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IMPLICATIONS OF "DALBHAT" FOR REGIONAL SECURITY IN SOUTH ASIA

"In the food battle the devil takes the hindmost ..."¹

"When hunger is as pervasive and as persistently so as in Bangladesh, the food problem ceases to be just one aspect of the economic problem. It becomes indistinguishable from the totality of the development problem itself."²

It is perhaps necessary to give a working definition of *dalbhat* at least for the limited purpose of this paper. *Dalbhat* is a political programme dedicated to the achievement of the human right to freedom from hunger and undernourishment in the context of South Asia. It is also important to emphasize that hunger and undernourishment encompass the stark and dramatic phenomenon of famine as well as the less dramatic and more pervasive reality of

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1. A. K. Sen, "Food Economics and Entitlements", in Jean Dreze and A. K. Sen eds., *The Political Economy of Hunger*, Vol I, (UPL, Dhaka 1991), p. 38.
 2. S. R. Osmani, "The Food Problems of Bangladesh," in Jean Dreze and A. K. Sen, eds., *op. cit.*, p. 307.

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endemic hunger, which has been defined as "sustained and persistent nutritional deprivation."³ Endemic hunger "exists in south Asia on an enormous scale"⁴ and "typically kills many more people than famines do."⁵ It is intended to show here that the core concept of dalbhat, is multi-dimensional with ethical, legal, economic and even security implications. Some of these implications will be touched upon and where possible elaborated.

In South Asian demotic speech dalbhat connotes elementary nourishment without festive frills. At least till before the Bengal Famine of 1943 rice came to be regarded as something of a luxury. But dalbhat continues to be an antonym for conspicuous consumption. Indeed, intrinsic to dalbhat are two related ethical prescriptions: a) against conspicuous consumption and b) in favour of equitable food distribution, as exemplified in the *hadith*: "Nobody truly believes while his neighbor lies hungry by his side and he eats his belly full."⁶

These ethical prescriptions of dalbhat are by no means sur-prising since in South Asia hunger and famine have been all too familiar evils. Indeed as has been said, "Hunger has been a leading issue in the modern political history of South Asia and winning freedom from famine and hunger was an important theme of the national movements in the countries of the region."⁷ Dalbhat "was a fundamental commitment to ensuring basic sustenance."⁸

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3. A. K. Sen, *et al.*, "A Contribution by WIDER to The Independent Group's Proposal For Food As A Human Right", Helsinki, 1991 (typescript), Published in IGSAC, *SAARC: Moving to Core Areas of Cooperation*, Colombo, 1991 (see, acknowledgement).
 4. *Ibid.*
 5. *Ibid.*
 6. Fazlul Karim, *Al Hadis*, Vol II, Dhaka 1970.
 7. A. K. Sen, *et. al.*, "A Contribution by WIDER...", *op. cit.*
 8. *Ibid.*

It is obvious that dalbhat has significant economic implications. The most prominent of these is the assurance of universal "basic sustenance". Indeed dalbhat is shorthand for food security in the framework of a system of social security. In this context, there is in dalbhat, an explicit preference for "public provision" of "basic needs" (PPBN). Any consideration of PPBN inevitably leads to the well-known debate of the experience of Sri Lanka and Kerala where, as has been often pointed out, direct PPBN has achieved notable drops in infant mortality and gains in life expectancy at relatively low levels of per capita income. As Sen says "Judged in terms of such indicators as life expectancy, Sri Lanka's overall achievement is high (its life expectancy of 69 years is higher than that of any other developing country - even with many times the GNP of Sri Lanka)."⁹ Osmani has convincingly shown that PPBN schemes by themselves are not sufficient conditions for the achievement of these dramatic gains. He has pointed out the important role played by not only public hygiene regimes and education and literacy but also countervailing political power in the rural areas.¹⁰

Dalbhat assumes that there is no necessary trade off between growth and social welfare progress and also that social welfare gains are achievable at comparatively low levels of per capita income. Dalbhat as a proposition was born in Bangladesh and it is natural that it should focus on Bangladesh experience and be conditioned by it. Bangladesh is in many ways an extreme limiting case as far as what has been called "the problem of acquirement" is concerned and it may offer valuable insights for the SAARC region as a whole.

Examining the food problems of Bangladesh, Osmani shows clearly that an immiserizing process is at work and that "hunger

9. A. K. Sen, "Food Economics and Entitlements", *op.cit.*, p. 47 .

10. S. R. Osmani, "Social Security in South Asia," in Ahmad, Dreze, Hills, and Sen, eds., *Social Security in Developing Countries*, (UPL, Dhaka, 1991).

expanded in spite of growth because growth was inadequate to overcome some underlying force of hunger".¹¹ In the analysis of policies Osmani has commented on the "dramatic decline"¹² in the share of Modified Rationing (MR) between 1960s and 1980s in the Public Food Distribution System (PFDS). He describes the phasing out of MR in Bangladesh as "most perverse"¹³ in the light of widening rural hunger. Elsewhere it has been noted significantly that alone among the SAARC countries it was in Sri Lanka that the elaborate network of rationing set up during the Second World War was consolidated and extended.¹⁴

The second insight from the rich and illuminating analysis of Osmani is the necessity of higher levels of food production in the economy of Bangladesh "not because it will provide a large basis for public distribution, as because the dynamics of production will help improve the entitlement of all the rural groups".¹⁵

Another leading Bangladeshi economist Mahbub Hosain has provided equally rich and suggestive analysis on the significant role of employment and especially wage employment in schemes of poverty alleviation and food security.

These findings suggest a SAARC regional agenda: first for the establishment of regional nutritional standards based on the capabilities approach and functioning as the basis of a Right to Food, designing parameters of national PFDS in model legislation including the extension of MR to rural areas and techniques for the protection of vulnerable groups, cooperation in protecting the environment in the search for higher levels of food production and the elaboration of a Right to Work.

11. S. R. Osmani, "Food Problems of Bangladesh," *op.cit.*

12. *Ibid.*

13. *Ibid.*

14. *Ibid.*

15. *Ibid.*

While there is little room for questioning the intrinsic ethical implications of dalbhat it may appear on first sight that in elaborating the legal implications in terms of a "human right to food" or "a right to freedom from hunger and undernourishment" in South Asia we are on shakier grounds. In a formal sense this may very well be so, although the Constitution of India contains a reference in the Directive Principles of State Policy which may be interpreted as a "passive" right of this kind. On the plane of International Law Brownlie has located two international legal instruments as sources of an international Right to Food.¹⁶ The first of these sources is Article 11 of The International Covenant on Economic, Social and Cultural Rights which entered into force on January 3, 1976 and which has been ratified by over ninety states. The Article states:

1. The States Parties to the present covenant recognized 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 condition. The States Parties will take appropriate steps to insure the realization of this right recognizing to this effect the essential importance of international cooperation 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 cooperation, 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.

16. I. Brownlie, *The Human Right to Food*, Commonwealth Secretariat, Oct. 1987.

- b) Taking into account the problems of both food importing and food exporting countries, **to ensure an equitable distribution of World Food Supplies in relation to need.** (emphasis added)

The second source of an international Right to Food is the Universal Declaration on the Eradication of Hunger and Malnutrition adopted on November 16, 1974 by the World Food Conference and endorsed by the UN General Assembly in Resolution 3348 (XXIX) of December 17, 1974. The declaration states inter alia:

Recognizing that the grave food crisis that is afflicting the peoples of the Developing Countries....acutely jeopardizes the most fundamental principles associated with the right to life and human dignity as enshrined in the Universal Declaration of Human Rights...

The conference consequently solemnly proclaims:

1. **Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties...** (emphasis added)

Even though some SAARC countries have not ratified the Covenant, it is arguable that the Right to Food or the Right to Freedom from Hunger are so linked to fundamental conceptions of human dignity as enshrined in the Universal Declaration of Human Rights that they are part of Customary International Law. As Brownlie has stated:

"..... apart from the role of Article 11 as a part of the treaty obligations of States parties to the Covenant, the provisions constitute evidence of the

generally accepted standards of General International Law applicable to the subject matter".¹⁷

The second instrument expressly makes this connection and appears to reflect the "functional capabilities" approach to hunger and undernourishment (see below).

It is perhaps obvious that although the Right of Food has a solid foundation at General International Law, the problems of incorporation and justiciability in Domestic Law of each of the SAARC countries remains with the possible exception of India. Thought has also to be given to the problem of remedies for specific rights. Brownlie has pointed out that under the existing legal instruments individuals are beneficiaries of rights but are not active subjects thereof. Arising out of the path breaking work of Professor A K Sen a different formulation of the Right to Food as an "orchestra of social and economic rights" which constitutes a guaranteed and coherent set of living standards including social security for those without work or unable to work¹⁸. In this context it may be appropriate to mention that the justiciability of the right to work is being actively debated and discussed in India.

The discussion on some of the legal aspects of dalbhat leads naturally to the consideration of a SAARC instrument which will bridge the gap and which will embody some of the elements necessary to a viable regional legal public order on food. Three elements in particular may be incorporated in such an instrument. First, in defining nutritional norms in the context of a SAARC legal instrument, a case may be made out for adopting the functional capabilities approach which identifies that undernourishment is not so much a lack of food as it is also the absence of medical facilities and proper environmental

17. *Ibid.*

18. *Ibid.*

hygiene. In practical terms, a right to food must include access to environmental hygiene, health care and educational opportunities. The functional capabilities approach also accords more closely with the notion of a human right to food, linked to the full development of the physical and mental faculties of human beings. The second element is to formulate the Right to Food in the framework of social and economic rights which constitute a guaranteed set of living standards including social security for those without work or unable to work. Third, the instrument could give the idea of "emergency action" including regional action in crisis situations in *normative form*. Fourth, a SAARC instrument could also include as an optional protocol model legislation for domestic applications of standards in SAARC countries and a model for institutional domestic arrangements for receiving complaints from individuals and groups. Such arrangements may very well fall short of justiciability but still be effective in focusing on the concrete problems of individuals and encourage the assertion of legitimate claims for access to food. SAARC model legislation would also contain provisions designed to protect the access to food of vulnerable groups such as women and the girl child e.g., through designating married women as head of the household in rural Modified Rationing and a free lunch for primary school girl students.

The countries of SAARC have already made a beginning in Regional Cooperation on Food Security through the creation of a Regional Food Security Reserve. Admittedly, the amounts of food stocks committed by participating countries are modest particularly in terms of regional needs. The conditions of access under the Agreement, too, are stringent to the point that Regional Security Reserve - activated on a bilateral basis - can serve as the source of the very last resort. This stringency is all the more remarkable in light of recent experience in South Asia. Here it has been the case that the major producers (India and Pakistan) have normally been the first to offer to move food stocks - outside the SAARC framework - to meet

the crisis needs of affected countries, notably Bangladesh. For instance following the cyclone of May 1991, India moved 6000 tons of grain (rice) to Bangladesh. Pakistan airlifted a smaller amount. Though the amounts involved are relatively small, these transfers have been effective in terms of speed of delivery and presumably also in the cost-effectiveness of the relief provided.

A cogent case can be made, based on recent experience, for any Regional South Asian Food Reserve serving as the source of *first* resort in crisis situations such as those created by natural disasters. It is not unrealistic to visualize that the SAARC region will be able to meet major crisis needs exclusively from regional resources even in the near term.

Well-known asymmetries of scale and structures among the SAARC countries certainly pose exceptional challenges to the devising of a Regional Food Reserve System that would offer an approximate mutuality of advantage as between the participating countries. Nevertheless, it is perhaps not difficult to visualize situations where a vast and traditionally "exporting" country such as India resorting to food stocks of a traditional "importing" country such as Bangladesh to meet specific localized shortage situations in say, Tripura, Mizoram, etc. Furthermore, a regional Food Reserve of significant coverage and with more realistic access conditions may conceivably improve the commercial position of traditional "exporting" countries in the markets of traditional "importing" countries in situations when Governments use cash resources to improve domestic stock positions in anticipation of shortage conditions. In other words, a Regional Food Reserve System of significant coverage and with realistic access clauses may serve to discourage cash imports from outside the Region. The negative experience of Bangladesh in 1989 dramatically illustrates the potential for mutually advantageous regional cooperation in Food in South Asia.

The major countries seem to oppose the idea of expanding the size of the Reserve on the ground that any additional stock of grain costs the governments a lot of money in the form of carrying costs (interest on bank loans, warehousing costs, wastage, etc.) without having any direct corresponding benefits.

This feeling is created because of two reasons: (i) the food authorities consider the stock required over and above the respective national stocks; and (ii) the size of the Reserve is so small that for the larger countries with huge national stocks, a small Reserve (a couple of thousand tons compared to a national reserve of around 20 million tons for India) would mean very little if there was an emergency in those countries and they, therefore, do not count the Reserve as a source at all.

But the idea of Regional Reserve is precisely to reduce the size of separate national stocks to reduce their carrying costs. Because of the appreciation of the fact that emergencies in all the countries in a region are unlikely to occur at the same time and that at the time of emergency in one country that country can draw from the reserves of all other countries contributing to the regional reserve, individual countries are required to maintain lower quantities of national stocks than if it is not. As there are contributions to the regional reserve from many countries, the reduction in the national stock of an individual country is always greater than its contribution to the Regional Reserve. Thus being a member of a *really effective* Regional Reserve on which a country can *count* to depend at the time of an emergency, should enable it to reduce its national stock and thereby carrying costs.

But the present SAARC Food Security Reserve does not lead to any reduction of the national stocks at all, thus defeating the philosophy behind a regional reserve. This is because the Reserve is neither effective (as past experiences of Bangladesh on at least two occasions had shown) nor any country (especially the larger ones)

could depend on it as a real alternative to the national stocks. Therefore, every country tries to keep its national reserve at the level it would do if it is not a member of the regional reserve and additionally keep whatever is its share of the SAARC Reserve.

The answer to this should be to simplify procedures for drawal from the Reserve and increase its size to the level where even the larger countries could treat it as a real alternative to its national reserve. In other words, for the Reserve to be effective, all the countries, including the larger ones, must see benefit in economic terms in the Reserve rather than view its contribution to the Reserve as an act of charity.

It is time now to consider some of the security aspects, or in other words, what implications dalbhat may have for regional security in South Asia. In this connection, it may be fruitful to draw analogies from the entitlement approaches of Sen.¹⁹ Just as the problem of acquirement is central to the problems of food, famine and hunger, a problem of acquirement may be central to problems of conventional security in South Asia. One analogy is particularly suggestive. The outstanding contribution of entitlements theory was to identify boom famines i.e, famines which occurred at times when available food stocks were unusually high. It is perhaps possible to envisage situations of grave insecurity in the presence (or indeed because) of large accumulations of military hardware. Even if such an analogy is shown not to be valid there is a growing consensus that even conventional security cannot be measured in purely military terms. In large parts of South Asia the gravest threats to security may be identified as the threat of famine and the pervasive reality of endemic hunger. Dalbhat addresses these threats. In considering whether programmes of social security can be financed by poor countries in South Asia without sacrificing long term growth, Osmani writes: "It is

19. A. K. Sen, *Poverty and Famines*, Clarendon Press, Oxford 1981.

significant that while spending heavily on welfare programmes, Sri Lanka kept its defence spending at a surprisingly low level of 2% of total government expenditure (in the 70s) compared to India's 10 to 15 per cent".²⁰ He continues: "obviously growth need not always be the opportunity cost of social welfare progress".²¹

Conclusion

Problems of food, famine, hunger and undernutrition are central to the real security needs of South Asia. The prevailing regional situation offers scope for concerted regional action under the aegis of SAARC. The seriousness of the situation invites a regional approach of standard-setting in the field of nutrition and the enunciation of a right to food in the context of social and economic rights which constitute a guaranteed and coherent set of living standards. Emergency action including regional initiatives may be given normative form under the aegis of SAARC. A SAARC mechanism for monitoring compliance may be put in place. Model legislation for the expansion of PFDS, e.g., in the form of Modified Rationing in the rural areas may be incorporated in an optional protocol under SAARC. In addition, techniques for protecting vulnerable groups should be incorporated in the optional protocol. Essential concomitance of this standard setting are regional consultations in the reduction of military expenditure and regional cooperation in the protection of the environment to safeguard and promote higher food production.

20. S. R. Ósmani, "Social Security in South Asia," *op. cit.*

21. *Ibid.*