



Tom Lantos Human Rights Commission Hearing
Root Causes of Migration: Food Insecurity and the Right to Food in
Central America

Thursday, September 23, 2021
10:00 a.m. – 12:00 p.m.
Virtual via Cisco WebEx

Co-Chair Chris Smith

Excerpt of Remarks

Good morning.

As the prime House sponsor of the original Global Food Security Act and its subsequent reauthorization, and the lead Republican when the next reauthorization is introduced, the fight against global hunger has been in Congress a key concern of mine for my 41 years.

Domestically, I have also strongly supported food stamps, WIC and other vital programs.

In particular, I have emphasized the importance of proper nutrition during the first 1000 days of life, from conception to the child's second birthday. If you get that right, you reduce incidents of stunting and foster proper brain health development, which leads to healthier lives throughout the course of a lifetime.

In fact, I was in Guatemala when Guatemala joined the United Nations first 1000 days initiative, called Scaling Up Nutrition, or the SUN program in 2010. Guatemala still faces a severe stunting problem, however, so hopefully we will hear from our experts how that can be better addressed.

Sometimes acute food shortages require emergency food distribution, particularly in response to disasters and ongoing conflict. USAID is engaged in such efforts throughout the globe, in partnership with UN entities like the World Food Programme, run by a great American Executive Director, David Beasley, and various other faith-based and civil society organizations, such as Catholic Relief Services and World Vision.

Nonetheless, as we address these emergencies, we must keep in mind the greater goal of helping people in Central American and elsewhere gain food security via self-sufficiency and creating stable societies.

I thus fully support our programs to build resiliency and promote agriculture-led economic development, including in Central America, through the work of USAID and the Inter-American Foundation.

Ultimately, mitigating misery means decreasing dependency in order to ensure human flourishing and promote human dignity.

And here is where I want to raise a concern with the framing of this hearing as encompassing a Quote-Unquote “Right to Food.”

While it may appear counterintuitive to some, the positive law concept of a “right to food” ultimately can be an impediment to human flourishing, and which is a threshold issue which this hearing can and should elaborate upon.

In order to do so, however, it is important to have an understanding of the major human rights instruments and the debates which played out during the adoption of the [Universal Declaration of Human Rights](#) of 1948 – an important landmark document, and one whose spirit guides this Commission in its work.

The UDHR came about in the immediate aftermath of World War 2, when the victorious allies sought to come up with a declaration that all parties could sign onto.

The free countries of the West emphasized civil and political rights – in other words, “negative rights” that are grounded in Nature and which are held by individuals and families *above and beyond* the State, against which the State cannot intrude, such as the right to life or the “prior right” of parents to choose the kind of education that shall be given to their children, per UDHR article 26(3).

Indeed, as underscored by the then-recent experience of the Holocaust and the Nuremburg and Tokyo war crime trials which preceded the adoption of the UDHR, a totalitarian State was a great threat to the rights of individuals, and therefore a rights regime should serve as a check upon the power of the State.

Thus, when the provisions of the non-binding UDHR were spun off into treaties that would be legally binding upon nations that ratified them – mere signing is not enough – rights were codified in the International Covenant on Civil and Political Rights, a treaty which the United States has ratified and thereby chosen to be bound to.

In what might be euphemistically be called the socialist world, however, rights were conceived of as being bestowed by the State, or “positive rights.”

The positive rights referenced in the UDHR – such as Article 25’s right to a standard of living adequate for health and well-being, including food – were in turn deposited into the [International Covenant on Economic Social and Cultural Rights](#). The United States pointedly has never ratified the ICESCR, however – reasons for which our witness Robert Destro might elaborate upon in his testimony.

The State which grants rights, however, can also take them away or condition them, as they are not grounded in Nature nor exist outside and above the State.

To illustrate, the [Soviet Constitution of 1936](#), promulgated under Joseph Stalin, set forth the Fundamental Rights and Duties of Citizens in Chapter X – and contain rights which are bestowed by the State upon its citizens, though there is no explicit reference to a right to food in the 1936 Constitution.

In Stalin’s Russia, however, the enjoyment of rights depended on the whims of the State.

Class enemies, such as the kulaks, were stripped of rights by the State, and food was seized from them and other farmers for redistribution to others. In the early 30s, this policy ironically led directly to the death by starvation in the millions in Ukraine, in a genocide known as [Holodomor](#).

So much for a right to food.

If, nonetheless, we are going to posit a “right to food,” this raises questions – where does a right to food come from, and how would it interact with other (negative) rights, such as property rights? Would taking a right to food approach – or more broadly, adopting positive rights – lead to more just outcomes and less hunger? Or would it exacerbate conflict and lead to more hungry people?

On a simple level, if one is hungry, an apple pie cooling on a window sill is awfully tempting. While most people still would accept strictures against pie pilfering and uphold the property rights of pie purveyors, I think we are currently seeing an erosion of this consensus against theft, sometimes justified in the name of rights, as happened in riots across the country last year.

For example in California – where statewide, theft of property worth less than \$950 is considered a misdemeanor – we see viral videos of shoplifting that is no longer prosecuted. This lawlessness in turn leads to a [withdrawal of businesses](#) from the community, creating “food deserts” where people don’t have ready access to supermarkets.

On a broader level, food scarcity historically has led to migration of people, with war and conflict often following in its wake. A right-to-food approach – where the have nots have an entitlement to the resources of the haves – could potentially exacerbate conflict and drive migration.

This may be one reason why the United States has never ratified the International Covenant on Economic Social and Cultural Rights, and remained skeptical of positive rights in general.

With the understanding that all of us here want the same objective – food security and human flourishing for people in Central America and beyond – is there then a role for a rights-based approach to addressing food insecurity?

I certainly think there is.

What we first need to do, however, is *not* entrench dependency regimes whereby people are reliant on grants of food beyond dire emergency situations. Rather, we need to encourage adherence to the rule-of-law, where civil and political rights – including property rights – are respected. This then creates the necessary conditions where farmers and markets can flourish, and stable societies can develop, thereby reducing the push factor in migration.

In other words we need to avoid policies that would promote human misery, and instead adopt policies that increase human flourishing. Thank you.