

Summer Report 2002
The Right to Food and
the World Food Summit: *five years later*
Jonathan Sheff

CONTENTS:

Recent Developments	2
Greater Context/Economic, Social and Cultural Rights	7
International Instruments	8
General Comment 12/Defining the Right to Food	10
<i>Availability and accessibility</i>	
<i>Respect, protect, fulfill</i>	
<i>Other issues</i>	
US Opposition	13
<i>Lessons from the World Food Summit</i>	
<i>General US opposition</i>	
Other Difficulties	17
<i>Lack of clarity</i>	
<i>Under- and over-interpretation</i>	
<i>Who is responsible?</i>	
Bibliography	21

RECENT DEVELOPMENTS:

For much of the last 54 years since the signing of the Universal Declaration of Human Rights (UDHR), the right to food languished in relative international obscurity. Little attention was paid to the potential value of a rights-based approach to food security. This neglect was reversed dramatically in 1996, with the first World Food Summit (WFS) organized by the UN Food and Agriculture Organization (FAO). Largely by chance, the right to food found its way onto the Summit agenda. It ultimately became a central focus of international debate, the most contentious issue in negotiations leading up to the final draft of the Summit declaration.

While several countries (primarily the G77 and a handful of European states) were pushing for language that would lead to greater clarification and increased enforcement of the right to food, others, primarily the United States, were opposed to the inclusion of any language whatsoever regarding the right. Eventually, a compromise was struck between these two competing positions. In the final Declaration, states committed to:

...clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger, as stated in the International Covenant on Economic, Social and Cultural Rights and other relevant international and regional instruments, and to give particular attention to implementation and full and progressive realization of this right as a means of achieving food security for all...[States] Invite the UN High Commissioner for Human Rights, in consultation with relevant treaty bodies, and in collaboration with relevant specialized agencies and programmes of the UN system and appropriate intergovernmental mechanisms, to better define the rights related to food in Article 11 of the Covenant and to propose ways to implement and realize these rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all (Rome Declaration, commitment 7.4).

In the short six years since this commitment was adopted, progress has been considerable. Most significantly, this WFS commitment led to the establishment of General Comment 12 (adopted by the Committee on Economic, Social and Cultural Rights in 1999), which outlines the duties and obligations of states with respect to implementation of the right to food. General Comment 12 now stands as the most authoritative interpretation of the right to food (see section on General Comment 12 below).

Further, as an expression of its commitment to advancing the right, in 2000 the UN appointed a Special Rapporteur on the right to food, whose mandate is:

- (a) To seek, receive and respond to information on all aspects of the realization of the right to food, including the urgent necessity of eradicating hunger;
 - (b) To establish cooperation with Governments, intergovernmental organizations, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations, on the promotion and effective implementation of the right to food, and to make appropriate recommendations on the realization thereof, taking into consideration the work already done in this field throughout the United Nations system;
 - (c) To identify emerging issues related to the right to food worldwide;
- (Commission on Human Rights resolution 2000/10)

The Special Rapporteur has now submitted three annual reports to the UN General Assembly, and has made two official state visits—to Niger and Brazil, with a third scheduled to Bangladesh this October—for the purpose of gauging compliance with the right to food.

Other progress has included: A Memorandum of Understanding (MOU) between FAO and the Office of the High Commissioner for Human rights, to ensure that the right to food is effectively implemented, and; three international fora—hosted by the High Commissioner for Human Rights and attended by government representatives, academics and members of civil society—held to identify key issues arising in the effort to establish

and secure the right to food. These fora have made important contributions to recognition of the broader implications of the right to food, and have given critical direction to progress.

Most recently, at the June 2002 follow-up to the WFS, the World Food Summit: *five years later*, the right to food was again the most contested item on the agenda. By this point, international consensus had shifted somewhat. The US could no longer hope for the complete exclusion of language regarding the right to food. US delegates now tried to argue for alterations in the language, pushing for the right to *access* to food, rather than, as the earlier formulation had allowed, the right to *adequate* food. From the other side, advocates were now pushing for a binding Code of Conduct, which would not only define the right to food, but legislate its' realization.

Negotiations leading to the final declaration were reportedly heated, and went well into the night on the day before the declaration's adoption. Eventually, the following compromise was reached:

We invite the FAO Council to establish at its One Hundred and Twenty-third session an Intergovernmental Working Group, with the participation of stakeholders, in the context of the WFS follow-up, to elaborate, in a period of two years, a set of voluntary guidelines to support Member States' efforts to achieve the progressive realisation of the right to adequate food in the context of national food security; we ask the FAO, in close collaboration with relevant treaty bodies, agencies and programmes of the UN system, to assist the Intergovernmental Working Group, which shall report on its work to the Committee on World Food Security (paragraph 10, WFS:fyI Declaration).

The multilateral discussions devoted to developing these guidelines are set to begin early in the coming year. Some critics worry that, given the strong opposition of some states, the outcome may serve to undermine the strength of General Comment 12.

Negotiations promise to be intense. Ultimately, the guidelines should be a good indicator of

the kind of compromises that may come to be expected from any multilateral instrument aimed at defining state responsibilities vis-à-vis economic rights.

For the time being, enforcing the right to food remains difficult. The power of existing international instruments is limited. Given the lack of legal recourse afforded by the ICESCR (citizens cannot prosecute their own governments under the Covenant), many advocates of the right to food argue that the next most important step is for states to adopt domestic legislation outlining government responsibilities for the right to food. These efforts have met with some success. By this point, already twenty-two states have included some responsibilities regarding the right to food in their national legislations (although some are limited only to protecting children), and at least one major case has successfully been tried. The most comprehensive of these efforts is in Norway, which recently adopted legislation making the ICESCR (along with the interpretations outlined in the General Comments), legally binding within the country. They have established the right to food as the basis for agricultural policy, and appointed ombudspersons to protect the right to food. This trend towards increasing domestic legislation appears set to continue.

In the international arena, advocates continue efforts to establish an Optional Protocol, which would allow the Committee on Economic, Social and Cultural Rights (CESCR) to hear grievances regarding this set of rights. While any decisions would be non-binding, and subject to the approval of the defending state, establishing an Optional Protocol would nonetheless be an important step towards the increasing enforceability of economic rights, including the right to food.

Many states, along with a number of NGOs, are attempting to give the right to food more traction by establishing a Code of Conduct. While General Comment 12 was

developed by members of CESCR as an interpretation of the right to food under the ICESCR, a Code of Conduct would be negotiated by all UN member states, and would stand as a binding instrument. As indicated above, advocates of the right to food were pushing for a commitment to the development of a code at the WFS:fyI. In fact, a draft Code of Conduct has already been developed by a group of three NGOs (FIAN-International, the World Alliance on Nutrition and Human Rights, and the International Institute Jacques Maritain). Some critics argue that a Code of Conduct may serve to undermine General Comment 12. They worry that competing agendas may serve to weaken the content of any potential code. Others argue that the negotiations leading up to a final code, and the consequent attention they would engender, would be critical to advancement of the right to food. These arguments are inconclusive, and for the moment moot. Developing a binding Code of Conduct, as we shall see, is highly unlikely given current international power dynamics.

In all, there remain several significant impediments to the establishment of food as a human right, most notably the opposition of a few strong states, primarily the US. At the same time, there have been a number of positive developments. Along with those developments outlined above, states have shown an increasing willingness to commit to the eradication of world hunger. The first of the widely publicized Millennium Development Goals (MDGs) is to halve world hunger by the year 2015 (the same target established by the first WFS). The Secretary General of the UN has expressly called for a human rights approach to achieving all of the MDGs. The right to food will play a central role in these efforts.

GREATER CONTEXT/ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

The Universal Declaration of Human Rights includes provisions for both civil and political rights, as well as economic, social and cultural rights. Since the Declaration's establishment, however, many countries have stressed the difference between the inherent character, and the consequent practicability, of these two sets of rights. The division between them was firmly established—actually codified—in 1966, when the United Nations chose to develop two separate covenants for their adjudication: The International Covenant on Civil and Political Rights (ICCPR), and; the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Economic rights have been given, for the most part, a secondary status, being viewed as less defensible, less basic perhaps, less rights. This lesser status is reflected in the names of the two bodies established to oversee each covenant's implementation. Actualization of the ICESCR is governed by the Committee on Economic, Social and Cultural Rights, while the body which ensures adherence to the ICCPR is referred to simply as the Committee on Human Rights, as if this latter set of rights is somehow more basically *human* in character. This division is further reflected in the fact that, upon its establishment, the ICCPR also included an Optional Protocol, which allows the Committee on Human Rights to hear cases about, and make (non-binding) judgments relating to, grievances regarding violations of civil and political rights. 36 years later, the international community remains unwilling to allow the CESCR the same tool of compliance.

Against this backdrop, efforts to establish and secure the right to food encounter significant obstacles.

INTERNATIONAL INSTRUMENTS:

The right to food is included in article 25 (1) of the Universal Declaration of Human Rights:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The International Covenant on Economic, Social and Cultural Rights elaborates somewhat further (Article 11):

1. The States Parties to the present Covenant recognize 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 conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation 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 international co-operation, 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;
 - (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.

The Universal Declaration on the Eradication of Hunger and Malnutrition (1974) stresses that:

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. Society today already possesses sufficient resources, organizational

ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help (proclamation 1).

The Convention on the Rights of the Child, ratified by every member state of the United Nations except two (the US and Somalia), includes the right to food in Article 24 (2):

States Parties shall pursue full implementation of [the right to health] and, in particular, shall take appropriate measures...to combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution.

The duty to respect the right to food is also included in the Protocol Additional to the Geneva Conventions. Protocol II establishes that:

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works (Article 14).

As the Special Rapporteur on the right to food pointed out in his first report to the UN General Assembly:

The core of international humanitarian law is contained in the four Geneva Conventions of 1949 and the two additional Protocols of 1977. The same basic principles govern all these instruments: military operations may only be carried out against military targets; the forced displacement of populations, which is a major cause of famine, is prohibited; and the vital needs of the civilian population - including food, obviously - must be met in all circumstances (E/CN.4/2001/53).

In summary, references and commitments to the right to food have been made in many international treaties and declarations, far too many to list here.

GENERAL COMMENT 12/DEFINING THE RIGHT TO FOOD:

General Comment 12 (see Annex I for full text) was adopted by the Committee on Economic, Social and Cultural rights to clarify the content of the right to food as established by the ICESCR. It now stands as the most authoritative interpretation of state responsibilities constituent to fully realizing the right to food. Essentially, GC 12 identifies that for states:

“The principal obligation is to take steps to achieve *progressively* the full realization of the right to adequate food. This imposes an obligation to move as expeditiously as possible towards that goal. Every State is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger.”

In clarifying this underlying responsibility, General Comment 12 highlights two primary objectives for states—the *availability* and *accessibility* of food. To achieve these objectives, three component obligations are identified—the obligations to *respect*, *protect* and *fulfill* the right to food.

Availability and Accessibility:

Availability is just as it sounds. GC 12 identifies the availability of food, either through personal production, “well functioning distribution, processing and market systems,” as key to food security. Availability, however, is not enough. Following the dramatic increases in global food production resulting from the Green Revolution, experts on food security now recognize that it is not sufficient to focus on domestic production and market availability alone. Access, the ability to actually acquire available food, is essential

to food security. In GC 12, accessibility is broken down into two component elements—economic and physical.

“Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised.” This provision also includes the need to establish programs which ensure food access for those people whose incomes are insufficient to gain independent access.

Physical access identifies the need to ensure access by vulnerable populations chronically unable to acquire independent access, such as the physically impaired, the young, elderly and victims of natural disasters.

Respect, Protect, Fulfill:

The obligation to respect is the least controversial of the obligations constituent to realizing the right to food. To respect the right to food essentially means that states are not allowed to curtail the availability of food, either by destroying crops or food stores, by detention, killing of farmers or theft of food supplies, or to in any other way deny people food. This obligation is an issue primarily during times of war, especially civil war, when governments may be tempted to systematically deny insurgent populations food in an effort to stifle opposition.

The obligation to protect requires governments to ensure that third parties (including such entities as corporations or other governments, along with individual actors) do not disrupt or infringe upon their domestic population’s ability to access food. To fully comply with the obligation to protect, states must ensure against such potentialities as unfair trade

regulations, corporate fraud, unsustainable agricultural and environmental practices, and other activities which may adversely affect domestic food security.

The obligation to fulfill is broken down into the component obligations to *facilitate* and *provide*. In its most basic formulation, the obligation to facilitate requires governments to ensure that underlying economic mechanisms function to promote food security. According to the ICESCR, states must strive to “improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge...and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources (Article 11 (2)).”

Finally, General Comment 12 outlines that states have the obligation to directly provide food to at-risk populations, specifically those unable to independently secure food “for reasons beyond their control.” This requirement includes systemically at-risk populations, such as the physically and mentally disabled, the young and elderly, and temporarily deprived populations, such as victims of disaster.

Other issues:

General Comment 12 allows that the steps necessary to fulfill the obligations under the Covenant will vary from country to country. As well, it avoids specifically defining a particular level of food consumption, claiming that “the *right to adequate food* shall ...not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients.” As a result, governments have a “margin of discretion” when it comes to defining measures of compliance. As we shall explore below, while states must realize the right to food to the “maximum of available resources,” how

they go about achieving that goal, and what that goal actually looks like, is left open to a range of possible interpretations.

Though it does not define specific numbers and policies, General Comment 12 is not necessarily less definitive than most other attempts at legal interpretation. It does, however, suffer from weak enforcement mechanisms. To ensure that it does not languish as a paper tiger, GC 12 urges states to adopt a “framework law” which defines domestic strategies for realizing the right to food. As well, it calls for the establishment of independent judicial procedures for the adjudication of grievances, including national ombudspersons and independent human rights commissions that are empowered to ensure compliance with the right to food.

In summary, by clarifying state obligations material to realizing the right to food, General Comment 12 serves as an important tool for understanding the responsibilities engendered by all economic rights. In fact, the same obligations to respect, protect and fulfill are now being used as the foundation of a General Comment aiming to outline state responsibilities associated with the right to water. The General Comment on the right to water should be available sometime in the near future.

US OPPOSITION:

Lessons from the World Food Summit:

The United States, together with Turkey, is one of only two Western countries that have failed to ratify the International Covenant on Economic, Social and Cultural Rights. The near exclusivity of the US failure to ratify highlights the fact that there is general

international consensus that economic rights are in fact valid, and that the US stands all but alone in its refusal to recognize them.

As noted above, during the drafting of the final Declaration for the 2002 World Food Summit, the United States adamantly opposed the inclusion of language supporting the right to food. During the Summit, at a US Delegation press conference, a reporter asked if the US would submit an official reservation to the Summit's final declaration. Alan Larson, the US Under Secretary of State for Economic, Business, and Agricultural Affairs, replied in a somewhat derisory tone:

There is one issue where we have a concern, and we are considering whether we will make specific note of that through a reservation, and that's the paragraph with the so-called "right to food."

We are very conscious of the comments made at the beginning of this Conference by the Secretary General of the United Nations and by the head of the FAO that here we are, five years after the first World Food Summit, and we're not on track, that there was too much rhetoric and not enough results. And we share that view, and we want to focus on results, and we are concerned that a multi-year effort to sit in conference rooms around the world and define what the "right to food" might mean would be a major distraction to what the real challenge is -- which is to get into the fields, work with farmers in developing countries to produce the harvests that are going to overcome hunger. That's what the U.S. came to this conference to do, and that's what we want to do -- go forward (press conference, June 10, 2002).

Far from being an isolated, casual statement made by an individual government official, upon investigation Larson's words prove to be very carefully chosen, even mandated, and reflective of a consistent government policy dating back two decades. Since the early Reagan administration, whenever the US Government could not avoid the direct usage of the phrase "economic, social and cultural rights", the word "rights" was put in quotations, or, in speech, the term "so called" directly preceded it (Alston 1990, p. 367).

This practice not only underscores US opposition to this set of rights, it also serves to prevent international lawmakers from claiming that the US recognizes economic rights as being part of customary international law.

Ultimately, the US did submit a reservation to the 2002 WFS Declaration:

The United States believes that the issue of adequate food can only be viewed in the context of the right to a standard of living adequate for health and well-being, as set forth in the Universal Declaration of Human Rights, which includes the opportunity to secure food, clothing, housing, medical care and necessary social services. Further, the United States believes that the attainment of the right to an adequate standard of living is a goal or aspiration to be realized progressively that does not give rise to any international obligation or any domestic legal entitlement, and does not diminish the responsibilities of national governments towards their citizens. Additionally, the United States understands the right of access to food to mean the opportunity to secure food, and not guaranteed entitlement. Concerning Operative Paragraph 10, we are committed to concrete action to meet the objectives of the World Food Summit, and are concerned that sterile debate over "Voluntary Guidelines" would distract attention from the real work of reducing poverty and hunger.¹

Note the reformulation of the right to *adequate* food (as it appears in the Declaration) as the right to “access” to food. Note also the deliberate effort to diminish the potential strength of the language in the Summit Declaration, by reducing the right to food to an ancillary element of the right to an adequate standard of living “that does not give rise to any international obligation or any domestic legal entitlement.”

As it turns out, this reservation is almost exactly the same as that submitted to the first WFS, with the exception that in 1996 there had as yet been little international movement on the right to food. As such, the novelty of its inclusion warranted the following statement: “...the United States does not recognize any change in the current state of conventional or customary international law regarding rights related to food.”

ⁱ As it turns out, the only other reservation (as of October 2002) to the Declaration was submitted by Norway, indicating their preference for stronger language and a binding Code of Conduct.

General US opposition:

As has already become clear, the right to food is not the sole target of US rights denial. The entire corpus of economic, social and cultural rights meets with varying degrees of US opposition. What is the story behind this? During the drafting of the UDHR, the US was the most vocal supporter of economic rights. Inspired by Roosevelt's "Four Freedoms", the US drafters insisted on the inclusion of economic rights. Where then, does this resistance come from?

Since the early 1980s, the officially stated reasons for US opposition to economic rights have been primarily the following:

- That recognition of economic and social rights confuses human rights priorities and draws attention away from more pressing violations;
- That promotion of economic rights can have the perverse effect of justifying or excusing abuses of civil and political rights, and;
- That "the rights that no government can violate [i.e., civil and political rights] should not be watered down to the status of rights that governments should do their best to secure [i.e., economic, social and cultural rights]" (Alston 1990, p. 373)."

Other, less publicly declared reasons likely include:

- An unwillingness to commit to the responsibility of ensuring certain economic rights, specifically those that require resources to secure, such as food, shelter, clothing, health and education;
- An all but uncompromising emphasis on the "Washington Consensus", i.e. on market-based—as opposed to rights-based—solutions to poverty, and;
- The lack of clarity, particularly concerning language in justiciable instruments, regarding specific levels of commitment.

Some of these reasons are clearly more compelling than others, and warrant further study. As well, developing a clearer picture of the steps which led to this fundamental shift in the US position—from Roosevelt to Reagan to Bush—will be essential if true progress is to be realized in the realm of economic, social and cultural rights. Clarifying the history of this shift will serve as an important historical lesson not just for advocates of human rights, but for policy-makers in general.

OTHER DIFFICULTIES:

Lack of clarity:

The right to food can be conceptualized as the right to food security. Food insecurity is largely a result of lack of access to food, as opposed to availability. The world now produces more than enough food to feed everyone. As such, in many instances, people don't have food to eat not because there's not enough, but because they can't afford to buy it. This is the reason for the inclusion of *access* as an objective in General Comment 12. If we take this seriously, however, then to fully realize the right to food as it is currently defined, a central task will be to eradicate one of the primary underlying causes of hunger, namely poverty.

The conditions that lead to poverty and hunger are complex and multidimensional, ranging from general economic performance to health, education and geography. At a certain point, it may not make sense to view efforts to address these causal factors through the lens of the right to food. As an illustration of this, in response to the Special Rapporteur's report on an official country visit, one government did not contest any of the factual content, yet criticized the report on the grounds that it was not within the Special

Rapporteur's mandate to design public policy. This highlights a potentially crippling tension between the right to determine one's own development strategy, and possible violations of economic rights.

In many cases, it is difficult to identify which specific policies or activities may constitute a violation of the right to food. More particularly, it is often difficult, if not impossible, to parse out which activities may violate the right to food, as distinct from the rights to development, education, health, etc. Certainly, as progress is made in the realm of economic rights, divisions and overlaps will need to be clarified. Currently, there are Special Rapporteurs or Independent Experts for the rights to food, development, health and extreme poverty, all of whom include, to varying degrees, the issue of food and nutrition in their mandates. Consequently, each will often incorporate food in reports and studies. This type of overlap, however, may ultimately do a disservice to those we aim to protect. The variety of (potentially conflicting) information may serve to confound issues. The less we are clear as to what people specifically have a right to, who is responsible, and what the consequences are, the longer it is possible to maintain confusion and inaction.

Under- and over-interpretation:

In its most basic formulation, the obligation to facilitate, as outlined in General Comment 12, requires governments to ensure that underlying economic mechanisms function to promote food security. According to the ICESCR, states must strive to “improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge...and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources

(Article 11 (2)).”

Such a broadly defined set of responsibilities, however, is open to the twin dangers of being interpreted out of existence, or of escalating to the point where they become unattainable. Even within the text of General Comment 12, it is allowed that governments have a “margin of discretion” when it comes to defining compliance. Yet given the range of factors involved, each with their own room for interpretation, this margin may be so wide as to render the obligation to facilitate meaningless, mere words, especially when coupled with allowances for progressive realization.

From the other side, many states might be concerned that positive rights such as the right to food, defined in such an open-ended manner, may lead to an escalation of responsibilities and an expansion of claims against limited resources. This concern is likely one of the primary motivations behind US opposition. Being the wealthiest state, US policy-makers may fear that broadly defined obligations lacking careful delineation of responsibilities will lead to potential abuse by poorer states.

For the moment, it must be noted that the current threat comes far more from the possibility of interpreting the obligation to facilitate out of existence, than it does from gross escalation. At the same time, it must be pointed out that potential difficulties with the obligation to facilitate do nothing to diminish the strength of other obligations—i.e. the obligations to respect, protect and provide—entailed by the right to food.

Who is responsible?:

Finally, given the range of factors included in General Comment 12 and the ICESCR—such as agrarian reform, sustainability, scientific advance, more equitable

distribution, etc.—a major question becomes, ‘who is responsible?’ Though many of these are reasonable objectives, and may serve as useful guides for government policy, the global food system is largely governed by private interests. The same is true for a good deal of the research which drives agricultural technological advance.

As the right to food is currently defined, the lines between government responsibilities, private property, corporate interests, and civil society are blurred. To advance the right to food, it will be necessary to more clearly define the boundaries of duty between these spheres. The draft Code of Conduct (see above) does make an attempt to do this by incorporating the responsibilities of non-state actors and individuals. It will be important to bear these considerations in mind when working towards the new voluntary guidelines.

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