

## FOOD AS A FUNDAMENTAL HUMAN RIGHT AND THE NIGERIAN CONSTITUTION<sup>1</sup>

J.S. Odama  
*Ahmadu Bella University*  
*Zaria*

The theme of this year's General Assembly is "Towards a Stable and Viable Third Republic." The Social Sciences Council of Nigeria has deliberately chosen this topic as in order to identify with the transitional programme of the Federal Government. A number of papers bearing on science, technology, economics, politics, sociology, demography, law and education, have been commissioned.

Our renewed search for a new socio-economic and political order started on January 13th, 1987 when the Political Bureau was inaugurated with the task of finding a new political order which will reflect the goals and aspirations of the Nigerian society, taking into full consideration the country's norms and values. This was followed in September, 1987 by the inauguration of the Constitution Review Committee.

Right now, the 567-member Constitution Assembly is meeting at Abuja to produce the Constitution that will guide us, come 1992. As social scientists, we have a very important role to play at this crucial transition period. Our views on the various aspects of the Constitution must be clear and unequivocal. Our contribution to the debates on the new constitution must address serious issue; fundamental issues that would create the foundation of a virile and dynamic. Nigerian society. Debates on issues such as the class composition of the Constituent Assembly and the cost of drafting the new Constitution may be of academic interest .But such academic issues must not be cloud other issues of importance. We owe it a duty to the society at large and the future generations to guide the debate on the new Constitution in such a manner that the overall well-being of our citizens is taken into account. In effect, the enhancement of the social welfare should provide one aggregate test of the 'goodness' of the Constitution. The final verdict will, of course, come from the people who will be the consumers of this new Constitution. Their verdict will, no doubt, depend on how well the new Constitution identifies with their welfare.

The objective of the Constitution should normally guarantee fundamental human rights. The 1979 Constitution of the Federal Republic of Nigeria made provisions for the following fundamental rights. They were:

- (a) Right to life.

## 2 *Annals of the Social Science Council of Nigeria*

- (b) Right to dignity of human person.
- (c) Right to personal liberty.
- (d) Right to fair hearing.
- (e) Right to private and family life.
- (f) Right to freedom of thought, conscience and religion.
- (g) Right to freedom of expression and the press, (h) Right to peaceful assembly and association, (i) Right to freedom of movement.
- (j) Right to freedom from discrimination.
- (k) Compulsory acquisition of property.
- (l) Restriction on and delegation from fundamental human rights.
- (m) Special jurisdiction of High Court and Legal aid.

The UN Charter affirms "faith in Fundamental Human Rights, in the dignity and worth of the human person, in the equal rights of man and woman and of nations big and small." I will like to spotlight the phrase "dignity and worth of the human person" and following Byron I believe human dignity and the worth of the person constitute the fountain from which flow all human rights.<sup>2</sup> To talk about the right of a person without consideration of the dignity and worth of his/her being is worthless. It is like putting a gold chain on a lifeless body. Dignity is the life of a being. It is the dignity and worth of a person that enables him or her to identify, appreciate and protect those rights.

In his exposition, Byron (1988) distinguishes between basic and higher order of human rights. He argued that "since the dignity and worth of a person are embodied in the basic rights, these basic rights then serve as the fountain from which flow other human rights.

In the light of the past and recent socioeconomic experiences of the human race, particularly in the Third world, it would seem to me that one crucial basic right from which flows all other human rights is the right to nutritionally adequate food.<sup>3</sup> Access to the basic needs of life including food, health and education should be a right. Such a right provides the basic foundation on which higher order human rights rest and without which such higher order rights are meaningless. Whereas it can be argued that the deprivation of basic needs of life would seriously diminish human dignity; this cannot be said of higher order rights. Human dignity is, thus, a function of basic needs of life, particularly, food.

Our analysis so far has attempted to justify the need to entrench the right to food in the Nigerian Constitution. Yet not many amongst us and particularly amongst the well-to-do in our society are convinced that such a right should be entrenched in the constitution. We all, including the policy makers, must first acknowledge and accept that right before we can proffer serious solutions to the problems of hunger, starvation malnutrition. We must first convince ourselves that the food problem has

and ominous manifestations and all resources must be mobilized to fight it. My alarm of an imminent food crisis and the concern for hunger and the hungry, is anchored on the plight of the average Nigerian today in the face of the growing gap between food production and food demand rising aggregate has been growing at about 2.5 percent per annum in recent years, whereas r food demand has been growing at a rate of more than 3.5 percent per annum. In 1976, the food import bill was only about NO.4 billion but in 1984 the food import bill had jumped to a staggering N2.3 billion. As a proportion of .total imports, the percentages were 8.6 in 1976 and 21 percent in 1984. In respect of food prices, the average annual rate of growth of food prices moved from 2.6 per cent in 1860 to an average of 20 per cent in the period 1980 to 1985.

Thus, there is an imminent food crisis in Nigeria. The devastating and debilitating effects of food crises on human beings make the food question one of the most pressing political, economic and social problems facing Nigeria today. This is why we all have the obligation to ensure the right to food by restructuring the Nigerian socio-political and economic system in ways which will enable persons organise themselves in the production of food or the generation of employment income sufficient to purchase food.

### **How do we Ensure the Right to Food in Nigeria?**

If we all agree that access to food should be a right, how do we ensure the right to food? The safeguard of the right to food revolves around ensuring the capacity to produce food or to earn income sufficient to be used to purchase food. Because of the importance of this right, national economic and political resources will need to be mobilised for its protection with a sense of .urgency and priority. Any arrangements geared towards ensuring the capacity to produce food must, however, first start with the identification of the nature and mode of food production which necessarily impose severe constraints on food production in Nigeria. Such constraints would include:

- (a) Reliance on small-scale peasant farmers with farm size averaging below 3 acres;
- (b) Ageing fanning population feeding a burgeoning food consuming young and old population;
- (c) Farm labour migration into the urban sector;
- (d) Low level technology in food production, resulting in low productivity.
- (e) Low level nutrient capacity of food crops.
- (f) Low farm price of food crops resulting in very low farm incomes.
- (g) Poor rural infrastructures such as roads and transport for evacuating farm produce to markets; inadequate farm supporting

#### *4 Annals of the Social Science Council of Nigeria,*

enterprises and lack of credit facilities to the small scale farmers.

(h) Unbalanced public policies which leave the farmers and rural sector with little or no share out of economic growth.

Policies for ensuring food production must, therefore, target these structural constraints and must include a framework for viewing the food problem in its totality. For instance, while nutrition is a major part of the food problem, it must be seen basically as a poverty problem whose solution depends on both the population and incomes policies which should help to raise the per capita incomes of the people. Similarly, hunger, the core of the food problem, can be effectively eliminated through effective technological policy geared towards increasing food production and also for increasing the purchasing power of the people. What is important is that the arrangements must be mutually reinforcing. A technological policy should be such that could be effectively utilised to remove constraints to all aspects of food production, including improved inputs and seedlings through genetic manipulation, processing, storage and preservation. For technology to contribute effectively to food production, however, it must address the social and cultural settings in the rural areas.<sup>4</sup>

Importantly, arrangements for ensuring food production must address the structural dis-equilibrium that pervades the food sector and the economy as a whole, but must, of course, recognise the constraints and the limits to the use of conventional economic instruments such as the 'market forces', 'the exchange rate', 'devaluation', 'privatisation', etc. in our type of economy. Imbalances exist between the subsistence sector and the export sector, between the rural and the urban, and between agriculture and industry. These imbalances have been responsible for the rigidities in the economy which have not made it easy for the Nigerian system and the structures to respond to these conventional prescriptions to the food problem.

As we said earlier, we cannot pretend consensus, particularly by the ruling class, on the existence of the right to food in our society. Without widespread appreciation and acceptance of that right, however, an optimum solution to the problem of hunger and malnutrition is hardly possible.

Political leadership must demonstrate genuine commitment to the goal of agricultural development and demonstrate a thorough understanding of the process of agricultural development. These basic requirements for political leadership in the problem of hunger have been succinctly expressed by Wortman and Cummings.<sup>5</sup> Exercising the political will would include making profound political choices reflecting equitable distribution of gains of economic growth, choices reflecting optimum allocation of available resources between rural and urban sectors and between agriculture and industry etc.

The effects of hunger and malnutrition could manifest itself in several unpleasant and ugly ways. For a hungry man is indeed an angry man. In ensuring his or her right to food, we would be protecting his higher order rights. At the risk of stating the obvious, time is not on our side. The situation is becoming serious. It is therefore in the interest of the political class to exercise that political will now by acting to ensure the right to food. The new - breed politicians should exercise their political will anchored around today's desperate social problem-the human-right-to-food as a claim to a nutritionally adequate diet by all citizens of this country. It is our duty as social scientists to help formulate a political agenda for the pursuit, promotion and protection of the right to food. What is at stake is the dignity of man. To re-emphasise, the presence of hunger, starvation and malnutrition, undermine the worth of man. It is, therefore, worth the sweat and toil of all to find an immediate and sustained solution today's greatest social problem in Nigeria: This, in short is my message.

#### **ACKNOWLEDGEMENT**

1. Presidential Address delivered at the 1988 Social Sciences Council General Assembly, held at NISER, Ibadan..

This address was inspired and has benefitted immensely from the paper presented at the World Food Conference De Moines, IOWA State, USA June, 1988 .on the Protection of and Promotion of the Right to Food: An Ethical Reflection', by William J. Bytoa, S.J, President, The Catholic University of America.

2. Byton, W.J., On the protection of and Promotion of the Right to Food: An Ethical Reflection', a paper presented at the World Food Conference held at De Moines, IOWA, USA June, 1988.

3. See USA House-Senate Concurrent 'Resolution Declaring as National Policy the Right to Food', Congressional Record, September 25, 1975.

4. For more detail discussion on Constraints to food production in Nigeria and policies for removing such constraints see Olayide, S.O. Food Availability and Requirements in Nigeria in *Nutrition and Food Policy in Nigeria* (ed). Atinmo T. and Akinyele L, 1983; Also

see Odama, J.S. 'Food Policies and Development' a paper delivered at the World Food Conference in *Hunger in the Midst of Plenty*, June 59, 1988.

5. Wortman, S. and Cummings, R.N. *Tn Feed The World; John Hopkins University Press*, 1978, Baltimore: