universal Declaration of Human Rights (UDHR)* on December 10, 1948. It includes fundamental rights to life, liberty, and security as well as a broad range of civil, political, economic, social, and cultural rights¹¹¹³.

CAUSES OF FOOD SHORTAGE

Lack of access to food can be as a result of either of two reasons. It is either that there is no food available or that food is available, but cannot be accessed by deprived persons. In the past, almost emphasis has always been put on the overall availability of food and not on how the little food available can be accessed by the needy. Guaranteeing the right to food has therefore often been seen as being mainly linked to food production so as to overcome scarcity. Such an emphasis, however, is only correct in so far as it deals with the production of food by the poor for themselves. Oftentimes, the poor in the society lack access to food as a result of their marginal resource base. The yield per hectare on the fields of the rich and the overall availability of food is irrelevant for them, if they are too poor to buy this surplus. Another issue is whether the accessed food is adequate in terms of a number of variables, such as nutritional quality, quantity and cultural acceptability.

¹¹¹² Gwen Williams and David Shiman; *Economic, Social and Cultural Rights as Human Rights: Historical Background*, www.umn.edu/humanrts/edumat/hreduseries/tb1b/Section1/tb1-2.htm accessed on 23rd November, 2008

¹¹¹³ The Universal Declaration on Human Rights was unanimously adopted by 48 members while 8 members abstained from its ratification.

There is no doubt among experts that adequate food is available (or can be produced with current resources) not only on a global scale, but also in almost every country even in those known for persistent malnutrition. Many of the so-called poor countries produce more than enough food not only for their internal markets, but even for export, with hunger and malnutrition nonetheless persisting in the country. In a market economy, people who are too poor to exercise effective demand will not have food (unless they produce food for themselves, or receive food through transfers). The issue of hunger and malnutrition today is therefore not about availability of food, but are a matter of rights and entitlements¹¹¹⁴.

RIGHT TO FOOD AS A HUMAN RIGHT

A discussion on the right to food will not be complete if the issue of rights generally is not first discussed. As a result of this, the question to be asked is what are rights? A right is the legal or moral entitlement to do or refrain from doing something. It is the moral principle sanctioning a man's freedom of action and entails the freedom to do things without fear of sanction¹¹¹⁵. Human rights refer to the basic rights and freedoms which are fundamental to man's existence and to which all humans are entitled. Examples of such rights and freedoms include civil and political rights, such as the right to life, right to liberty, freedom of expression etc and Economic, Social and Cultural rights (ESCR) which includes the right to education, work, food etc. According to the Universal Declaration of Human Rights, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood"¹¹¹⁶. Fundamental Human rights have been described as minimal rights that could be ascribed to any person in a civilized society.¹¹¹⁷

Human rights as known today, is generally guided by the International Bill of Rights. The International Bill of Rights is made up of the Universal Declaration of Human Rights and two treaties; the International Covenant on Civil and Political Rights (ICPR) and the International Covenant on Economic, Social,

¹¹¹⁴ <http://www.umn.edu/humanrts/edumat/IHRIP/circle/modules/module12.htm> accessed on the 12th of September, 2008

¹¹¹⁵ Ayn Rand, *Man's Rights in Capitalism: The Unknown Ideal*; <http://www.capitalism.org/faq/rights.htm> accessed on 23rd November, 2007

¹¹¹⁶ Article 1 of the Universal Declaration on Human Rights, 1948

¹¹¹⁷ John Ademola Yakubu; *Constitutional Law in Nigeria*; Demyaxs Law Books, 2003 Pg. 362; See also Article 19 of the UNHR 1948, Article 125 of the Soviet Union's 1936 (Stalin) Constitution.

and Cultural Rights (ICESCR)¹¹¹⁸. These treaties further elaborate on rights identified in the Universal Declaration of Human Rights (UDHR) and once they have been adopted and ratified by individual states, they have the force of law¹¹¹⁹.

LEGAL FRAMEWORK FOR RIGHT TO FOOD

Members of civil societies noted that there are very few if any legal frameworks that protect the people's right to food. This is due to inadequate awareness that food is a right not a charity and as with all other rights, it is fundamental, inalienable and necessary for the peaceful co-existent of mankind.

Many of these principles are already seen as good development practice. Human rights law will however provide a framework that can strengthen and improve such good practices. If all those who are involved in food security work draw systematically on human rights principles and standards, both the process and the outcomes are likely to be more objective and transparent, and enjoy greater legitimacy in addition to legal authority.

In recent years the concepts of food security and the human right to food started to converge, but there are still important challenges involved in bringing them together at both analytical and operational levels. The dramatic rise in food prices has put hunger and food security to the top of the international agenda, including that of international human rights agencies.

The right to food and food security are not contradictory or conflicting concepts. The right to food strengthens food security initiatives by adding obligations, recourse on the event of discrimination and the rule of law to it. Access to sufficient, adequate and safe food for all individuals has to be realized at all times. States, as the primary duty bearers, are obliged to create a legal, institutional and policy environment that enables all people to feed themselves, either by producing food or by earning an adequate living¹¹²⁰ and when citizens are unable to care for themselves as a result of one reason or the other, the state should provide support directly. In Nigeria, apart from fundamental rights¹¹²¹ which are provided for in the constitution, there is provision for the fundamental objectives and directive principles of state

¹¹¹⁸ See Articles 16 and 22-29 of the UDHR 1948

¹¹¹⁹ See Section 12(1) of the 1999 Constitution

¹¹²⁰ FAO, GTZ. 2005. "Right to Food – Putting it into Practice, accessed on January, 20, 2009

¹¹²¹ Chapter IV of the 1999 Constitution

policy¹¹²² which among other things states specifically the objectives of the government to its citizens for their social welfare and security. Part of these objectives is that the state shall direct its policy towards providing for all citizens without discrimination an opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment¹¹²³. It is however sad to state that even though these objectives and principles are provided for in the constitution, they have been made non justiciable¹¹²⁴.

RELATIONSHIP OF RIGHT TO FOOD TO OTHER RIGHTS

The right to food is closely linked to the right to health. This is obvious for the issue of under nutrition or malnutrition is the ultimate cause of a very large number of health related problems and deaths. Studies have revealed that poor people's diet is less healthy than that of rich people. In addition, the effects of agricultural production techniques promoted by agribusiness threaten everybody's health both rich and poor. Access to food that is really adequate in terms of health has become a problem for many¹¹²⁵.

The principle of non-discrimination is particularly important for the right to food. The state's obligations must be implemented and enforced without discrimination whether on the basis of age or generation. Non-discrimination on the basis of generation has to include the children, and the aged as well as future generations. As far as children and future generations are concerned, the principle of non-discrimination calls for sustainability of access to food. This includes concerns about future food production, as many current agricultural production practices are not sustainable¹¹²⁶. The human rights principle of sustainability entails an obligation on states to address immediately the issues and questions raised as to the sustainability of current food production techniques. Present agricultural and other economic practices, which rely on the food resources of future generations, need to be stopped as a matter of human rights.

¹¹²² Chapter II of the Nigerian Constitution

¹¹²³ Section 17 of the 1999 constitution

¹¹²⁴ See section 6(6)(c) of the 1999 Constitution. See also *Archbishop Anthony Olubunmi Okogie v Attorney General of Lagos State* (1981) 1 NCLR pg. 218.

¹¹²⁵ accessed on the 12th of September, 2008.

¹¹²⁶ <http://www.umn.edu/humanrts/edumat/IHRIP/circle/modules/module12.htm> accessed on the 12th of September, 2008

The right to food and the right to education are closely interrelated; each is important for the realization of the other. The vast majority of chronically undernourished people, as well as illiterate adults and non-educated children live in rural areas in the developing world where access to nutritious, safe food and basic education is most difficult¹¹²⁷. Young children and babies are usually those who are most vulnerable when there is shortage of food and lack of adequate nutrition. In most cases, the children become malnourished and have stunted growth. As a result of the foregoing, the education of women is important to improving child nutrition. It has been found out that where mothers are educated, there is usually a significant decline on issues relating to malnutrition¹¹²⁸.

THE ROLE OF NIGERIAN GOVERNMENT

The constitutional law of most democratic countries acknowledges that the state has to give a guarantee to secure adequate living conditions for every citizen. When it however comes to the role of the government on the right to provide an adequate standard of living and the right to food in domestic jurisprudence, the picture changes. It is true, for certain elements of the right to food, there exist considerable jurisprudence. When it comes to legally guaranteed access to food for the poor, however, the situation is less convincing.

In many countries¹¹²⁹ there are social security provisions that provide a lump sum payment, which is used to ensure amongst other things that every citizen has access to adequate food. This does not, however, normally entail a legal guarantee to be free from hunger. As already stated, the 1999 Constitution of the Federal Republic of Nigeria in Chapter IV makes provision for fundamental rights which its citizens enjoy¹¹³⁰.

Human rights are inalienable i.e. they should not be taken away, except in specific situations and according to due process. For example, the right to life and liberty may be restricted if a person is found guilty of a crime by a court of

¹¹²⁷ Christopher Golay, FAO, GTZ. 2005. "Right to Food- Legal and Institutional Issues, www.fao.org/righttofood, accessed on January, 20, 2009.

¹¹²⁸ Christopher Golay, FAO, GTZ. 2005. "Right to Food- Legal and Institutional Issues, www.fao.org/righttofood, accessed on January, 20, 2009.

¹¹²⁹ Countries like the United States of America, United kingdom etc

¹¹³⁰ See generally Sections 33 – 43 of the 1999 Constitution

law¹¹³¹. Also under Chapter II of the 1999 Constitution, provision is made for Fundamental Objectives and Directive Principles of State Policy which are progressive political notions, concepts and aspirations¹¹³² of what the Nigerian state is to provide for its citizens. According to the Constitution Drafting Committee, "fundamental objectives are ideals towards which the nation is expected to strive while directive principles lay down the policies which are expected to be pursued in the efforts of the nation to realize national ideals"¹¹³³. According to the Constitution Drafting Committee (CDC), the reason for the inclusion of Chapter 2 in the constitution is that "governments in developing countries have tended to be preoccupied with power and its prerequisites with little or no regard for political ideas as to how societies can be organized and ruled to the best advantage of all"¹¹³⁴. It can be stated therefore that Chapter II was included in the Nigerian Constitution to act as a guide which ought to be followed by the government to prevent them being carried away by the 'glitters' of office¹¹³⁵.

The right to food unlike other rights is one which sets obligations on the government of states to see to the provision of adequate food for their citizens. In countries other than Nigeria, these obligations have been established as "enforceable" through centuries of social struggle for a democratic state in the service of the people¹¹³⁶. In the South African case of *The Government of the Republic of South Africa & ors v Iresne Grootboom & ors*¹¹³⁷, *Yacob J* stated that "Our Constitution entrenches both civil and political rights and social and economic rights. All the rights in our Bill of Rights are inter-related and mutually supporting. There can be no doubt that human dignity, freedom and equality; the foundational values of our society are denied those who have no food, clothing or shelter. Affording socio economic rights to all people therefore enables them to enjoy the other rights enshrined in Chapter 2. The realization of these rights is also the key to the advancement of race and gender

¹¹³¹ See 33(1) and 35(1) of the 1999 Constitution.

¹¹³² John Ademola Yakubu; *Constitutional Law in Nigeria*; Demyaxs Law Books, 2003, PG. 347.

¹¹³³ Report of the Constitution Drafting Committee, Volume 1 page V

¹¹³⁴ Ibid. See B.Obinna Okere; *Fundamental Objectives and Directive Principles of State Policy under the Nigerian Constitution*; <http://www.jstor.org/pss/759474> accessed on 25th November, 2008. See also John Ademola Yakubu; *Constitutional Law in Nigeria*; Demyaxs Law Books, 2003, pg. 359.

¹¹³⁵ Note again that chapter II is non justiciable by virtue of section 6(6)(c) of the Nigerian Constitution.

¹¹³⁶ The Peoples Union of Civil Liberties; a non governmental organisation in India successfully sued the Indian government on the rights of its citizens to food.

¹¹³⁷ (2001) 36 WRN 137

equality and the evolution of a society in which men and women are equally able to achieve their full potential”.

In a rights-based perspective, taking steps to achieve food security is not a matter of policy discretion of governments; it is their legal obligation. The right to food does not dictate the design of food security policies or strategies but provides a yardstick for assessing government performance, and establishes the right of persons to challenge and hold a government to account for what has been done or not done. The right to food also reinforces the concept of food security with human rights principles. This means that decision making processes, formulation, implementation and evaluation of laws, policies and programmes must be participatory, transparent and non-discriminatory. They must be taken in full respect of human dignity of people and be based on the rule of law. Through this process, people are empowered to take control of their own lives and hold their government to account¹¹³⁸.

It is necessary to state that the appropriate form of governance necessary to advance food security in any country, Nigeria inclusive must include the rule of law, transparency, elimination of corruption, sound public administration, and respect for, and protection of, the full range of human rights and freedoms. An independent judiciary that upholds individual rights and is accessible by all citizens is essential. Citizens might also seek redress via quasi-judicial bodies, such as an official ombudsman, as in the Scandinavian countries, or a government human rights commission, as is the case in South Africa. Also necessary is a representative and responsive parliament that will enact the legislation necessary to protect and promote the right to adequate food¹¹³⁹.

Since the fundamental objectives and directive principles of state policy under chapter II from which a right to food can be inferred has been made non justiciable in Nigeria, citizens are powerless and cannot take an unresponsive government to court even where their right to food security is been threatened. According to the court in **Archbishop Anthony Olubunmi Okogie v Attorney General of Lagos State**¹¹⁴⁰, “the arbiter for any breach of and the guardian of the fundamental objectives and directive principles of state policy is the legislature itself”¹¹⁴¹

¹¹³⁸ Contribution by Dubravka Bojić Bultrini; fsn forum discussion Food Security and Human Right to Food – going on Parallel Tracks or Converging? http://www.fao.org/righttofood/rft_forum/index_en.html Assessed on the 10th October, 2008.

¹¹³⁹ FAO, GTZ. 2005. “Right to Food, www.fao.org/righttofood, accessed on January, 20, 2009.

¹¹⁴⁰ (1981) 1 NCLR pg. 218

¹¹⁴¹ See Ademola Yakubu; *Constitutional Law in Nigeria*; Demyax Law Books, 2003, PG. 349.

INTERNATIONAL OBLIGATION ON STATE PARTIES

The role of the government in ensuring the provision of adequate food and nutrition is also internationally enshrined. It is trite law that when a state ratifies a treaty or international convention, she must abide by it and is bound to observe its duties and obligations under such.

The provisions of human right law guaranteeing everyone the Human Right to Adequate Food is enshrined in international convention and treaties; this includes the Universal Declaration of Human Rights¹¹⁴², the International Covenant on Economic, Social and Cultural Rights¹¹⁴³, and the Convention on the Rights of the Child¹¹⁴⁴. In the Rome Declaration on World Food Security, it was stated in Article 1 that "We the Heads of State and Government, or our representatives, gathered at the World Food Summit at the invitation of the FAO, reaffirm the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger".¹¹⁴⁵

Based on the provision of Article 11 of the International Covenant on Economic, Social and Cultural Rights, the Right to Adequate Food imposes three types or levels of obligations on States parties viz a viz the obligations to respect, protect and fulfill the right¹¹⁴⁶. The first is the obligation to respect existing access to adequate food. To this end, States parties are not to take any measures that will result in preventing access to food. The second which is the obligation to protect requires the State to provide measures to ensure that individuals are not deprived of their access to adequate food. The third which is the obligation to fulfill means that the State must engage in activities that will strengthen people's access to food and also allow them utilize adequately resources available so as to ensure their livelihood, including food security. Finally, whenever an individual is unable, for reasons beyond his/her control, to enjoy the right to adequate food, the state has the obligation to provide food directly.

¹¹⁴² Article 25

¹¹⁴³ Article 11

¹¹⁴⁴ Article 25 and 27

¹¹⁴⁵ Rome Declaration on World Food Security (1996). See Article 1 of the Declaration. See also Article 2(1) International Covenant on Economic, Social and Cultural Rights (ICESCR)

¹¹⁴⁶ Right to Food: Putting it into Practice, FAO, GTZ. 2005, www.fao.org/righttofood accessed on 19th September, 2008.

The obligations to protect and fulfill access to adequate food must be seen in relation to the proviso of "maximum use of available resources," as this may imply the use of state infrastructure and resources to provide food in situations of need. In developing nations, efforts to curb poverty and malnutrition includes the mid-day meal programme practiced in India¹¹⁴⁷. Lack of food is rather a problem of poverty and lacking access to productive resources and work. India is one of the more successful cases of compliance with a child's right to food.¹¹⁴⁸ In Nigeria, this has also been emulated in some states such as Lagos State where children in public schools are guaranteed well balanced mid-day meals.

South Africa's constitution enshrines right to access to food, as well as basic nutrition for children. The constitution also explicitly incorporates government obligations to respect, protect, promote, and fulfill these rights. Other governments that have adopted the rights based approach as a matter of law and policy include those of Chile, India, Uganda, and Brazil¹¹⁴⁹. Even though these countries face a lot of challenges in making the right to adequate food a reality, it can be stated that the challenges are one that will be overcome with consistent practice and patience for it is better to guarantee citizens right to food than to have them die as a result of malnutrition and hunger.

THE ROLE OF THE PUBLIC: ENLIGHTENMENT AND ACTION

Poverty is a human rights violation. Every woman, man, youth and child has the human right to a standard of living adequate for health and well-being, to food, clothing, housing, medical care and social services. The public needs to be given awareness of this right which includes the human right to live in dignity, free from want.

This in itself is a fundamental right, and is essential to the realization of all other human rights. The right to be free from poverty includes: the human right to an adequate standard of living, the human right to work and receive wages that contribute to an adequate standard of living, the human right to food, the human right to a healthy and safe environment, the human right to live in adequate housing, the human right to be free from hunger, the human right to

¹¹⁴⁷ This programme is also practised in some states in Nigeria.

¹¹⁴⁸ http://www.allacademic.com/meta/p_mla_apa_research_citation/2/5/0/5/7/p250577_index.html accessed on 24th October, 2008.

¹¹⁴⁹ FAO, GTZ. 2005. "Right to Food, www.fao.org/righttofood, accessed on January, 20, 2009.

safe drinking water, the human right to primary health care and medical attention in case of illness, the human right to access to basic social services, the human right to education, the human right to be free of gender or racial discrimination, the human right to participate in shaping decisions that affect oneself and one's community, the human right for children to develop in an environment appropriate for their physical, mental, spiritual, moral and social development¹¹⁵⁰.

In order to guarantee the universal human right to adequate food, people must be empowered to claim this right. The human rights based approach advocates that the right to food cannot become a reality unless rights-holders (the people) can hold duty bearers to account. In other words, the approach requires that functioning institutions should be established where individuals can obtain remedies when their right to food is not observed¹¹⁵¹. In 2001, following a public interest litigation case advocating the right to food, India's Supreme Court ordered all government and government-assisted schools to provide cooked midday meals.

Unlike India, in Nigeria today, the reverse is the case as the common man has to fend for himself and his dependants. He has to see to the provision of food, adequate drinking water, health amenities, shelter and even the provision of light. He does not understand that these needs can be met or are to be met by anyone other than him. As Gbolagade Ayoola¹¹⁵² puts it: "In their state of hunger, how can we stimulate the participation of the poor majority, particularly the vulnerable groups, to demand their right to food, when hunger itself is at the centre of poverty and a debilitating factor for that matter?"

The public requires information and training in order to recognize and understand their right to food, and ways in which they may participate in food-related decisions that affect them. An exemplary participation by the public is peoples' action for restoring access to Food is the Filipino Peasants Case where

¹¹⁵⁰ <http://www.umn.edu/humanrts/edumat/IHRIP/circle/modules/module12.htm> accessed on the 12th of September, 2008

¹¹⁵¹ km.fao.org/fileadmin/user_upload/fsn/docs/PROCEEDINGS_

¹¹⁵² Contribution by Gbolagade Ayoola, Professor of Agricultural Economics, University of Makurdi, Nigeria, FarmandInfrastructureFoundationsee km.fao.org/fileadmin/user_upload/fsn/docs/PROCEEDINGS Assessed on the 15th October, 2008

some peasants were able to fight for their right to food during drought from the government.¹¹⁵³

CONCLUSION AND RECOMMENDATION

Nowadays, the language of any common man on the street black and white, rich or poor is financial crunch and global economic crises. The fact however remains that this event actually germinated out of the global food crises. No one can predict the end result of these crises therefore; there is a need to be prepared for any eventuality.

The Nigerian Public and not just the government, have a responsibility for realizing the right to adequate food and therefore a great role to play in the actualization of well fed and happy citizens. This includes individuals, households, local communities, business and industry (both national and transnational), civil societies etc. Local food farmers should be given enough incentive and encouraged to produce healthy and culturally accepted food in an ecologically sound environment that supports the principle of sustainable development, since food cannot be separated from how it is produced, how it is acquired and how it is eaten. These are fundamental aspects of the culture and values of a community and of its identity. Adequate food is more than a package of calories and nutrients, and more than just a commodity. Adequate food is culture. Cultural and minority rights related to food have to be respected, protected and fulfilled. In most cases this requires a community to feed itself. To this end, the public needs to be given access to information and the ability to partake in government decision making as far as food and nutrition are concerned. This information should be disseminated widely and effectively in appropriate formats and languages, particularly to the most food insecure.

The Nigerian government instead of hiding behind the fact that the policy for providing adequate social amenities, including adequate food is non justiciable; has a key role to play by creating awareness for the public as regards their right to adequate food. A comprehensive plan of action using different methods and media will ensure that all people, especially those who are deprived of the right to adequate food, are informed of their rights and empowered to address their situation. Awareness raising strategies such as the sharing of educational

¹¹⁵³ <http://www.umn.edu/humanrts/edumat/IHRIP/circle/modules/module12.htm#3b>, assessed on the 24th November, 2008

materials, publication of articles in newspapers, in the government's official web sites etc can be used to inform the populace of this right. Also the organization of activities like seminars, public meetings, radio and television programmes, promotional events, school lessons, theatre and popular music can also be used to reach the public wherever they may reside.

While states bear the primary responsibility for raising awareness, other stakeholders, such as civil society organizations, consumer organizations and human rights bodies, should also accept responsibility for providing appropriate information regarding the implementation and monitoring of right to food policies and programmes. Similarly, community leaders and parents should accept responsibility for disseminating information, knowledge and skills on sound food security and nutrition practices.

If this is done and the public become aware of their right to food and adequate nutrition, then they will be able to monitor for themselves how the policies of the government regarding their right to food and infact other social amenities are being carried out and where the government officials in charge of such programmes fall behind, then they will also know what they can do to remedy such wrongs. A hungry man they say is an angry man, and therefore a stitch in time would save more than ten.