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## **CHICKENS AND COWS ARE NOT THE ANSWER: WHY CHARITY-BASED MODELS FOCUSED ON DONATING LIVESTOCK WILL NOT SOLVE GLOBAL HUNGER**

Carrie A. Scrufari\*

“True generosity consists precisely in fighting to destroy the causes which nourish false charity. False charity constrains the fearful and subdued, the ‘rejects of life’, to extend their trembling hands. True generosity lies in striving so these hands—whether of individuals or entire people—need be extended less and less in supplication, so that more and more they become human hands which work and, working, transform the world.”<sup>1</sup>

### INTRODUCTION

Recent media coverage seems to support the old adage that no good deed goes unpunished.<sup>2</sup> In the summer of 2016, after the Bill and Melinda Gates Foundation pledged to donate live chickens to a handful of countries whose populations face chronic hunger, articles ran replete with puns deriding the fact that Bolivia, one of the intended recipients, rejected the gift.<sup>3</sup> *Good* led with, “Bill Gates has a bit of egg on his face – after the Microsoft mogul pledged 100,000 chickens to a group of impoverished countries, one of the recipients cried foul. (fowl?)”<sup>4</sup> *The Guardian* ran an article bearing the headline, “Cluck

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<sup>1</sup> PAULO FREIRE, PEDAGOGY OF THE OPPRESSED 29 (1970).

<sup>2</sup> See *infra* notes 4–8 and accompanying text.

<sup>3</sup> *Id.*

<sup>4</sup> Jesse Hirsch, *Bolivia Rejects Bill Gates’ Gift of Chickens*, *Good* (June 22, 2016), <https://www.good.is/articles/keep-your-chickens-bill>.

you: Bolivia rejects Bill Gates' donation of hens."<sup>5</sup> Another opening line read, "Bill Gates' philanthropic efforts are usually greeted with near-universal praise, but a recent attempt by the US billionaire to donate 100,000 chickens to impoverished countries has ruffled some feathers."<sup>6</sup> Reuters broadcasted, "Bolivia cries fowl, rejects hens donation from Bill Gates."<sup>7</sup> At first blush, Bolivia's umbrage might perplex observers to these international interactions. Yet, a deeper look demonstrates why Bolivia is right to balk at what its officials are calling an "offensive" donation.<sup>8</sup>

The charitable donation of livestock to poor countries is not always a laudable means of combatting global hunger.<sup>9</sup> Relying on charity does not address the structural inequities of the global food system as the true drivers of hunger.<sup>10</sup> In Bolivia's case, the recipients of charity were not consulted or provided a choice regarding the type of aid they received, and Gates' well-meaning donation was culturally and economically inappropriate for several reasons.<sup>11</sup> Moreover, donating livestock is not the most sustainable aid option, as it consumes vast amounts of resources to raise, maintain, and ship the livestock.<sup>12</sup>

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<sup>5</sup> *Cluck You: Bolivia Rejects Bill Gates' Donation of Hens*, THE GUARDIAN (June 15, 2016, 6:01 PM), <https://www.theguardian.com/world/2016/jun/15/bolivia-rejects-bill-gates-hens-donation>.

<sup>6</sup> James Vincent, *Bolivia Rejects "Offensive" Chicken Donation from Bill Gates*, THE VERGE (June 16, 2016, 4:06 AM), <http://www.theverge.com/2016/6/16/11952200/bill-gates-bolivia-chickens-refused>.

<sup>7</sup> Daniel Ramos et al., *Bolivia Cries Fowl, Rejects Hens Donation from Bill Gates*, REUTERS (June 15, 2016, 5:16 PM), <http://www.reuters.com/article/us-bolivia-gates-idUSKCN0Z12LG>.

<sup>8</sup> Michal Addady, *Bolivia Rejects "Offensive" Chicken Donation from Bill Gates*, FORTUNE (June 16, 2016, 2:00 PM), <http://fortune.com/2016/06/16/bolivia-bill-gates/>.

<sup>9</sup> See *Gifts of Livestock* (e.g., *Heifer International*), THE GIVEWELL BLOG (Dec. 27, 2009), <http://blog.givewell.org/2009/12/27/gifts-of-livestock-eg-heifer-international/> [hereinafter *Gifts of Livestock*].

<sup>10</sup> See *infra* note 39 and accompanying text.

<sup>11</sup> Vincent, *supra* note 6.

<sup>12</sup> *Gifts of Livestock*, *supra* note 9.

Part I of this Article provides a brief history of the right to food and the right to food sovereignty.<sup>13</sup> Part II analyzes Bill Gates' attempted donation of 100,000 hens, critiques the inherent assumptions underlying the gift, and examines how charitable donations are in tension with a rights-based approach.<sup>14</sup> Part III proposes different solutions to the problem of global hunger that would better safeguard the sanctity of human rights, as well as the health of humans, animals, and the planet.<sup>15</sup>

### I. THE RIGHT TO FOOD, GLOBAL HUNGER, AND FOOD SOVEREIGNTY

The simple act of consuming food is something that everyone, everywhere engages in everyday, if they are fortunate enough to be able to do so. The satisfaction of the need to eat is one of the most primal motivations of human activity and it is a basic need that must be fulfilled in order to survive.<sup>16</sup> Despite the necessity of food as central to life, many governments do not declare that anyone has an explicit right to food, although other rights such as the right to freedom of speech and the right to bear arms are constitutionally guaranteed.<sup>17</sup> The concept of the right to food did not originate until the 1960s and the subsequent refinement of the right to food as involving the right to culturally appropriate food of one's choosing developed even later.<sup>18</sup>

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<sup>13</sup> See *infra* Part I.

<sup>14</sup> See *infra* Part II.

<sup>15</sup> See *infra* Part III.

<sup>16</sup> Frederick Rosen, *Basic Needs and Justice*, 86 MIND 88, 88 (1977).

<sup>17</sup> See Priscilla Claeys, *From Food Sovereignty to Peasants' Rights: An Overview of Via Campesina's Struggle for New Human Rights*, in LA VIA CAMPESINA'S OPEN BOOK: CELEBRATING 20 YEARS OF STRUGGLE AND HOPE 1, 3 (May 15, 2013), <https://viacampesina.org/downloads/pdf/openbooks/EN-02.pdf> [hereinafter Claeys, *From Food Sovereignty to Peasants' Rights*] (noting that the constitutions of Ecuador, Bolivia, Nepal, and Venezuela have recognized the right to food sovereignty); *but cf.* U.S. CONST. amend. I and U.S. CONST. amend. II.

<sup>18</sup> See Aeyal Gross & Tamar Feldman, "We Didn't Want to Hear the Word 'Calories'": *Rethinking Food Security, Food Power, and Food Sovereignty—Lessons from the Gaza Closure*, 33 BERKELEY J. INT'L L. 379, 418–19, 435–36 (2015) (noting that the right to food in international law originates with Article 25 of the Universal Declaration of Human Rights and in the International Covenant on

A. *The Origins of the Right to Food*

Defined as “the right to be free from hunger and to have sustainable access to food in a quantity and quality sufficient to satisfy one's dietary and cultural needs,”<sup>19</sup> the right to food was first articulated in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1966.<sup>20</sup> In 2000, the United Nations Commission on Human Rights (formerly the Human Rights Council), appointed a Special Rapporteur on the right to food.<sup>21</sup> This position has always been that of an independent expert and one that does not receive compensation from the United Nations to ensure it remains free of potential conflicts of interest.<sup>22</sup> The Special Rapporteur examines and writes on the right to food, defined for his/her purposes as:

the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs,

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Economic, Social, and Cultural Rights); *see also* Claeys, *From Food Sovereignty to Peasants' Rights*, *supra* note 17, at 3 (noting that the idea of food sovereignty did not appear on the international scene until late 1996).

<sup>19</sup> Smita Narula, *The Right to Food: Holding Global Actors Accountable Under International Law*, 44 COLUM. J. TRANSNAT'L L. 691, 694 (2006). Over twenty countries have adopted the right to food within their constitutions, including Bolivia, Brazil, Ecuador, Kenya, Mexico, South Africa, and Switzerland. *See* 10 YEARS OF THE RIGHT TO ADEQUATE FOOD GUIDELINES: PROGRESS, OBSTACLES AND THE WAY AHEAD, CIVIL SOCIETY SYNTHESIS PAPER FOR THE 41ST SESSION OF THE UN COMMITTEE ON WORLD FOOD SECURITY 15 (2014), [http://www.fian.org/fileadmin/media/publications/10yearGuidelines\\_CivilSociety\\_SynthesisPaper\\_en.pdf](http://www.fian.org/fileadmin/media/publications/10yearGuidelines_CivilSociety_SynthesisPaper_en.pdf) [hereinafter 10 YEARS].

<sup>20</sup> International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200 (XXI), U.N. Doc. A/RES/21/2200 (Dec. 16, 1966).

<sup>21</sup> *Special Rapporteur on the Right to Food*, U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS, <http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx> (last visited Nov. 30, 2016).

<sup>22</sup> *Id.*

and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear.<sup>23</sup>

The United Nations Millennium Summit announced in 2001 that a key Millennium Development Goal included cutting in half the number of people suffering from hunger between 1990 and 2015.<sup>24</sup> When that target was not achieved last summer, World Bank Group President Jim Yong Kim declared the even more ambitious goal of accomplishing “the greatest achievement in human history – to end extreme poverty in a generation.”<sup>25</sup> The World Bank hopes to finance the post-2015 development agenda by exploring different financing arrangements – including exploring more opportunities for countries to partner with private investors to increase development.<sup>26</sup>

Despite various investment attempts to eliminate hunger, the United Nations Food and Agriculture Organization (FAO) estimated that 795 million people in the world were suffering from chronic undernourishment from 2012-2014.<sup>27</sup> The majority of these hungry people – 780 million – live in developing countries.<sup>28</sup> The World Food Programme (WFP) estimates that poor nutrition results in the death of 45% of all children under the age of five – or 3.1 million children per year.<sup>29</sup> Ironically, the World Health Organization (WHO) calculated that 1.9 billion adults are overweight and that deaths associated with being overweight outnumber those associated with being

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<sup>23</sup> *Id.*

<sup>24</sup> *Financing the End of Poverty*, THE WORLD BANK (July 10, 2015), <http://www.worldbank.org/en/news/feature/2015/07/10/financing-the-end-of-poverty>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> THE STATE OF FOOD INSECURITY IN THE WORLD. MEETING THE 2015 INTERNATIONAL HUNGER TARGETS: TAKING STOCK OF UNEVEN PROGRESS, FAO 8 (2015), <http://www.fao.org/3/a4ef2d16-70a7-460a-a9ac-2a65a533269a/i4646e.pdf>.

<sup>28</sup> *Id.*

<sup>29</sup> *Hunger Statistics*, WORLD FOOD PROGRAMME, <https://www.wfp.org/hunger/stats> (last visited Nov. 30, 2016). The WFP is a nonprofit organization that is part of the United Nations and is the world’s largest humanitarian agency, responding to various emergency situations like war, civil conflict, and natural disasters. *About*, WORLD FOOD PROGRAMME, <https://www.wfp.org/about> (last visited Nov. 30, 2016).

underweight.<sup>30</sup> The WHO further notes that although overweight and obesity were “once considered a high-income country problem . . . [they] are now on the rise in low- and middle-income countries, particularly in urban settings.”<sup>31</sup> The obesity statistics underscore that the right to food must involve more than mere caloric intake.<sup>32</sup> Thus, advocacy organizations such as FIAN International maintain that the right to food also includes the right to adequate nutrition.<sup>33</sup>

*B. Food Sovereignty as a Precondition to Food Security*

At the 1966 World Food Summit in Rome, the peasant advocate organization La Vía Campesina explained that confronting global hunger requires more than ensuring the right to food.<sup>34</sup> Rather, eradicating hunger requires that everyone be able to realize a right to food sovereignty.<sup>35</sup> Food sovereignty encompasses “democratic national and local control over food production in a manner that addresses poverty and hunger, preserves rural livelihoods, and protects the environment.”<sup>36</sup> The concept of food sovereignty culminated from the collective efforts of La Vía Campesina’s efforts to create “a powerful counter-narrative to large-scale corporate-led agriculture: a socially just, rights-based, ecologically sustainable ‘future without hunger.’”<sup>37</sup> Food sovereignty guarantees the rights of those who produce food to have control over their entire food system – including the means of production, the markets, the food culture, and the

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<sup>30</sup> *Obesity and Overweight Fact Sheet*, WHO,

<http://www.who.int/mediacentre/factsheets/fs311/en> (last updated June 2016).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> 10 YEARS, *supra* note 19, at 46.

<sup>34</sup> Annette Aurélie Desmarais, *The Gift of Food Sovereignty*, 2 CANADIAN FOOD STUDIES 154, 156 (2015).

<sup>35</sup> *Id.*

<sup>36</sup> Carmen G. Gonzalez, *International Economic Law and the Right to Food*, in RETHINKING FOOD SYSTEMS: STRUCTURAL CHALLENGES, NEW STRATEGIES, AND THE LAW 165, 192 (Nadia Lambek et al. eds., 2013) [hereinafter *International Economic Law*].

<sup>37</sup> Desmarais, *supra* note 34, at 154. Some countries such as Bolivia, Ecuador, Nepal, and Venezuela have made food sovereignty a constitutionally protected right. *See id.* at 155. *See generally* Raj Patel, *Transgressing Rights: La Via Campesina’s Call for Food Sovereignty*, 13 FEMINIST ECONOMICS 87 (2007).

environment in which food is grown.<sup>38</sup> La Vía Campesina has also framed food sovereignty as a collective right rather than as an individual right to food for each person; instead, food sovereignty includes the right of the community to produce food for its members in the best way it deems fit.<sup>39</sup>

According to La Vía Campesina, food sovereignty must exist as “a precondition to genuine food security.”<sup>40</sup> The FAO defines food security as all people, having at all times, the “physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.”<sup>41</sup> Thus, food sovereignty is a necessary precursor to food security insofar as a person having access only to cheaply produced processed foods should not be considered food secure because such foods are not sufficient for providing an “active and healthy life.” Thus, food sovereignty and food security are intertwined in that fulfillment of both requires access to healthy, culturally appropriate, and preferred food necessary for health and wellness. To be considered food secure, a person must have access to an available and stable supply of food and the means to use it

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<sup>38</sup> Hannah Wittman et al., *The Origins & Potential of Food Sovereignty*, in *FOOD SOVEREIGNTY: RECONNECTING FOOD, NATURE, AND COMMUNITY 2* (Hannah Wittman et al. eds., 2010). Food sovereignty also incorporates the values inherent in local food systems, encourages the education and sharing of knowledge between farmers, and emphasizes working within nature’s ecosystems to produce healthy, sustainable food. See *Declaration of Nyéléni*, NYELENI (Feb. 27, 2007), <http://nyeleni.org/spip.php?article290>. The Declaration of Nyéléni culminated from the collective efforts of over 500 people from more than eighty different countries representing the interests of peasants, rural farmers, women, migrant workers, consumers, environmental advocates, fisher folk, indigenous peoples, landless peoples, and others to explain the food sovereignty movement and pave a way forward towards its global realization. *Id.*

<sup>39</sup> Priscilla Claeys, *Food Sovereignty and the Recognition of New Rights for Peasants at the UN: A Critical Overview of La Via Campesina’s Rights Claims Over the Last 20 Years*, 12 *GLOBALIZATIONS* 452, 455 (2014) [hereinafter Claeys, *Food Sovereignty and the Recognition of New Rights*].

<sup>40</sup> Desmarais, *supra* note 34, at 156.

<sup>41</sup> *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*, FAO 5 (2005), <http://www.fao.org/3/a-y7937e.pdf> [hereinafter *Right to Food Guidelines*].

and prepare it.<sup>42</sup> Food security also implies the right of future generations to have access to nutritious food, and therefore contemplates a sustainable food system that will ensure the availability of natural resources necessary for future generations to feed themselves.<sup>43</sup>

Global hunger is a persistent problem, and the traditional methods of addressing the problem have not been effective. A rights-based approach provides a promising alternative paradigm and is preferable because it empowers and enables people to participate in the food system in ways that promote self-sufficiency and dignity, rather than perpetuating the cycle of charity and poverty.

## II. UNDER A RIGHTS-BASED APPROACH, DONATED LIVESTOCK IS NOT THE BEST SOLUTION

How a particular problem is framed (for example, food insecurity and global hunger) impacts how a solution will be devised and framed as well.<sup>44</sup> The notion of framing is critical to social movements because it “serves the purposes of diagnosing certain situations as problematic, of offering solutions, and of calling to action.”<sup>45</sup> In the context of food insecurity and global hunger, adopting a human rights approach involves the recognition and naming of just versus unjust situations (for example, the great disparity between food consumed and wasted in developed countries versus the lack of availability and access to food in other parts of the world).<sup>46</sup> A rights-based approach to confronting hunger also involves creating solutions premised on the principle that all humans, by virtue of their humanness, deserve access to nutritious food; such an approach

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<sup>42</sup> *Id.* (explaining that food security requires availability, stability of supply, access and utilization).

<sup>43</sup> See *Report Submitted by the Special Rapporteur on the Right to Food, Olivier De Schutter*, ¶ 9, Human Rights Council, U.N. Doc. A/HRC/16/49 (Dec. 17, 2010), <http://www2.ohchr.org/english/issues/food/docs/A-HRC-16-49.pdf> [hereinafter De Schutter Report Dec. 17, 2010] (explaining that food systems should be developed to consider future needs).

<sup>44</sup> See *infra* notes 45–49 and accompanying text.

<sup>45</sup> Claeys, *Food Sovereignty and the Recognition of New Rights*, *supra* note 39, at 453.

<sup>46</sup> Claeys, *From Food Sovereignty to Peasants' Rights*, *supra* note 17, at 2.

deliberately avoids considerations of corporate or industrial interests.<sup>47</sup> Specifically, a rights-based approach requires all States to fulfill their human rights obligations to all citizens under international law.<sup>48</sup> Thus, a rights-based approach to solving the problem of food insecurity calls upon governments to ensure “the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals; physical and economic accessibility for everyone, including vulnerable groups, to adequate food, free from unsafe substances and acceptable within a given culture; or the means of its procurement.”<sup>49</sup>

In contrast to a rights-based approach, the traditional charity model used to combat hunger involves donor states providing food to populations in need.<sup>50</sup> One criticism of food aid is that it is an inefficient use of resources, as one third of the resources end up in the hands of food processors in the donor countries and the shipping industry.<sup>51</sup> Another criticism holds that food aid is “designed more to subsidize domestic interests in the donor country than to help the poor abroad,”<sup>52</sup> as is the case in the years when the U.S. experiences a bumper crop and dumps the surplus in the form of international food aid.<sup>53</sup> This dynamic can create dependence on the donor state for aid in the future while simultaneously inhibiting the donee state’s ability to develop a local food system to sustain its population.<sup>54</sup>

Nevertheless, international food aid certainly has its place as one solution to global hunger.<sup>55</sup> In times of war and natural disasters

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<sup>47</sup> *Id.*

<sup>48</sup> *Right to Food Guidelines*, *supra* note 41, at 5.

<sup>49</sup> *Id.* at 6.

<sup>50</sup> See FAO, FOOD AID FOR FOOD SECURITY?, THE STATE OF FOOD AND AGRICULTURE 3 (2006), <ftp://ftp.fao.org/docrep/fao/009/a0800e/a0800e01.pdf>.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> Erin Lentz, *The Future of Food Assistance: Opportunities and Challenges*, 3 PENN ST. J.L. & INT’L AFF. 84, 88–89 (2015) (describing the example of the U.S. providing food aid to Russia in the 1990s, which some have deemed “a low-cost political win for the United States”).

<sup>54</sup> See FAO, *supra* note 50, at 3.

<sup>55</sup> *Id.*

that result in famine, the generosity of donor States in providing food aid can mean the difference between life and death for millions of people.<sup>56</sup> However, it is critical to remember that such aid “should be provided with a clear exit strategy and avoid the creation of dependency.”<sup>57</sup> To that end, donor states should attempt to bolster local markets in an effort to satisfy the food needs of countries prone to famine.<sup>58</sup>

Even when food aid is provided under the theory of promoting eventual self-sufficiency and decreasing poverty – as was the case with the Gates gift of chickens – it may not work out that way in practice and it may be ineffective if it is “unresponsive to the particular contexts in which it is deployed.”<sup>59</sup> Because such gifts can be based on flawed assumptions, the food aid model of coping with global hunger is often in tension with a rights-based approach.<sup>60</sup> The following section describes why such a tension exists.

#### A. *Flawed Assumptions Inherent in the Gates Gift*

The Bill and Melinda Gates Foundation has a strong reputation for donating to charities and supporting worthy causes.<sup>61</sup> In a world where many go without and there is no shortage of pain and suffering,

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<sup>56</sup> *Id.*

<sup>57</sup> *Right to Food Guidelines*, *supra* note 41, at 27.

<sup>58</sup> *See id.*

<sup>59</sup> FAO, *supra* note 50, at 3.

<sup>60</sup> *See* Aschale D. Siyoum et al., *Food Aid and Dependency Syndrome in Ethiopia: Local Perceptions*, J. HUMANITARIAN ASSISTANCE (Nov. 27, 2012), <http://sites.tufts.edu/jha/archives/1754> (internal quotation marks omitted) (“[D]ue to availability of food aid for many years, farmers have developed a dependency syndrome and have become reluctant to improve their own lives. As a consequence they are not willing to use their potential to improve their livelihood by themselves.”); *see also* PASCAL LIU, IMPACTS OF FOREIGN AGRICULTURAL INVESTMENT ON DEVELOPING COUNTRIES: EVIDENCE FROM CASE STUDIES, FAO, at iv (2014), <http://www.fao.org/3/a-i3900e.pdf> (“[T]he studies suggest that investments that involve local farmers as equal business partners, giving them an active role and leaving them in control of their land, have the most positive and sustainable effects on local economies and social development.”).

<sup>61</sup> *See Who We Are: History*, BILL & MIRANDA GATES FOUND., <http://www.gatesfoundation.org/Who-We-Are/General-Information/History> (last visited Dec. 5, 2016).

it seems commendable for the fortunate to share the fruits of their privilege with those who cannot meet their basic needs. In this context, Bill and Melinda Gates (and their supporters) might be confused at the backlash they received when they attempted to donate 100,000 chickens and included Bolivia as one recipient – a country that has been battling hunger, food insecurity, and poverty for decades.<sup>62</sup> Yet, charitable donations such as the Gates' gift can be based on flawed assumptions, resulting in a scenario that is at best ineffective at solving hunger and at worst offensive and disempowering.<sup>63</sup>

In a recent blog post, Gates explains why he donated 100,000 chickens and why he believes this contribution will help end hunger.<sup>64</sup> Gates admits that he previously knew nothing about chickens, since he was “a city boy from Seattle” and that he “had a lot to learn!”<sup>65</sup> Gates' education included consulting with an anthropologist from Burkina Faso, who has studied the economics of raising chickens in Africa.<sup>66</sup> Gates also met with “many people in poor countries who raise chickens.”<sup>67</sup>

Gates explains that raising chickens combats poverty because they are: (1) easy and inexpensive to care for, (2) a good investment when selling hatched chicks, (3) healthy for children, and (4) empowering for women, being small and kept close to home.<sup>68</sup> Gates raises some valid points, but he overlooks several others. He first asserts that chickens are “easy and inexpensive to take care of,” but acknowledges that they require feed in order to grow faster, in addition

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<sup>62</sup> See *10 Facts About Hunger in Bolivia*, WORLD FOOD PROGRAMME (Oct. 7, 2015), <https://www.wfp.org/stories/10-facts-about-hunger-bolivia>.

<sup>63</sup> See *infra* Part II.B.

<sup>64</sup> Bill Gates, *Why I Would Raise Chickens*, GATESNOTES (June 7, 2016), <https://www.gatesnotes.com/Development/Why-I-Would-Raise-Chickens>.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.* It is unclear how an anthropologist studying hunger in West Africa would necessarily be helpful in proposing solutions to food insecurity in Bolivia. Solutions to hunger must be tailored to specific populations, accounting for the unique cultural, societal, and economical needs of different countries. See *infra* notes 78-84 and accompanying text.

<sup>68</sup> *Id.*

to shelter and vaccinations.<sup>69</sup> For the nearly 1 billion people living in extreme poverty on less than \$2.00 per day<sup>70</sup>, the costs associated with feeding, watering, sheltering, and vaccinating chickens can accrue quickly.<sup>71</sup> Second, chickens may be a good investment if a farmer is able to sell the chicks, but if drought or other severe weather events prevent the feeding and watering of livestock, then a flock can easily be lost.<sup>72</sup> In addition, chickens are a good investment only when assuming consumer demand and access to direct markets where a farmer can sell the chicks.<sup>73</sup> If farmers are trying to raise chickens to sell in rural areas that lack the necessary infrastructure to deliver chickens, or if all the neighbors are raising their own because purchasing them is cost-prohibitive, then the investment outcome is poor.<sup>74</sup> In this scenario, raising chickens is not likely to empower women.<sup>75</sup> While consuming eggs and chicken meat can provide an important source of nutrients for children, Gates admits that farmers often find it more economical to allow the eggs to hatch and sell the chicks, thereby using the money to purchase other food.<sup>76</sup> Finally, while caring for chickens might be easier for women rather than larger animals such as cattle that need pasturing, there are better ways to empower women than donating livestock that they did not ask for, as will be discussed later in greater detail.<sup>77</sup>

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<sup>69</sup> Gates, *supra* note 64.

<sup>70</sup> *Id.*

<sup>71</sup> See Amelia Josephson, *The Economics of Raising Chickens*, SMARTASSET (Feb. 5, 2016), <https://smartasset.com/personal-finance/the-economics-of-raising-chickens> (discussing the need to supplement the natural diet of chickens with feed and the material costs of building a sufficient shelter to house the chickens).

<sup>72</sup> See DAVID KAHAN, *MANAGING RISK IN FARMING*, FAO 6 (2008), <http://www.fao.org/uploads/media/3-ManagingRiskInternLores.pdf> (discussing the risks of weather and pests on crop and livestock production).

<sup>73</sup> See Neil D. Hamilton, *Farms, Food, and the Future: Legal Issues and Fifteen Years of the "New Agriculture"*, 26 J. ENVTL. L. & LITIG. 1, 8–9 (2011) (discussing the significance of direct access to local markets for farmers).

<sup>74</sup> See Jason J. Czarnecki, *Food, Law & the Environment: Informational and Structural Changes for a Sustainable Food System*, 31 UTAH ENVTL. L. REV. 263, 284–87 (2011) (stressing the need to improve agricultural distribution and production processes in order to promote the viability of local food systems).

<sup>75</sup> See *id.*; see also KAHAN, *supra* note 73.

<sup>76</sup> Gates, *supra* note 64.

<sup>77</sup> See Frands Dolberg, *Poultry Production for Livelihood Improvement and Poverty Alleviation*, FAO 9–10 (Nov. 2007),

Even assuming the validity of Gates' arguments in favor of raising chickens as a means to alleviate poverty, his donation of chickens to Bolivia was made on the basis of several flawed assumptions.<sup>78</sup> First, Gates assumed that charity is an effective means to combat poverty.<sup>79</sup> Second, according to both Bolivia's Finance Minister Luis Alberto Arce and the International Monetary Fund (IMF), Bolivia is expected to have the strongest economy in the South American region this year.<sup>80</sup> Bolivia has already increased its spending on education, health, and poverty reduction social programs by 45%.<sup>81</sup> Furthermore, Gates overlooked Bolivia's thriving poultry industry, which produces 197 million chickens per year (and has the capacity to export 36 million).<sup>82</sup> Failing to consider Bolivia's unique economy caused a rebuke from Bolivia's minister of land and rural development César Cocarico, who told the *Financial Times* that Gates, "does not know Bolivia's reality to think we are living 500 years ago, in the middle of the jungle not knowing how to produce. Respectfully, he should stop talking about Bolivia, and once he knows more, apologize to us."<sup>83</sup> Cocarico further commented that Gates should "inform himself that us Bolivians have a lot of production and do not need any gifted chicks in order to live, we have dignity."<sup>84</sup>

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[http://www.fao.org/Ag/againfo/home/events/bangkok2007/docs/part3/3\\_1.pdf](http://www.fao.org/Ag/againfo/home/events/bangkok2007/docs/part3/3_1.pdf); see also *infra* Part III.B.

<sup>78</sup> See Gates, *supra* note 64 ("It's pretty clear to me that just about anyone who's living in extreme poverty is better off if they have chickens"). See also *supra* notes 76–81 and accompanying text.

<sup>79</sup> See Gates, *supra* note 64 (reiterating his belief that donating chickens would have a substantial impact on alleviating poverty).

<sup>80</sup> *Bolivia 2016: Highest Projected GDP in South America*, TELESUR (Apr. 14, 2016), <http://www.telesurtv.net/english/news/Bolivia-2016-Highest-Projected-GDP-in-South-America--20160414-0038.html>. Although Bolivia projects a GDP increase by 5% and the IMF estimates only a 3.8% growth, Bolivia's economy is still the strongest in the region and Bolivia's Finance Minister Luis Alberto Arce predicts, "[t]his trend will continue." *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Cluck You*, *supra* note 5.

<sup>83</sup> Hirsch, *supra* note 4.

<sup>84</sup> Vincent, *supra* note 6.

Cocarico's last comment, that his fellow citizens did not need gifted animals because they have dignity, exemplifies Gates' fourth flawed assumption: that charity, of any kind, can always be an effective means of solving world hunger and that donating livestock is the best charitable option.<sup>85</sup> Gates donated the chickens in partnership with Heifer International, an organization that has been donating livestock to impoverished areas as a means of combatting global hunger for almost 70 years.<sup>86</sup> There are several aspects of Heifer International's work that are commendable. Based on the "teach a man to fish" philosophy, the organization seeks to empower the recipients of its livestock by donating animals that allow for continual consumption or income stream through the milk, eggs, or honey the donated animals produce.<sup>87</sup> Donees also receive farmer training and education on how to raise and care for the animals.<sup>88</sup> When the animals breed, the original recipients then donate the first female offspring to a neighboring family in need, thereby allowing an entire community to eventually gain self-sufficiency.<sup>89</sup> By using this model, Heifer International estimates that it has helped 25 million families in lifting themselves out of poverty.<sup>90</sup>

Heifer International provides food aid under a different model than other nonprofits or governments that simply donate a monetary gift or donate food items to an area without trying to address the actual causes of hunger impacting the local population.<sup>91</sup> For example, a traditional food aid approach would involve bringing bags of rice or wheat or some other commodity crop to an impoverished community.<sup>92</sup> In contrast, Heifer International attempts to empower

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<sup>85</sup> Compare Vincent, *supra* note 6, with Gates, *supra* note 64 (explaining his goal of raising the percentage of families in sub-Saharan Africa that own chickens through donations and maintaining that the foundation is "betting on chickens").

<sup>86</sup> See *About Heifer International*, HEIFER INT'L, <http://www.heifer.org/about-heifer/index.html> (last visited Dec. 5, 2016).

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Ending Hunger and Poverty*, HEIFER INT'L, <https://www.heifer.org/ending-hunger/index.html> (last visited Dec. 5, 2016).

<sup>91</sup> See *Our Work Around the World*, HEIFER INT'L, <https://www.heifer.org/ending-hunger/our-work/index.html> (last visited Dec. 5, 2016).

<sup>92</sup> See *id.*

small-scale farmers in a region and provides targeted assistance designed to enable the area to become self-sufficient and reach the point where they no longer need to rely on food aid.<sup>93</sup> Such targeted assistance, when delivered as part of a collaboration with the local community to ensure needs are being met and the assistance will be meaningful, can be illustrative of a rights-based approach to food security. Heifer International helps to link small-scale farmers with direct access to markets to help support local food systems, provide technical training and mentorship to farmers, and assist with providing business and management advice to small farmers.<sup>94</sup> Notably, Heifer International tailors the aid it provides to the needs of specific regions, recognizing that there is no one-size-fits-all approach.<sup>95</sup> Often, Heifer International provides aid in the form of donated livestock as part of its strategy to foster local food systems in impoverished regions.<sup>96</sup>

Heifer International relies on partnerships and funding from government, private, and non-profit sources.<sup>97</sup> It has established corporate and public sector partnerships, receives major gifts from private donors, and also relies on employer matching gifts.<sup>98</sup> One of its partners in recent years has been the Bill and Melinda Gates Foundation.<sup>99</sup> The Gates Foundation is premised on providing aid to people that will enable them to transition out of poverty with the right tools, including access to education, health care, and sufficient employment.<sup>100</sup> Specifically, the Gates Foundation has donated to assist farmers with acquiring new technology and developing new

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<sup>93</sup> *See id.*

<sup>94</sup> *See id.*

<sup>95</sup> *See id.*

<sup>96</sup> *See id.* (discussing its donation of goats to Zambia, Zimbabwe, and Malawi as part of its Southern Africa Goat Value Chain Program).

<sup>97</sup> *See Why Partner with Heifer*, HEIFER INT'L, <http://www.heifer.org/partners/index.html> (last visited Dec. 5, 2016).

<sup>98</sup> *See id.*

<sup>99</sup> *See Heifer Works with Bill & Melinda Gates Foundation to Double Farmer Income*, HEIFER INT'L, <http://www.heifer.org/whencowsfly/stories/85million-from-gates.html> (last visited Dec. 5, 2016).

<sup>100</sup> *See Who We Are*, BILL & MELINDA GATES FOUND., <http://www.gatesfoundation.org/Who-We-Are> (last visited Dec. 5, 2016).

business opportunities.<sup>101</sup> Thus, the Gates Foundation's partnership with Heifer International seems logical given the mission and goals of both organizations.<sup>102</sup>

Despite the aim of both Heifer International and the Gates Foundation to transcend the traditional food aid model and instead assist impoverished communities with achieving self-sufficiency and food security, both groups might be missing the mark, at least with respect to Bolivia.<sup>103</sup> Research analyst Sean Conley (who works for GiveWell, a non-profit organization dedicated to evaluating charitable organizations with an aim towards guiding donors to supporting the top charities so that their dollars achieve maximum impact in saving the most lives) advises against donating livestock.<sup>104</sup> GiveWell began in 2007 when a group of friends in the finance industry started researching what different charity organizations attempted to achieve through the donations they received and began analyzing the efficacy of those programs.<sup>105</sup> GiveWell notes that small donors, collectively, provide sixty times more funds than the Gates Foundation.<sup>106</sup> Thus, GiveWell's aim is to help small donors answer the question, "Where should I donate?"<sup>107</sup> GiveWell seeks to analyze, in a transparent fashion, how charities are helping their target populations and how successful they are at achieving their goals so that small donors can make informed decisions about where to allocate their funds.<sup>108</sup>

According to Conley, "The question is whether giving people livestock beats just giving them money. And from everything we've

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<sup>101</sup> See *Agricultural Development*, BILL & MELINDA GATES FOUND., <http://www.gatesfoundation.org/What-We-Do/Global-Development/Agricultural-Development> (last visited Dec. 5, 2016).

<sup>102</sup> Compare *id.* (detailing the Gates Foundation's agricultural development model), with *Our Work Around the World*, *supra* note 91 (detailing Heifer International's agricultural development model).

<sup>103</sup> See *infra* notes 104–108 and accompanying text.

<sup>104</sup> Hirsch, *supra* note 4.

<sup>105</sup> See *Our Story*, GIVEWELL, <http://www.givewell.org/about/story> (last visited Dec. 5, 2016).

<sup>106</sup> See *id.*

<sup>107</sup> See *id.*

<sup>108</sup> See *id.*; for a full list of charities, see *Top Charities*, GIVEWELL, <http://www.givewell.org/charities> (last visited Dec. 5, 2016).

seen, cash is the better gift.”<sup>109</sup> Donating money makes more sense from a food sovereignty perspective because although a cash gift is still based on a charity model, a cash gift recognizes that individuals are “in the best position to determine their own needs, be it food security, investments, [or] durable goods.”<sup>110</sup> Had Bill Gates considered what the peasants of Bolivia actually wanted or needed, he might have received a more favorable response and been able to make a stronger impact towards alleviating suffering.

Conley further notes that the care and maintenance of livestock is expensive, something that Heifer International also admits.<sup>111</sup> Depending on the type of animal donated and the location of the recipients, high death rates of animals, lack of access to safe water, and the high costs of veterinary care (including artificial insemination for breeding), make the donation of livestock less than an ideal gift for many recipients.<sup>112</sup>

*B. A Rights-Based Framework Can be in Tension with a Charitable Solution*

Conley’s comments illustrate how charitable donations such as the Gates gift may create tension with a rights-based framework if the donations are not properly matched to the recipients’ needs or

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<sup>109</sup> Hirsch, *supra* note 4; *see also* DR. PAUL CLEMENTS ET AL., IMPACT EVALUATION OF HEIFER PROJECT INTERNATIONAL IN UGANDA, THE EVALUATION CENTER, at 41, 44, 48, 49–50, 53, 56 (2011), [https://158fc6497e5a64559e1fd14ef12e680aa00597bdffb57368cf92.ssl.cf2.rackcdn.com/Ending\\_Hunger/our-impact/reports/Uganda.pdf](https://158fc6497e5a64559e1fd14ef12e680aa00597bdffb57368cf92.ssl.cf2.rackcdn.com/Ending_Hunger/our-impact/reports/Uganda.pdf).

<sup>110</sup> Hirsch, *supra* note 4; *see also* *Our Criteria for Top Charities*, GIVEWELL (last visited Dec. 5, 2016) [*hereinafter* *Our Criteria*].

<sup>111</sup> CLEMENTS ET AL., *supra* note 109.

<sup>112</sup> *Id.* at 48 (explaining original donees receive equipment to use with the animal, such as harness chains and plows, but this same equipment is not made available to successive owners who receive offspring from the original donated animal in accordance with Heifer International’s pass it on philosophy); *see also* *Heifer Project International*, GIVEWELL, <http://www.givewell.org/International/charities/Heifer-Project-International> (last visited Dec. 5, 2016).

desires.<sup>113</sup> Inappropriate gifts (either for cultural reasons, economic reasons, or otherwise) have the potential to deprive recipients of the right to choose how to meet their nutritional needs.<sup>114</sup> Admittedly, there is a time and a place for emergency food aid. In some circumstances, the work of philanthropic organizations such as Heifer International that provide donated livestock, access to other resources, and farmer training and support might play an important role in reducing hunger.<sup>115</sup> However, in accordance with FAO guidelines, “[t]he assessment of needs and the planning, monitoring and evaluation of the provision of food aid should, as far as possible, be made in a participatory manner and, wherever possible, in close collaboration with recipient governments at the national and local level.”<sup>116</sup> Gates’ critical mistake was failing to educate himself about Bolivia’s situation and participating closely with its government or its citizens to determine how best to help members of its population who are still food insecure.<sup>117</sup> Although Bolivia is one of the poorest countries in Latin America with two thirds of its population living below the poverty line, it has been making strides in combatting food insecurity.<sup>118</sup> In 2009, Bolivia incorporated the right to food in its constitution.<sup>119</sup> Since then, Bolivia has passed laws to improve school nutrition and stimulate the economy by procuring food from local producers.<sup>120</sup>

In addition, creating a situation where those who are hungry rely on charity is neither a sustainable nor long-term viable option because charity does not empower those who are impoverished by the current state of affairs.<sup>121</sup> Even assuming for the sake of argument that

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<sup>113</sup> See Hirsch, *supra* note 4.

<sup>114</sup> See *Top Charities*, *supra* note 108 and accompanying text.

<sup>115</sup> See *supra* note 91.

<sup>116</sup> *Right to Food Guidelines*, *supra* note 41, at 28.

<sup>117</sup> See *id.*

<sup>118</sup> *Compare Bolivia*, WORLD FOOD PROGRAMME, <https://www.wfp.org/countries/bolivia/overview> (last visited Dec. 5, 2016), with *Bolivia Country Component*, FAO, <http://www.fao.org/righttofood/our-work/current-projects/rtf-country-level/bolivia/en/> (last visited Dec. 5, 2016) [*hereinafter Bolivia Country Component*].

<sup>119</sup> See *Bolivia Country Component*, *supra* note 118 and accompanying text.

<sup>120</sup> See *id.*

<sup>121</sup> See *infra* notes 125–29 and accompanying text.

livestock donations provide a viable pathway out of poverty, a donation of animals does little to change the current dynamic that created the poverty in the first place.<sup>122</sup> In her keynote address “The Injustice of Hunger and Our Shared Struggle for the Right to Food” at the UVM Food Systems Summit in 2015, Professor Smita Narula discussed the detrimental framing of the narrative of poverty: individuals are not simply poor and food insecure, but are made impoverished and denied access to resources by policies and programs.<sup>123</sup> These systemic drivers of hunger are ignored when charity is the preferred solution.<sup>124</sup> International trade agreements, subsidies that favor the large agro-industrial model of farming, and the political power of Big Food all contribute to global hunger.<sup>125</sup>

The interplay between international trade agreements, subsidies, and the major stakeholders of a large, industrialized food system can be observed in the implementation of the General Agreement on Tariffs and Trade (GATT) in 1947.<sup>126</sup> The purpose of the GATT was to promote international trade by decreasing the barriers to other markets, which was primarily achieved through the blanket prohibition on tariffs.<sup>127</sup> The drafters recognized that agriculture could not be treated like other industries due to food

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<sup>122</sup> *Id.*

<sup>123</sup> UVM Food Systems, *Smita Narula Keynote Address: 2015 UVM Food Systems Summit* (July 14, 2015), <https://www.youtube.com/watch?v=PNRdMaTaLqA>.

<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

<sup>126</sup> *See infra* notes 127–131 and accompanying text.

<sup>127</sup> The base agreement of the World Trade Organization (WTO) (created in 1995) is the General Agreement on Tariffs and Trade (GATT), created in 1947 and revisited through a series of successive trade negotiation rounds. The intended effect of the GATT is achieving liberalized trade by eliminating tariffs - the taxes imposed at customs on imported products. *See generally* Ari Afilalo & Sheila Foster, *The World Trade Organization's Anti-Discrimination Jurisprudence: Free Trade, National Sovereignty, and Environmental Health in the Balance*, 15 *GEO. INT' ENVTL. L. REV.* 633 (2003). The reduction of tariffs and the promotion of liberalized trade is important due to the economic theory of comparative advantage, which espouses the idea that every country should produce that which it is most efficient at producing and then trade to acquire the set of goods and services it wishes to consume (*see id.*). Tariffs inhibit liberalized trade by artificially raising the price of foreign goods such that they cannot effectively compete with domestically produced goods on the free market.

security concerns, so the general prohibition on export subsidies exempted agricultural products.<sup>128</sup> GATT signatories wanted to protect their own domestic food supplies, with the result being that “trade in agriculture remained heavily affected by trade-distorting policies used around the globe.”<sup>129</sup> In the U.S., Farm Bill subsidies provide support to American farmers, allowing them to produce certain commodities and export them globally at a lower price than less-developed nations can produce them.<sup>130</sup> Thus, in many areas around the globe, American agricultural products can cost less than locally produced products, which threatens the livelihoods of local farmers and the health of local food systems.<sup>131</sup>

Many different players stand to gain from domestic agricultural subsidies, including the producers in the commodity food system, lending institutions, and countries who export food commodities.<sup>132</sup> Such an interplay demonstrates that “[t]he global food crisis is not a problem of food supply but the consequences of policies imposed on the global South by international aid, trade, and financial institutions.”<sup>133</sup> To illustrate, last year, Warren Buffett donated \$2.84 billion to the Bill and Melissa Gates Foundation and other charities.<sup>134</sup> The source of Buffett’s donation came from class B shares of Berkshire – a company that owns almost 27% of the food and beverage company Kraft Heinz Co.<sup>135</sup> The industrialized global food

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<sup>128</sup> *Id.*

<sup>129</sup> Terence P. Stewart & Stephanie M. Bell, *Global Hunger and the World Trade Organization: How the International Trade Rules Address Food Security*, 3 PENN ST. J.L. & INT’L AFF. 113, 129 (2015).

<sup>130</sup> TIMOTHY A. WISE, THE IMPACTS OF U.S. AGRICULTURAL POLICIES ON MEXICAN PRODUCERS, IN *SUBSIDIZING INEQUALITY: MEXICAN CORN POLICY SINCE NAFTA* 162, 165 (Jonathan Fox & Libby Haight eds., 1st ed. 2010) (ebook).

<sup>131</sup> *See generally id.* (discussing how American subsidies for domestic corn growers have displaced Mexican corn growers since the implementation of the North American Free Trade Agreement (NAFTA)).

<sup>132</sup> *See infra* notes 133–136 and accompanying text.

<sup>133</sup> *See Gonzalez, International Economic Law, supra* note 36, at 178.

<sup>134</sup> *Warren Buffett Makes \$2.84bn Donation to Gates Foundation and Charities*, THE GUARDIAN (July 6, 2015, 10:57 PM), <https://www.theguardian.com/us-news/2015/jul/07/warren-buffett-makes-284bn-donation-to-gates-foundation-and-charities>.

<sup>135</sup> *See id.*

system is creating profit for Warren Buffet, which is then donated to the Gates Foundation, which is then donated to the hungry and poor.<sup>136</sup> This is akin to Walmart refusing to pay its employees a living wage, but then holding a food drive each year for them.<sup>137</sup> The obvious solution would be for Walmart to pay its employees a living wage so that a food drive is unnecessary.<sup>138</sup> Similarly, a host of other solutions exist to combat the drivers of global hunger other than donations of livestock – particularly to countries who do not need or want more of a particular type of livestock, such as Bolivia.<sup>139</sup>

The primary driver of global hunger is poverty.<sup>140</sup> Poverty then leads to an inability to purchase food, thereby creating a lack of access to affordable and nutritious food.<sup>141</sup> Other drivers compound this lack of access to food, including low wages, a shortage of affordable housing, poor health or disability, unemployment, and lack of access to land.<sup>142</sup> Food aid (formerly referred to as charity) “can rarely--if ever--resolve [these] structural causes of food insecurity.”<sup>143</sup>

Although food aid is an insufficient means of dealing with the drivers of global hunger, it remains a popular political solution, especially in the United States.<sup>144</sup> The U.S. is responsible for an overwhelming majority of worldwide transoceanic food aid deliveries

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<sup>136</sup> *See id.*

<sup>137</sup> Rick Unger, *Walmart Store Holding Thanksgiving Charity Food Drive – For Its Own Employees!*, FORBES (Nov. 18, 2013, 6:35 PM), <http://www.forbes.com/sites/rickungar/2013/11/18/walmart-store-holding-thanksgiving-charity-food-drive-for-its-own-employees/#13ea6b4a1a48>.

<sup>138</sup> *See id.*

<sup>139</sup> Livestock donations can be problematic, especially if donated animals are obtained from Concentrated Animal Feeding Operations (CAFOs) because such a system further entrenches the world of industrialized agriculture, thereby contributing to unbalanced diets that may lead to malnutrition, obesity and degenerative diseases. *See Right to Food Guidelines*, *supra* note 41, at 21.

<sup>140</sup> *See infra* notes 141–143 and accompanying text.

<sup>141</sup> Lentz, *supra* note 53, at 86.

<sup>142</sup> *See* Carmen G. Gonzalez, *World Poverty and Food Insecurity*, 3 PENN ST. J.L. & INT’L AFF. 56, 57 (2015) (discussing the relationship between governmental action, policies, and food insecurity).

<sup>143</sup> Lentz, *supra* note 53, at 86.

<sup>144</sup> *Id.* at 90.

and therefore various stakeholders have little interest in shifting away from a charity-based model to a rights-based model.<sup>145</sup> Large industrialized agriculture producers of commodities (such as corn, soy, and wheat), food processors, and the U.S. shipping industry all financially benefit from donating food, as opposed to solutions that promote local procurement.<sup>146</sup> Part III discusses alternatives to this food aid system.

### III. DIFFERENT SOLUTIONS AND A BETTER WAY FORWARD

Despite its problematic implications, charity seems to remain the global North's preferred solution for dealing with hunger, and donating livestock has become especially popular.<sup>147</sup> Because meat and dairy provide major sources of protein, raising livestock "is a potential component in tackling undernourishment, and there are sustainable modes of meat production."<sup>148</sup> However, donated livestock is hardly a panacea for dealing with world hunger.<sup>149</sup> Global trends indicate that meat consumption is rising.<sup>150</sup> Not only does the consumption of more meat mean more cereals are diverted from feeding humans, it can become associated with an eventual overconsumption of animal products that then contributes to obesity, cancer, and heart disease, especially in higher-income countries or

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<sup>145</sup> See UVM Food Systems, *supra* note 123.

<sup>146</sup> See Lentz, *supra* note 53, at 89.

<sup>147</sup> See *supra* Part II. The term "global North" includes countries such as Australia, Canada, France, Germany, Italy, and the United States, while the "global South" includes Asia, China, India, the Middle East and South America. See generally Alvaro Mendez, *Discussion on the Global South*, GLOBAL SOUTH STUD. CTR. COLOGNE (Jan. 2015), <http://gssc.uni-koeln.de/node/469>. Although not always geographically accurate, these terms represent a shift away from labeling certain countries as "third world" or "developing." *Id.*

<sup>148</sup> De Schutter Report Jan. 24, 2014, *supra* note 139, at 6.

<sup>149</sup> See *infra* Part III.A.

<sup>150</sup> Sonia S. Anand et al., *Food Consumption and Its Impact on Cardiovascular Disease: Importance of Solutions Focused on the Globalized Food System: A Report from the Workshop Convened by the World Heart Federation*, J. AM. COLL. CARDIOLOGY 1590, 1594 (2015), [http://ac.els-cdn.com/S0735109715046215/1-s2.0-S0735109715046215-main.pdf?\\_tid=73377146-f7d1-11e6-828b-00000aab0f01&acdnat=1487639143\\_a581e5a543a03a9f2ead1d3cc1bd855a](http://ac.els-cdn.com/S0735109715046215/1-s2.0-S0735109715046215-main.pdf?_tid=73377146-f7d1-11e6-828b-00000aab0f01&acdnat=1487639143_a581e5a543a03a9f2ead1d3cc1bd855a).

those with growing middle-classes.<sup>151</sup> In providing voluntary guidelines to countries on how to promote and ensure the right to food, the FAO encourages states to use consumer education and labeling regulations to provide information that would “prevent overconsumption and unbalanced diets that may lead to malnutrition, obesity and degenerative diseases.”<sup>152</sup> While countries such as Bolivia that are struggling with poverty might not immediately be concerned with an eventual overconsumption of animal products – a trend more typical of higher-income countries – it is important to note that livestock is more resource-intensive than growing and consuming plants.<sup>153</sup>

There are other ways to contribute towards the alleviation of global hunger and poverty besides donating livestock.<sup>154</sup> Different solutions exist that would better safeguard the health of humans, animals, and the planet.<sup>155</sup>

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<sup>151</sup> *Report of the Special Rapporteur on the Right to Food, Olivier De Schutter*, ¶ 9, Human Rights Council, U.N. Doc. A/HRC/25/57 (Jan. 24, 2014), [http://www.srfood.org/images/stories/pdf/officialreports/20140310\\_finalreport\\_en.pdf](http://www.srfood.org/images/stories/pdf/officialreports/20140310_finalreport_en.pdf).

<sup>152</sup> *Right to Food Guidelines*, *supra* note 41, at 21.

<sup>153</sup> See David Pimental & Marcia Pimentel, *Sustainability of Meat-Based and Plant-Based Diets and the Environment*, AM. J. CLINICAL NUTRITION 662S-663S (2003), <http://ajcn.nutrition.org/content/78/3/660S.full.pdf+html>; see also Kai Olson-Sawyer, *Meat's Large Water Footprint: Why Raising Livestock and Poultry for Meat is So Resource-Intensive*, FOODTANK, <https://foodtank.com/news/2013/12/why-meat-eats-resources/> (last visited Feb. 20, 2017); Rachel Nuwer, *Raising Beef Uses Ten Times More Resources Than Poultry, Dairy, Eggs, or Pork*, SMITHSONIAN MAGAZINE (July 21, 2014), <http://www.smithsonianmag.com/science-nature/beef-uses-ten-times-more-resources-poultry-dairy-eggs-pork-180952103/>. Moreover, especially in poverty-stricken urban areas, vegetable farming relies on less inputs such as pesticides and fertilizers and vegetables do not pose the same environmental concerns that animal production raises regarding the safe disposal of animal waste. See Jason Foscolo & Michael Zimmerman, *Alternative Growth: Forsaking the False Economies of Industrial Agriculture*, 25 FORDHAM ENVTL. L. REV. 316, 332–33 (2014).

<sup>154</sup> See *infra* Part III.A.

<sup>155</sup> *Id.*

*A. Alternatives to Food Aid: Foreign Investment in Agriculture*

Rather than relying only on food aid in the form of donated livestock, foundations with money to spend (like the Bill and Melinda Gates Foundation or institutions such as the World Bank) could invest in agricultural development projects such as (1) providing access to necessary infrastructure (building roads to carry produce to markets), (2) financing credit (creating microloan lending institutions to help new farmers gain access to land and equipment), (3) improving access to education (including developing farmer training and business management) or (4) improving access to natural resources such as land and water (safeguarding existing property rights and water rights), and (5) advancing science and technological research and extension efforts to disseminate evolving information regarding agricultural innovations.<sup>156</sup> Investment differs from charity because instead of simply providing aid in the form of donations, investment takes the form of fixed interest-bearing loans or the form of direct equity investment where the investor is solely responsible for both bearing the risk and enjoying the profit.<sup>157</sup>

However, foreign investments agreements (whether with the government or the local citizens) should be regulated carefully and contain provisions safeguarding human rights, such as the right to food, as well as environmental obligations to ensure the responsible and sustainable use of natural resources.<sup>158</sup> It is also important that any investments made in lesser developed agricultural systems do not displace local populations already using the land. Such displacement in the form of “land grabs” involve an investment country seizing control and use of land in another country for its own economic gain at

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<sup>156</sup> Gonzalez, *International Economic Law*, *supra* note 36, at 185, 188; Philip Abbott, *Foreign Assistance and the Food Crisis of 2007–08*, at 18, <https://www.wider.unu.edu/sites/default/files/wp2012-019.pdf> (U.N. Univ. World Inst. for Dev. Econ. Research, Working Paper No. 19, 2012).

<sup>157</sup> See Henry Hazlitt, *Foreign Investment vs. Foreign Aid*, FOUNDATION FOR ECONOMIC EDUCATION (Oct. 1, 1970), <https://fee.org/articles/foreign-investment-vs-foreign-aid/>. Where the investment involves not only capital but also the investor’s “superior management, experience, and technical know-how, [the] enterprise may be more likely to succeed”. *Id.*

<sup>158</sup> Gonzalez, *International Economic Law*, *supra* note 36, at 188.

the local population's expense.<sup>159</sup> The goal should not merely be to export food to the investor country, but to stabilize and strengthen the host country's local food systems as well.<sup>160</sup> When done properly, foreign agricultural investment agreements can be an effective mechanism for reducing poverty and hunger in developing countries.<sup>161</sup> The FAO cautions:

When customary land rights are secure and legally recognized, the risks of adverse effects (land dispossession, forced displacement with no or inadequate compensation, social conflicts) are minimized and there are incentives for investors to negotiate properly and ensure that local communities actually benefit from the investment, with or without land acquisition. In this sense, good governance of land tenure and securing the rights of customary landholders as well as those of investors, is an important condition to ensure shared benefits, namely income and livelihood improvements for local communities and a positive and stable social setting (with limited risks of conflicts) for the investors.<sup>162</sup>

Thus, it is imperative that foreign investment agreements involve the needs and desires of the local community and assess the host country's needs.<sup>163</sup> Studies demonstrate that agricultural investment projects that "give local farmers an active role and leave them in control of their

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<sup>159</sup> DAVID HALLAM, FOREIGN INVESTMENT IN DEVELOPING COUNTRY AGRICULTURE – ISSUES, POLICY IMPLICATIONS AND INTERNATIONAL RESPONSE, OECD GLOBAL FORUM ON INT'L INVESTMENT 5–6 (Dec. 7–8, 2009), <http://www.oecd.org/investment/globalforum/44231828.pdf> (discussing the need to avoid land grabs in Sub-Saharan Africa). *See generally* GEORGE C. SCHONEVELD, THE ANATOMY OF LARGE-SCALE FARMLAND ACQUISITIONS IN SUB-SAHARAN AFRICA, CENTER FOR INT'L FORESTRY RESEARCH (2011), [http://www.cifor.org/publications/pdf\\_files/WPapers/WP85Schoneveld.pdf](http://www.cifor.org/publications/pdf_files/WPapers/WP85Schoneveld.pdf) (analyzing challenges and negative impacts of large scale farm acquisitions in sub-Saharan Africa).

<sup>160</sup> LIU, *supra* note 60, at 1–2.

<sup>161</sup> *See id.*

<sup>162</sup> *Id.* at 13.

<sup>163</sup> *See id.*

land tend to have positive effects on local economic and social development.”<sup>164</sup>

*B. Alternatives to Food Aid: Investments in Local Food Systems*

A foundation that is striving to reduce poverty and promote food security could consider supporting the development of local seed banks. Seed banks aim to promote food security by increasing local access to different seed varieties and preserving biodiversity.<sup>165</sup> They reduce the likelihood of dependency on patented seeds, such as Monsanto’s and Syngenta’s products, while also reducing the likelihood of dependency on the necessary chemical inputs (fertilizers and herbicides).<sup>166</sup> Moreover, seed banks that preserve several different varieties of a plant contribute to the food security of a region by increasing the chances that a species of crops might survive in the face of drought, excessive rain, or pests.<sup>167</sup> Organizations such as ActionAid strive to protect human rights, particularly the rights of women, by providing assistance to facilitate the creation of seed banks in Pakistan.<sup>168</sup> Female farmers in Pakistan produce 80% of the country’s food, but still lack equal access to land, seeds, inputs, water resources, and capital.<sup>169</sup> By contributing to the development of seed banks, organizations like ActionAid are allowing women to have access to and control over their own productive resources to ensure their livelihoods and promote their independence.<sup>170</sup> Once small-scale

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<sup>164</sup> *Id.* For a more in depth discussion on the factors that tend to create win-win partnerships between investors and local communities in developing companies, see *id.* at 14–16.

<sup>165</sup> See Muneezay Jaffery, *Seed Banks in South Asia: Building Grassroots Support for Crop Diversity*, THE GUARDIAN (Apr. 8, 2014, 5:59 PM), <https://www.theguardian.com/global-development-professionals-network/2014/apr/08/seed-banks-india-pakistan-grassroots-support>.

<sup>166</sup> *See id.*

<sup>167</sup> See Victoria Russo, *Five Global Seed Banks That Are Protecting Biodiversity*, WORLDWATCH INSTITUTE BLOG (Oct. 12, 2013), <http://blogs.worldwatch.org/five-global-seed-banks-that-are-protecting-biodiversity/>.

<sup>168</sup> See *Striving to Promote Sustainable Agriculture*, ACTIONAID, <http://www.actionaid.org/pakistan/campaign/struggling-promote-sustainable-agriculture-0> (last visited Dec. 6, 2016).

<sup>169</sup> *See id.*

<sup>170</sup> *See id.*

farmers – and female farmers in particular – are able to access and use the resources necessary to create a stable food supply, they will not need to rely on foreign aid to remain food secure.<sup>171</sup>

Charitable organizations can also contribute to the creation of stable food supplies in developing nations in other ways, such as funding local infrastructure projects on small-scale farms that would allow for irrigation, access to markets, or the capacity to generate power by establishing community solar arrangements.<sup>172</sup> For example, Oxfam International – a confederation of charitable organizations with 18 international members all seeking to reduce poverty and hunger around the globe<sup>173</sup> – has been working to reduce food insecurity in Nepal by, among other things, assisting the region with building micro-irrigation schemes to enhance farm productivity in times of extreme draught.<sup>174</sup> Oxfam trains local community members and hires them to construct and maintain the irrigation schemes, which will ultimately serve up to 52 households.<sup>175</sup> Oxfam has also contributed resources to establish and manage community seed banks, local infrastructure, classes for female farmers, and markets between communities and traders.<sup>176</sup> In countries like Nepal where the men migrate to seek jobs elsewhere in cities, the women are primarily responsible for farming and providing food for their families and communities.<sup>177</sup> Oxfam’s ultimate goal is to provide the type of aid that eventually results in communities becoming self-sufficient by adopting programs “designed to tackle the root causes of food

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<sup>171</sup> *See id.*

<sup>172</sup> *See infra* notes 173–178 and accompanying text.

<sup>173</sup> *See About Oxfam America*, OXFAM,

<https://www.oxfamamerica.org/explore/inside-oxfam-america/> (last visited Dec. 6, 2016).

<sup>174</sup> *See* KATE KILPATRICK, OXFAM, IMPROVING FOOD SECURITY FOR VULNERABLE COMMUNITIES IN NEPAL 3 (June 2011),

[https://www.oxfam.org/sites/www.oxfam.org/files/file\\_attachments/cs-improving-food-security-nepal-010611-en\\_3.pdf](https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/cs-improving-food-security-nepal-010611-en_3.pdf).

<sup>175</sup> *Id.* at 5.

<sup>176</sup> *Id.*

<sup>177</sup> *See id.* at 2–3.

insecurity, so that unsustainable food support can be gradually reduced.”<sup>178</sup>

The Stanford Woods Institute for the Environment, an interdisciplinary collaboration for sustainability and environmental research at Stanford University<sup>179</sup>, has partnered with American NGO, Solar Electric Light Fund (SELF), to bring sustainable energy to forty-four villages in the Kalalé district of Benin in Sub-Saharan Africa.<sup>180</sup> Using solar energy, the project will power a drip irrigation system, allowing women to grow vegetables during the region’s six-month dry period, and may also be able to provide energy to schools, community buildings, water pumps, and street lights.<sup>181</sup> The aim of the project is to allow the local community to become self-sufficient and decrease its reliance on foreign food aid.<sup>182</sup> Once the project is completed, the project partners will assess its sustainability to explore the potential for replicating similar projects elsewhere across the globe.<sup>183</sup>

Additional alternatives to the outright donation of food aid include establishing farm incubator programs or training centers that promote farmer-to-farmer education, particularly regarding agroecological methods and principles.<sup>184</sup> Incorporating training programs and promoting access to knowledge also facilitates self-sufficiency and lessens reliance on foreign food aid.<sup>185</sup> All of these options allow for funds to be used in ways that empower peasants and

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<sup>178</sup> *Id.* at 3.

<sup>179</sup> *About Us*, STANFORD WOODS INST. FOR THE ENV’T, <https://woods.stanford.edu/about/overview> (last visited Dec. 6, 2016).

<sup>180</sup> *See Project Summary*, KALALÉ SOLAR ELECTRIFICATION PROJECT, <http://web.stanford.edu/group/solarbenin/project.html> (last visited Dec. 6, 2016).

<sup>181</sup> *See id.*

<sup>182</sup> *See id.*

<sup>183</sup> *See id.*

<sup>184</sup> De Schutter Report Dec. 17, 2010, *supra* note 43, ¶ 12 (defining agroecology as “application of ecological science to the study, design and management of sustainable agroecosystems” to mimic natural processes and create “beneficial biological interactions and synergies among the components of the agroecosystem”) (citation omitted) (internal quotation marks omitted).

<sup>185</sup> *See KILPATRICK*, *supra* note 174, at 5 (explaining how Oxfam incorporates training into food security programming).

small-scale farmers to become self-sufficient in providing for their own livelihoods.<sup>186</sup>

#### CONCLUSION

Considering that there are still one billion people living in extreme poverty without enough to eat and that there are almost two billion people who are overweight and will be suffering from diet-related diseases, it seems clear that “. . . the food systems we have inherited from the twentieth century have failed.”<sup>187</sup> The peasants of Bolivia, and those of many other similarly situated countries, need assistance in the form of investments in small-scale agriculture that will shift production away from the current industrialized food system.<sup>188</sup> Any type of aid intended to alleviate global hunger and food insecurity must involve the use of resources that promote “a low-carbon, resource-preserving type of agriculture that benefits the poorest farmers.”<sup>189</sup> Changing our global food system in order to alleviate global hunger “will not happen by chance. It can only happen by design, through strategies and programmes backed by strong political will, and informed by a right-to-food-approach.”<sup>190</sup> Bill and Melinda Gates, Warren Buffett, and other individuals like them have an opportunity to create change and institute reform – but only if they are willing to break away from traditional charity models and shift towards a rights-based approach.

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<sup>186</sup> See De Schutter Report Dec. 17, 2010, *supra* note 43, ¶ 3.

<sup>187</sup> De Schutter Report Jan. 24, 2014, *supra* note 139, ¶ 4.

<sup>188</sup> *Id.*

<sup>189</sup> De Schutter Report Dec. 17, 2010, *supra* note 43, ¶ 4.

<sup>190</sup> *Id.*