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The Right to Food in a Global Structure

A whole world at fault for hungry stomachs?

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Abstract

The focal point of this essay is the right to food as a human right. It addresses the urgency of alleviating hunger for millions of people in the world today. The author argues that there is a need for a change in the human rights system concerning the right to food, since the original framework assigns full responsibility to the individual states, whereas in today's global power structures, government policies and national institutional arrangements in poor countries have very little influence on the design of the global order. At the same time, the global order has a great deal of influence on the poor countries. Comparing the human rights system with the global economic structure, it becomes evident that their inherent logics are conflicting on a number of accounts and the ideological foundations for their respective institutionalisations seem incompatible. In the current system, the hopes to alleviate hunger lies in the hands of the benevolence of the affluent actors, which fails to guarantee a certain level of consistency in the advocacy of a fulfilment of the right to food.

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Abbreviations

FAO	Food and Agriculture Organisation of the United Nations
FIAN	FoodFirst Information and Action Network
G7	Group of Seven (Canada, France, Germany, Italy, Japan, UK and US)
GDP	Gross Domestic Product
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFI	International Financial Institution
IMF	International Monetary Fund
IPCC	Intergovernmental Panel on Climate Change
NGO	Non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
TNC	Transnational Corporation
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNU	United Nations University
WIDER	World Institute for Development Economics Research
WMO	World Meteorological Organisation
WTO	World Trade Organisation

1 Introduction

This essay is written during the spring of 2008. The past months, we have witnessed riots in countries such as Haiti, Burkina Faso and Egypt, as reactions to rises in food prices and increasing food insecurity and hardship for people in many parts of the world.

The right to food is affirmed as a human right and is often specified as the right to 'adequate' food, however, this 'right' is evidently far from fulfilled or achieved, since it is well-known that a vast number of people starve in the world today. The universality of this right might seem obvious since we all need food to eat in order to survive – yet, a concept is useless without a definition and an explanation about its contents and an examination of the values attached to it. It is therefore useful to scrutinise the meaning of the right to food, the moral bearing and its legal framework.

In this essay, I examine if there is a need for a change of the human rights regime concerning the right to food. Given the rising gravity of the situation along with an escalating globalisation process, the right to food is a weighty and representative right in a discussion of the connections between the well-being of an individual and global economic and political structure, as well as the one of the construction of human rights.

1.1 Purpose and research questions

The purpose of the essay is to present the challenges to the right to food today and in what aspect(s) there is a need for a change. The so-called globalisation – here meaning the stronger and faster process since the 1980s of a “growing interpenetration of states, markets, communications, and ideas across borders” (Brysk 2002:1) – brings countries closer together, travels and the transportation of goods are facilitated, information flows enable people to both share their own experiences with others, and learn about the situation elsewhere. At the same time, a 'global' (i.e. unified) economy promotes one system, in which people, states and societies around the world, with widely different interests, conditions and capabilities, are supposed to compete on the same terms. This is highly visible on the arena of international trade linking the production of food in one part of the world to the access to food, in another. The great dynamics of the system will be explored in order to identify the underlying structures and the actors behind them.

The main question of this essay is: Is there a need for a change of the human rights regime concerning the right to food, and if so, in what aspect(s)? Implicit in the question if there is a need for a change of the human rights regime concerning the right to food, is the hypothesis that there is a need for a change.

To answer the aforementioned question, the following questions will also be examined:

- How is the right to food constructed?
- What are the main problems and challenges of the human rights 'system' of fulfilling the right to food today?
- Why are we facing these challenges?

A question that emerges is wherein the interest lies in theorising about the construct of the right to food and about whether the present human rights system concerning the right to food is in or out of sync with the global power structures. Is it not better to focus on the practical issue of supplying food to everyone than pursuing quasi-philosophical debates on how to grasp a concept? In regards to this query, I argue that, considering that the world is under constant change – in a multitude of aspects – the entire set of human rights should be under constant discussion and questioning, to avoid a stagnation resulting in an inapt, inapplicable framework and therefore abandoned without substitution.

1.2 Delimitations

Even though the right to food is positioned among the economic, social and cultural rights, I have no intentions to apply my findings on other rights. Another limitation is not to give a complete account for all the views on and approaches to the different aspects treated in this essay. This includes the philosophical discussions on the moral and legal foundations of the right to food, as well as the challenges of the human rights system concerning the right to food. For example, the increasing role of transnational corporations (TNCs) will only be mentioned and not scrutinised further. Finally, I do not intend to provide with solutions to problems presented.

1.3 Theoretical remarks

Since this essay is of a rather theoretical nature, research and writings on the treated subjects will be accounted for throughout the essay. Therefore, the focus of this theory section is on the discussions, controversies and research in broader terms. The issue of a right to food fits in several different themes. Placing hunger in the context of poverty expands the field enormously. On the other hand, one can assume that where there is poverty, there is (at least a large risk of) a lack of real access to food. However, here is a distinction between hunger and poverty. Poverty is a theoretical construct in contrast to hunger. Measuring poverty is a highly complex and contested enterprise, while measuring hunger is somewhat easier since chronic hunger and malnutrition shows on the biologically measurable human body.

The question of food and hunger is controversial and political – and this will be repeated throughout the essay. Some of the fundamental disagreements, mostly concerning understanding and tackling poverty, separate along the following lines. First, economists tend to be in conflict with the human rights movement. This is a focal point in chapter 3, but clearly this separation is not black and white. This opposition between economists and the human rights movement connects, furthermore, to controversies within the field of ‘development’, wherein ideologies and epistemological ideas of society and the world are assembled on an international level. International organisations and various institutions are not immune to trends and ideological changes, to some extent shown by contributions in the field of human development by economists such as E.F. Schumacher, Amartya Sen and Jeffrey Sachs.

Second, there is a controversy, historically rooted in colonialism, opposing the ‘North’ with the ‘South’: The colonisers against the colonised, the wealthy against the poor, the developed against the developing. I believe that the one category could not exist without the other – the one

is defined by pointing out the other (or 'the Other'), and the powerful party has the power over the labelling process. There is a persistent dichotomy between these two – however, there is an interpenetration of the two through, among others, postcolonial theory stemming from the South, with prominent theorists such as Gayatri Spivak, Edward Said, Homi Bhabha, Franz Fanon, Ranajit Guha, Martha Nussbaum and many others. Postmodernism has also contributed to an attempt to dissolve the bipolarisation of the world, in rejecting the 'grand narratives' and in promoting pluralism and contextualisation.

Narrowing the subject down to a mere focus on food, one could argue that the research is not as complete as desired. As recently as earlier this year, one of the prominent figures of the UNU-WIDER research project 'Hunger and Food Security', Basudeb Guha-Khasnobis, stated the following in a UNU Policy Brief.

Despite the scale of human suffering brought about by malnutrition, the fight against world hunger receives less attention than the fight against poverty from bilateral and multilateral donors and lending agencies. A by-product of the lack of attention to food security is that the issue is relatively understudied compared to poverty.¹

I will take on a materialistic approach to the assessment of the right to food. By this I intend to focus on socio-economic and structural values that exist in our society and in the world today. It should be noted that these values can be either positive, desirable values or negative, unlikable ones.

1.4 Methodology

This essay consists in scrutinising the concept of the right to food. I examined how it is constructed or structured and what its components are. For the moral foundations of this right, I consulted the literature on the subject, and for the legal aspects of the right to food, I also looked at the treaty texts. In the second part of the essay, I focus on the global forces and power structures today, by referring to some main authors. Finally, I evaluate the human rights regime against the background of my findings in the previous sections.

I acknowledge 'the right to food' as a concept, but being aware of the tacit, inherent controversies and opposing views hidden within a concept (simply by being a concept), I choose not to entitle this right to food as an institution, as the Right to Food. Concepts are changeable and therefore never should be pinned down as having a rigid and permanent substance. Therefore, I prefer to label this right in lower-case letters and will do so throughout the essay.

Further, I wish to comment briefly on the position of myself as a writer. Unconsciously, we all have our preconceptions and we are coloured by multiple factors. Having no personal experience of chronic hunger and coming from the wealthier parts of the North, I am probably biased in more than one way. I am aware of that the subject of this essay is both political and controversial. In the event of me expressing an opinion, I agree that this is a political position, even though I do not have any ulterior motives with this essay.

¹ The research project was initiated in 2002. The project aimed at addressing some of the gaps in the literature. So far, the project has resulted in two books, both edited by Basudeb Guha-Khasnobis, Shabd S. Acharya and Benjamin Davis: "Food Security: Indicators, Measurement, and the Impact of Trade Openness" and "Food Insecurity, Vulnerability and Human Rights Failure". UNU Policy Brief 1, 2008, Basudeb Guha-Khasnobis "Can we eradicate hunger?", http://www.wider.unu.edu/publications/policy-briefs/en_GB/unupb1-2008/

2 The framework of the right to food as a human right

When talking about ‘rights’, in popular speech, most people would associate these with real guarantees to certain moral standards. In this chapter, I will examine how our constant and vital need to eat has been conceptualised within the human rights framework. It is essential to explore the setting of the right to food, to be able to, as will be done in the next chapter, assess the human rights regime concerning the right to food and its appropriateness today.

2.1 The food crisis and the concept of food security

The world food crisis in the early 1970s launched serious debates on food and nutrition and the concept of ‘food security’ appeared. Initiatives were taken on an international level to tackle the instability of the food supply, as well as by activists, highlighting the shortcomings of the international community on this account. The critique of activists included the macro-perspective of the efforts and the discrepancy between the data on the food situation and reality (W.B. Eide 2005:70). Among others, the agricultural economist Leonard Joy and the nutrition expert Philip Payne started using a so-called ‘functional classification approach’ to better understand and respond to the problem, asking who are the hungry? where are they? and why are they hungry? They argued that malnutrition was not only a problem of food availability but also a function of poverty and deprivation. In their view, it was imperative to reduce the causes of the general deprivation leading to malnutrition. This functional classification was a way of relating food-deficiency patterns to spatial, ecological, socio-economic and demographic characteristics of the deprived population groups (W.B. Eide 2005:71). Joy encountered some criticism about the top-down features of the measures in the planning, nevertheless, it was an important contribution to the discipline and was followed up some years later, in 1981, by Amartya Sen’s groundbreaking work on famines and vulnerabilities and his coining of the concept of ‘entitlements’.

In the 1980s, household food security also became an employed concept, placing the individual in the context of the economic, social, cultural (i.e. concerning food culture) and ecological environment of a household. ‘Sustainability’ was another concept, introduced in the late 1980s by the Buntland Commission, and the term was adopted to easier understand the dimension of food availability and access to food within environmental limits and limits of the household economy. Some years later, the application of the notion ‘livelihood’ pointed specifically to both physical and economic opportunities for the household for feeding itself, which further broadened the framework (W.B. Eide 2005:75). Although the individual is the proper right-holder in regard to food – considering the household environment – the individual’s right to food becomes a sub-set within the right of the household to an ‘adequate standard of living’, connected to having a proper livelihood (W.B. Eide 2005:76).

The contributions of Joy and Sen were instrumental in facilitating the understanding, in a development context, of the food security and nutrition problems in the world. This opened,

after the end of the Cold War, for a broadening of the food security concept into a rights-based understanding of the need for a particular focus on the socially and economically deprived and ways to address the underlying inequalities in practice (W.B. Eide 2005:80).

2.2 A human right as a social construct

[T]he right to food does not exist in the field of law alone or even primarily, but in the hearts and minds of people. (Künnemann 2002:164)

Human rights were obviously not created in 1948 (or in 1967 or in 1977), but the signing of the Universal Declaration of Human Rights (UDHR) was still an unmistakable milestone for the human rights movement. The strength of UDHR lies in the widespread support it received and in the achievement of uniting a large number of world leaders on this matter. Yet, one should not mistake this codification for a 'glimpse of eternity' (Mutua 2002:x). Codified human rights in general, have also been (rightly) criticised from different parts of the world for being a Western project and too generalistic and all-encompassing in its approach and in its values.

The pronouncement on a 'right to food' is not the same as guaranteeing food for everyone, but rather an agreement on the recognition of the value of food for human dignity. Künnemann reminds us that it is one of the oldest obligations of communities and their leaders to ensure that their people can feed themselves and it is an obvious obligation within families and kinship groups. The limits of kinship changed with the arrival of civilisation, entailing an extension of this obligation (Künnemann 2002:163). The right to food, since its pronouncement, exists in our 'hearts and minds'. Claiming a constructedness of the right to food, it is not in any way to disagree with the fundamentality or the need of this right (in the sense of the fulfilment of this right). It is rather a way of arguing that its application and adaptability is not supposed to be rigid, or 'eternally fix'. Mutua believes that the human rights corpus should be treated as an experimental paradigm, a work in progress, and not a final inflexible truth. The human rights movement must be fully exposed for a critical examination (Mutua 2002:ix-x). Political-moral discourse underlies and forms the international-legal discourse – in other words, the modern moral discourse shapes how we talk about rights.² Abstract ideals of justice and human dignity are, according to Kennedy, reduced to purely legal devices. A risk herein is that the textual and institutional limits might be exploited to resist change (Kennedy 2002:110).

A comfortless aspect of the social construction of human rights in general is the fact that, as Clifford Bob reminds us, there are trends and buzzwords in this field, as in any other.³ Human rights activists and NGOs use these trends to mobilise the public opinion in their favour. There is nothing shameful in this, it could on the contrary be favourable for NGOs to use the media and the public debate to inform the public of human rights issues of various kinds. The downside, however, is that a strong public opinion might faint as fast as it emerged and the consistency and sustainability of campaigns is uncertain, with the risk of leaving problems unsolved.

² More on the subject of the rights discourse, see e.g. Kennedy, David, 'The International Human Rights Movement: Part of the Problem?', *Harvard Human Rights Journal* Vol. 15 (2002), and, with a focus on American discourse, Glendon, Mary Ann, *Rights Talk: The Impoverishment of Political Discourse* (1991).

³ For a more thorough discussion, see Bob, Clifford, 'Globalization and the Social Construction of Human Rights Campaigns' pp. 133-145 in Brysk (ed.) (2002).

2.3 A moral or a legal right

The distinction between moral and legal human rights is rarely made clearly. It has been argued that, concerning legal human rights, they might be whatever governments declare them to be, in contrast to the moral human rights that are determined in other ways (Pogge 2007: 13).

The discussion about human rights, relevant to the right to food, is mostly concerned with which human rights to basic necessities⁴ exist (at a specific time and place), not as much if there are rights at all. Since different human rights may be conflicting, there is a constant need for governments and policy makers to decide which rights to give priority to. The debate about the range of human rights to basic necessities has political and ideological connotations, in which conservatives and libertarians generally advocate a tight range. They maintain that severe poverty typically does not manifest a human rights violation and that historically the human right to basic necessities, according to their definition, has been violated only rarely (Pogge 2007:15). There are controversies not only of an ideological nature, but also of a technical one, concerning all the economic, social and culture rights. The view of sceptics is that they are mere catchwords and expressions of political sloganism. The view of advocates is on the other hand that they are individual, enforceable rights (Eide & Rosas 2001:5).

A qualifier for the validity of various economic, social and cultural rights is the so-called *enforceability claim*. A supporter of this claim argues that a right exists only if it actually is enforceable and it is not enough that it would be enforceable in some improved state of the world (Tasioulas 2007:79). Another view expresses the *claimability claim*, holding that rights are claimable even if not always effectively enforceable (Tasioulas 2007:80).

I will not discuss further how human rights can be (morally or legally) justified, since that is a philosophical and political debate that has been going on since someone pronounced the combination of the two words 'human' and 'nature'. I simply wish to point at the fact that the 'moral' and the 'legal' are not synonymous when it comes to the right to food, nor to many other economic, social and cultural rights.

Pogge notes that in most cases, the popular debate is about the question whether severe poverty worldwide has been rising or falling in the period since the intensified globalisation process began in the late 1980s. The question is hotly debated, with prizes awarded to any economist with a good story of declining poverty. He continues:

Yet, this debate is irrelevant to the moral assessment of this globalization process, epitomized by the WTO framework, which the governments of the affluent West have pressed upon the world. The moral charge before us is that governments, by imposing a global institutional order under which great excess of severe poverty and poverty deaths persist, are violating the human rights of many poor people. The plausibility of this charge is unaffected by whether severe poverty is rising or falling. To see this, consider the analogous charges that slave-holding societies harmed and violated the human rights of those they enslaved or that the Nazis violated the human rights of those they confined and killed in their concentration camps. These charges can certainly not be defeated by showing that the rate of victimization declined (with fewer people being enslaved or killed each year than the year before). (Pogge 2007:39-40)

⁴'Basic necessities' are what is required for having an adequate standard of living, which includes a certain level of food security and thus a right to (adequate) food.

2.4 Positive and negative rights and duties

When discussing the moral foundation of a right to food, the question is, first, what duties the human right might impose, and second, who has the responsibility for fulfilling those duties. There are lengthy philosophical discussions on how far this responsibility could be extended. Distinctions are made between negative and positive rights and duties. A negative right is the right to not be actively deprived of access to food and other basic necessities. A positive right, on the other hand is to be guaranteed access to food and other basic necessities, up to a certain level (Ashford 2007:190). The negative duty is accordingly understood as to refrain from action that would cause harm, while the positive duty means to take positive action and to actively aid. The morally controversial issue is to decide on the implications of acknowledging these duties. This depends on, on the one hand, our view on who could be held responsible – states, individuals or the global institutional order – and, on the other hand, our conception of the nature of a human rights violation (Ashford 2007:190). This, in turn, depends on if only the directly responsible in a causal chain are to be held accountable, or if this also goes for the indirectly responsible.

Sen's work has been pioneering in understanding deprivation and malnutrition and linking this to the individual. His major contribution is the introduction of thinking in terms of entitlements. Because of Sen, the crucial issue is not solely that of food supplies, but the relationship between individuals and the commodity of food (Eide 2001:139). Using entitlements is a tool to analyse the situation and to identify the vulnerable. Most cases of starvation and famines across the world, Sen notes, arise not from people being deprived of things to which they are entitled, but from people not being entitled to adequate means of survival, in the prevailing legal system of institutional rights (Sen 1984:73). Entitlements should exist in many different situations; one example is that each and every individual should own what is gotten by one's own production (Eide 2001:140). Entitlements are linked to opportunities and liberties. The 'capabilities approach', that has been developed by both Sen and Martha Nussbaum, is based on the idea to not ask about satisfaction, but about what the individual does and what he or she is in a position to do (Bilchitz 2007:10).

The link between the notion of entitlements and human rights is through the determination of responsibility, along the moral lines discussed above. Putting the moral issue aside, I will now focus on the institutionalised (or codified) aspects of a right to food as a human right.

2.5 The legal framework of the right to food

The human rights standard concerning food consists of two interlinked components. There is a right to adequate food (an access to), and there is a right to freedom from hunger (an absence of) (Künemann 2002:165).

If the right to food meant nothing more than the claim that everyone should have enough to eat then a violation of the right to food might sound trivial – as though the right to food would be violated simply when people do not have enough to eat. Taking rights seriously however, entails thinking in different terms: clarifying the normative content and State obligations and identifying mechanisms, both within and outside the realm of the law, to realise the right. Violations, then become identifiable acts and omissions related to the specific obligations to the duty-holder. (Künemann 2002:163)

There are extensive writings concerning the right to food and states' obligations related to securing the access to food.⁵ The principle instruments in international law that establish a right to food as a human right are the following. In UDHR, the Article 25 recognises that "everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food"⁶. In 1966, the Covenant on Economic, Social and Cultural Rights (ICESCR) appeared, wherein the Article 11(1) sets forth the "right to an adequate standard of living including adequate food, clothing and housing". The Article 11(2) further states the "fundamental right of everyone to be free from hunger".⁷ The right to food appears in other conventions of focused interests as well, such as the Declaration of the Rights of the Child from 1959 (in its Principles 4 and 8) and in the Preamble of the Convention on the Elimination of All Forms of Discrimination Against Women. The right to food has also been the focus of numerous international meetings and summits since the 1970s.⁸ Furthermore, the Food and Agriculture Organisation of the United Nations (FAO) issued in 2005 the "Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security".

To illustrate the main points of legal framework, I use the ICESCR and the explicatory General Comment 12 issued by the UN Committee on Economic, Social and Cultural Rights in 1999 on the right to adequate food. This Comment is seen as the most authoritative interpretation of the right to food and has been claimed to represent the current state of international law (Künnemann 2002:167).

The Committee points out that the right to adequate food imposes three types of obligations on the states parties – the obligation to respect, to protect and to fulfil. The obligation to fulfil consists of both an obligation to facilitate and an obligation to provide. Different hunger scenarios in the world all look different, and the Comment addresses the nuances. People may have no access, some access or access to food, although even these categories are far from black and white. The Committee explains the two key concepts of access and adequacy. The accessibility is both in an economic and in a physical sense. Economic access to food is, in short, when there is a production of food, so that there is food and when it is possible to get the food (e.g. that the household income is sufficient to provide food). Physical access to food implies an immediate access to everyone (the General Comment, Paragraph 13 and Künnemann 2002:168-169).

States have to take steps toward full realisation as quickly as possible and with maximum available resources and this should go beyond the three-part framework of obligations to respect, protect and fulfil access to food (Künnemann 2002:172). Paragraph 21 of the Comment requires states to put in place a national implementation strategy with benchmarks to monitor progress. Paragraph 14 specifies that the states do not need to realise the right immediately, but "move as expeditiously as possible towards the goal" and pursue the right to the maximum of available resources.

⁵ E.g. see Tomasevski (ed.) "The Right to Food: guide through applicable international law" (1986); or Künnemann (2002), pp. 165-167, for a thorough presentation of the various legal tools, documents etc.

⁶ Universal Declaration of Human Rights, G.A. Res. 217A (III), UN Doc. A/810 at 71 (1948). Note the absence of the female entitlements in this article, even though one can hope that the equivalent was intended for women.

⁷ International Covenant on Economic, Social and Cultural Rights, G.A. Res. 220 (XXI), UN Doc. A/6316. The convention entered into force 3 January 1976.

⁸ E.g. World Food Summit 1996.

The wording of these obligations is vague. A state can always claim that it has taken all the steps in its power and is implementing the right 'as quickly as possible'. In less affluent states there is a lack of resources and a need to prioritise. However, resources are only needed in the case of the obligations to protect and fulfil; the obligation to respect might not call for resources.

2.6 The use of the 'right to food'

Meeting the hunger crisis is the justification of existence of many international and non-governmental organisations. Jacqueline Mowbray has conducted an analysis of texts from different groups within this 'right to food movement', to see how the human rights language is used by bodies adopting a so-called rights-based approach to the problem of hunger.⁹ She finds that the language limits the effectiveness of rights discourse in achieving structural, redistributive change. She notes that there is an emphasis, in the texts, on the state rather than the economy, on public rather than private actors, on legal rather than practical measures, on direct rather than indirect causes, on political reforms rather than redistributive change, and on individual violations rather than systematic problems. The theoretical limitations of rights discourse limit thus, in practice, the effectiveness of the right to food in challenging international economic structures (Mowbray 2007:566). We will come back to these limitations in chapter 3.

The UNDP Human Development Report of 2000 discusses the issue of human rights without imposing duties, concerning human rights in the field of development. The writers argue that human rights are 'not just loose talk'. They distinguish between the existence and the fulfilment of human rights, since unfulfilled rights still exist. They find that, even if the universal and unblemished fulfilment of human rights can be very hard to achieve, the articulation of these rights can help to mobilise support from many people in their defence (UNDP 2000:24). Further, they state that to divorce the rhetoric from the substance of an approach goes entirely against the tradition of the human development literature, which has been committed from the beginning to stand on articulated concepts and exacting argumentation, rather than concentrating on moving the language and stirring phrases not matched by explicit defence (UNDP 2000:24).

Sen suggests calling the right to food a 'metaright'. It is actually a right to demand that policies should be directed toward securing the objective of making the right realisable. It concentrates not on the achievement of the right to food (which might be currently unachievable, just like a number of other economic aims), but on the pursuit of policies that would help to make the right to food achievable in the future (Sen 1984:70-71).

2.7 Concluding remarks on the strength of a slogan

In the introduction of this chapter, the objective stated was to describe the framework of the right to food. The fact that this 'right to food' exists precisely within a framework are implications to that this right is constructed. Whatever the (moral) foundation(s) for defining the right to food as a human right, the legal ones are easier to determine by studying the regulations and treaties existing in written form, on a national or on an international level.

⁹ She studied the FAO Voluntary Guidelines, the Report of the Special Rapporteur on the Right to Food and the FoodFirst Information and Action Network (FIAN) Annual Report. See Mowbray 2007, p. 558-566.

Some authors hold that the right to food and the related treaty obligations are of political character. Just as the other economic, social and cultural rights, the right to food expresses obligations of conduct rather than obligations of result since the right to food does not give judicial grounds for an individual to invoke in courts and for judges to apply. Other authors maintain the pure legal character of this right, asserting that legal enforcement is not necessary for its 'legality' (Scheinin 2001:29-30).

The causes for the weaknesses in the existing system in which the right of food has been institutionalised have been noted to be twofold: The wording of the provisions is vague and lack clarity; and the international monitoring mechanisms under the treaties in question are relatively weak (Scheinin 2001:30). These two issues are linked in the next chapter, where I will focus on the ways in which the provisions of the right to food (most crucially and condensed, questions of who is supposed to do what) do not match the sources of 'bads' today.

3 The right to food out of sync with the global order

The problem relating to the legal nature of social and economic rights does not relate to their validity but rather to their applicability. (Scheinin 2001:29)

The present design of the global order is not, and nowhere near, optimal in terms of poverty avoidance. (Pogge 2007:37)

Even if there is, as described in chapter 2, a right to freedom from hunger, hunger and entailed malnutrition exists. The great challenge today is that 850 million poor people are suffering from chronic hunger more than 30 years after the ICESCR came into force 1976.

Malnutrition might be caused by a violation of the right to freedom from hunger, but to determine if it is a violation, one must examine the specific obligation that was breached (Künnemann 2002:171). There is a growing body of literature, within different disciplines, assessing the human rights system against the background of the real power structures of today, pointing at the fallacy in explaining hunger and poverty fully in terms of national and local factors. In this chapter, I will present a few ways in which the human rights system concerning the right to food has been challenged, but I will not provide a complete account for all the theoretical perspectives of the issue, rather, I focus on a few points that I find important.

According to the classical approach, a state is ultimately responsible for ensuring that its people have access to an adequate food supply. Steps taken by the state could actually be sufficient to ensure that no one is hungry (Mowbray 2007:548). Similarly, the present global order does not render it impossible for some poor countries to achieve genuine democracy, sustained economic growth, with supposedly entailed food security (Pogge 2007:51). It is thus not wrong to address domestic factors (such as corrupt or oppressive governments) for violations of the right to food. Implicit in the state-centric approach is the rationale that human rights are the by-product of relationships between governments and the individuals they govern, rather than the individuals worldwide whose rights are affected by their actions (Narula 2006:694). But central features of the same global order contributes greatly to most poor countries failing on all accounts and it's obvious that the states' current ability to promote the realisation of the right to food is restricted by activities and currents beyond the states' control (Narula 2006:269). We have seen technological progress, global economic growth and huge poverty reduction in countries like China, the Cold War peace dividend, a drop in real food prices (1985-2006) and efforts of international humanitarian and development organisations. Despite these positive aspects, global inequalities are nevertheless rapidly increasing since the end of the Cold War. The reality of the hunger problem, just as the problem of global warming, can hardly be addressed on an exclusive national basis. Studying a hunger map over Africa, one does not expect to find that nutrition problems stop at national borders (Kent 2008:3).

Therefore, given the extent and features of the world poverty today, it is claimed to be, by far, too insignificant to limit the discourse of human rights obligations of states at the domestic

level (Salomon 2007:204). Many development economists¹⁰ and other theorists today focus mostly on the design of national economic institutions and policies while taking the global institutional order as a given (Pogge 2007:32). I will now point at a few issues in need of a more thorough assessment by all, in order to better understand the problems and challenges of the human rights system of fulfilling the right to food today and also why we are facing these challenges.

3.1 A mix of causes and actors

Under the current human rights system, the types of breaches that the legal framework of human rights regulates could for example be missing or discriminatory legislation on a national level. The framework however, is ill-equipped to deal with non-state actors and effects of different actors' policies outside of the scope of jurisdiction limiting an actors' actions (Narula 2006:294). There are also difficulties in identifying a causal chain from a source of action or behaviour to the violation of the right to food, and Salomon urges us even to resist the instinct of identifying such a chain (Salomon 2007:194). In the process of globalisation, innumerable issues become interrelated and cooperating causes of hunger make it difficult to assign responsibility. Pogge uses the concept of 'reduced visibility' – agents are rarely able to foresee the remoter effects of their behaviour and it is thereby difficult to single out the ones having a devastating effect on poor and vulnerable people (Pogge 2007:16-17).¹¹ One could use the metaphor of a tapestry woven of millions of threads – one individual thread is insignificant, but together they add up to a pattern or a picture. Agents' conduct, both on an international and institutional and on an individual level, can reverberate around the world. Many of our daily economic decisions for example affect the livelihoods of other people, and our 'transactions' (in a broad sense) also influence the decisions of storeowners, managers and others, in ways that affect the livelihoods of yet further people (Pogge 2007:16).

Some of the 'causes and actors' combined and interrelated in today's globality are commonly listed as: colonialism, world trade rules, general economic principles, the role of international financial institutions (IFIs), the ascending power of TNCs, aid and development programmes, armed conflicts and, lastly, the increasing income inequalities with extreme poverty alongside extreme richness. In short, there are deep structural flaws and a seemingly significant influence of non-state actors, and there is an interrelationship of various causal factors.¹² Government policies and national institutional arrangements in poor countries have very little influence on the design of the global order, but the global order has unmistakably a great deal of influence on the poor countries (Pogge 2007:46).

¹⁰ Classically, libertarian economists of the Chicago School.

¹¹ See also Ashford's discussion on this subject, following Pogge's line of thinking to a large extent, mainly pp. 190-206.

¹² These issues are brought up and repeated by a large number of authors and in different development reports, see e.g. Mowbray 2007 and Eide 2001, or the publications of the UNU/WIDER research project, *supra* note 1.

3.2 The international economic system

The international economic system has been seen as a major contributor to world hunger since it affects the flow of food, to and within developing countries (Mowbray 2007:548). After the Second World War, development – here meaning an appeal to improve the livelihoods of people – focused its efforts on economic growth. This is a contested view, since a rise of a country's GNP is not giving us a satisfactory result of filling an empty stomach here and now. Economic growth of a country surely could lead to increased food production, however, it is not sufficient to ensure food security if economic growth bypasses poor and vulnerable populations. Economic growth could arguably guarantee food security for all only if it is coupled with an emphasis on poverty reduction (Narula 2006:699-701). I will not dwell on the debate about the illusion of poverty reduction through a trickle-down effect (from the rich to the poor); I will simply note that, in the case of hunger, measurements should, according to Sen's notion of entitlements, be focused on the individual level.

The economic globalisation since the late 1980s and early 1990s, included the internationalisation of trade and finance, the increasing power of the TNCs, and the growing role of IFIs with the WTO, the World Bank and the IMF at the centre (Salomon 2007:40). These organisations are to a large extent monitored by the wealthy, and thereby powerful, states. The economic inequalities among different countries are reflected in their competence and bargaining power in negotiations of various kinds. The Bretton Woods institutions (the World Bank group and the IMF) are formally listed among the specialised agencies of the UN family, but have a voting system that is entirely different from the others among these. The voting powers in these institutions are such that they represent almost exclusively the richest states (where the headquarters of most major corporations are). The functional separation of these institutions from UN proper has been argued to have had very negative consequences for the evolution of the development policies of the international community (Eide 2005:34). An interesting point in this context is that many poor countries do not even have a country representative at the headquarters of the WTO.

What the governments of developing countries could be accused of, on could argue, is to have failed to protect the interests of their populations when negotiating the terms of foreign direct investment flows, or of international trade and loan agreements (Narula 2006:698). Relations structured under such unequal conditions are likely to be more beneficial to the stronger party and thus tend to reinforce the initial economic inequality (Pogge 2007:31). The interest in avoiding severe poverty is not the only interest to which the negotiators of particular aspects of the global institutional order are sensitive. The affluent states give precedence to the interests of their own country's government, corporations and citizens and it is therefore not surprising that the global institutional order reflect the shared interests of the affluent countries more than an interest in global poverty avoidance, in so far as those interests conflicts (Pogge 2007:34).

When the Swedish Minister of Trade, Ewa Björling, recently promoted the much debated changes in the WTO agreements, the emphasis was on the potential benefits for Swedish commerce, the economic growth in Sweden as a whole, and how the changes would create

beneficial access to 'new markets' such as Brazil, India and China.¹³ It should be noted that the WTO is not a development agency and avoiding poverty and hunger is not really its 'business', even though those results would of course be welcomed side-effects.

Eide points at a number of studies (from the 1990s and onwards) on this subject and notes that none of these studies reject the usefulness of global cooperation and trade but serious weaknesses have been apparent in the particular post-1980s global processes and their underlying ideological forces and conceptions. The protests that grew stronger in the 1990s also created a broad global movement of anti- or rather alter-globalisation (Eide 2005:21).

The case of agriculture demonstrates the divide between economic interests and human rights. According to FAO, FIAN and the World Bank, 70 per cent of those suffering from hunger day to day are peasants (Berthelot 2007:9). Global trade liberalisation, which is the sole *raison d'être* of WTO, within the field of agriculture is controversial and its impacts on poor farmers and on food security are far from ideal. Small farmers face for example a greater challenge than middle-size or large-scale farmers, due to a growing competition.

A developing country has to gear several crucial features to meet different, and sometimes conflicting, needs and demands. A growing urban population needs to be fed at a fairly low price¹⁴; in addition to this there are pressures from food exporting countries, conditionalities of IFIs and from past structural adjustment programmes, as well as demands from WTO rules (Berthelot 2007:9). There is also a need to take into consideration the unequal terms to free trade. Despite the free market ideology, advocated by WTO and its Agreement on Agriculture, developed countries are still enabled to maintain trade-distorting subsidies and import restrictions (Gonzalez 2002:457). A large amount of money from the EU budget is conveyed to subsidies to European farmers in order to control the production in different ways. The average import tariff on manufactures, during the period 1948-1994, was reduced from 40 to 3 per cent in OECD countries. Developing countries, however, experienced high barriers of different types limiting the possibility of a fair and sound market, such as import quotas, product standard requirements and export subsidies to their own producers – thus making 'free trade' appear as actually not 'free' (de Vita 2007:115).

Food prices is a good example in this context. Individual countries have practically lost all control over food within its borders, since the prices are steered on some unclear, supra-state level, through a combination of a multitude of factors. Food stocks are diminishing and the demands are increasing from a growing middle-class in countries like India and China (and a change in their demands due to a cultural globalisation and Western lifestyles rubbing off). In

¹³ For example, see speech held by the Minister of Trade on the 22 April 2008 <http://www.regeringen.se/sb/d/9622/a/104069> and the 2008 Declaration on Trade from the Swedish Government "Regeringens handelspolitiska deklaration" of 4 March 2008, p. 9, <http://www.social.regeringen.se/content/1/c6/09/97/29/1d30843d.pdf>. Björling's position has been criticised by e.g. Yao Graham of Third World Network, see Maria Sjöqvist, "Afrikansk kritik mot handelsministern", Sveriges Radio Ekot on 19 March 2008, <http://www.sr.se/cgi-bin/ekot/artikel.asp?artikel=1960262>

¹⁴ 2008 is the historical year when the share of the world's population living in urban is larger than the share living in rural areas. There is nothing indicating that this merely would be a temporary trend; we could count on a growing urban population for the future. This places greater pressure on the affected, and already constraint countries with mega-cities, since the majority of the 'growth' is concentrated to shanty towns and slums, with high levels of poverty and vulnerability.

addition to this, food producers' (i.e. farmers') need to adjust production to demands of wealthy consumers, the pressure on the environment and the ecosystems is high due to one-sided cultivation and the unpredictability and entailed vulnerability caused by climate changes and natural disasters. A growing instability in the world economy as a whole is, in this context, both a cause and a consequence.

Sen and Shiva, well-known debaters on poverty alleviation, both giving a voice to the poor and hungry, disagreed a few years ago on the roots of the hunger problem, where Sen emphasised democracy as crucial for fighting hunger. Shiva criticised Sen for ignoring trade liberalisation and globalisation as significant factors for hunger today. Shiva argued that trade liberalisation and globalisation policies "empty democracy of economic content, and remove basic decisions from the democratic influence of a country's people".¹⁵

3.3 Conflicting approaches

It seems like the economic and legal discourses, when dealing with issues of poverty and hunger, have developed in parallel – operating on different levels – without impacting one another (Narula 2006:700). In highlighting these two intellectual forces, we might take one step closer to understanding their particular (and conflicting) drives, affecting the real outcome of the sum of the divergent processes. I am aware of the political, and normative, undertones in this project, dealing with questions of values and priorities in the sense of deciding what the primary aims of our societal activities should be, and what the secondary should be.

3.3.1 State or market

Human rights are of state-centric nature and have been criticised for failing to address notions of wealth and power and the role of the economy in producing injustice (Mowbray 2007:557-8). In a rights-based approach to people's both immediate freedom from hunger and sustainable access to adequate food, government obligations are at the centre, as well as national and international human rights treaties. In an economic approach, on the other hand, neo-classical economic philosophy is the traditional foundation in promoting economic growth and food security, which emphasises the removal of government distortions to the 'market'. Main features of the economic approach are limitations on government spendings, privatisation of state-owned companies, removal of trade barriers and a removal of government interference in financial and capital markets (Narula 2006:700).

International human rights law is neutral in so far as it does not favour one economic model over another; but it does contain both principles and standards that seek to ensure that the methods for achieving economic growth are just, and that its benefits are fairly distributed. The dominating market-based system is founded on strategies aiming at maximising growth, an aim that could justify other, unwanted, consequences. It has been claimed that economic growth

¹⁵ See "The Real Reasons for Hunger", Vandana Shiva, The Guardian, 23 June 2002, <http://www.guardian.co.uk/world/2002/jun/23/1>, responding to "Why Half the Planet is Hungry", Amartya Sen, Observer of London, 16 June 2002, found at <http://www.globalpolicy.org/socecon/develop/2002/0616hunger.htm>

entails the sacrifice of human rights law, the welfare state and environmental protection (Salomon 2007:157)¹⁶.

3.3.2 Individuals or averages

Human rights theory is based on the notion that all individuals can lay a claim to basic rights and basic services (Narula 2006:702). A weakness in focusing on individual violations is that it might miss the broader, structural features of problems. Harms that are caused by an interaction between different actors, as well as unintended consequences of well-meaning measures, are not fitted into the framework of human rights (Mowbray 2007:558). On the other hand, within an economic approach, economic success is central, measured by the total average growth in GDP, and therefore the losers (i.e. the poor) will not be of interest and of primary concern.

3.3.3 Discrimination

An issue related to the former, is that an economic approach fails to highlight discrimination against particular ethnic or religious groups as a reason for their economic exclusion and the market as such has no means of ensuring that discrimination does not take place (Narula 2006:702). What is needed in that case is the intervention of the state, which the economic approach in principle opposes.

3.3.4 Short-term or long-term

In an economic perspective, negative short-term consequences might be accepted in return for long-term progress, but in a human rights perspective no trade-offs are tolerated. As concerns food production, governments might for example be required to subsidise agricultural inputs or provide food when people cannot afford to feed themselves. That raises the general question whether subsidies constitute market distortions or if they are profitable even in a longer perspective (Narula 2006:703).

The sustainability promoted by the green movement, in terms of the sustained well-being of our planet, is problematic when considering whether there are short-term trade-offs in return. Most certainly, there are high 'costs' in converting the Western capitalist production system into one that takes greater account of the environment. Research and development is costly, but people are also highly affected, economically, physically and socially, by these changes.

As producers of sustenance, rural women have always been in the lead in struggles related to the right to food. During the Tebhaga uprising in Bengal, [following the Great Bengal Famine in 1942], women had formed the Nari Bahini to protect their right to food by resisting the exploitative takeover of 50 per cent of the farm produce by the jotedars.¹⁷ The Tebhaga movement was a demand for a two-third share for those who produced the food, and the slogan was 'Pran debo, dhan debo na' (we will give up our lives, not our rice). In the new context where the jotedar has been replaced by multinational and international aid agencies, and where exploitation involves not just robbing the peasant, but also the nature, the

¹⁶ This has even been admitted by persons of high station in the IFIs, e.g. the Vice-President for external affairs at the World Bank, expressing the opinion that trade is the most damaging of policies, the most destructive and the most socially ineffective form of intervention of the rich countries in the economy. More on this, see Salomon, 2007, p. 158.

¹⁷ The jotedars are large-scale farmers, often with negative connotations since they are infamous for using their power to assume control over the land of small farmers.

productive base of the peasant, it will again be the rural women who will protect the sources of life by protecting the sanctity of seeds, soils and cattle. The right to food is today inextricably linked to the right of nature to conserve her ability to produce food sustainably. (Shiva 1989:177)

3.3.5 Psychology or morality

One of the founders of a fair trade shop in Stockholm gave her view on the way to attract customers and said that they wanted it to be a modern and trendy lifestyle boutique and not invoke a sympathy for the poor and attract shoppers for that reason.¹⁸ There is a growing general awareness among consumers today, but on the other hand, there is a growing blunting and almost the opposite reaction of wanting to stay naïve to avoid a bad conscience. Our economic system is built on psychology and creating desires (and imagined needs), while human rights has its foundations in morality. Generally, one could argue that people often act for self-interested reasons and tend, often unconsciously, to interpret and apply their moral values in ways that will not threaten their own interests (Barry 2005:294).¹⁹ Another example is corporations' social responsibility, that is growing in importance today, but not because of moral imperatives but simply because it's good for business. The incentive gaps are filled by media, consumer boycotts (or buycotts) and labelling regulations. Neither the rights movement nor the economic 'movement' are static and they share the feature of experiencing trends; but the ideological foundations for their respective institutionalisations seem, once again, incompatible.

3.3.6 Means or ends

It seems unclear if the aims of the human rights approach and those of the economic approach are compatible. One could suggest that the neo-classical economists see trade liberalisation as means for achieving growth (and 'everything' will, according to them, be solved through economic growth). The human rights regime, on the other hand, is focused on the ends of human development and well-being. In this last respect, the fulfilment seems not as important as the mere existence of rights – working toward the fulfilment or enforcement is most essential.

3.4 Concluding remarks on complexity

Since world poverty is a product of a system that structurally benefits some and disadvantages other, establishing causal relationships between harms experienced elsewhere in the world and the actions of states acting internationally can be extremely complex, for all. (Salomon 2007:187)

As we have seen, deep structural flaws, the significant influence of non-state actors and the interrelationship of different causal factors creating a complex web of actors and actions wherein the relationship between causes and consequences is blurred.

What has not been distinguished in contemporary debates on globalisation, Pogge notes, are two questions – given the existing dominance of the rich countries and of their rules and

¹⁸ "Hon vill ge rättvisa varor hippfaktor" by Eva-Maria Bengtson in DN.se on 11 May 2008, <http://www.dn.se/DNet/jsp/polopoly.jsp?d=3116&a=768422>

¹⁹ Barry refers in this context to Sen, who uses the concept "correspondence irrationality", meaning that people act without thinking and reason lazily about what to do and are prone to weakness of will.

organisations (WTO, World Bank, IMF, G7, OECD) – is it better for a country to cooperate or not? And further, is the dominance of these ‘rich-countries rules’ and organisations itself better for the poor countries than for example the full abolition of protectionist constraints? (Pogge 2007:44)

The responsibility question has been tackled in different ways by different authors. There are those who blame the structures and the ‘system’²⁰ and there are others who, on the other hand, have a normative conviction that the states still should be held accountable since hunger and poverty are domestic problems.²¹ Blaming the structure is far from accusing a tangible actor, which has made some authors allocate the responsibility on individuals, either simply in their capacity as participants in this structures²², or by appointing a straightforward duty on individuals to react, act and actively launch a reform of the system, in virtue of collaborating and therefore, directly or indirectly causing hunger and poverty problems.²³

²⁰ E.g. Smita Narula, Jacqueline Mowbray, Asbjorn Eide, Margot Salomon and George Kent.

²¹ Rolf Künemann, John Rawls, Michael Walzer and others.

²² E.g. Margot Salomon.

²³ Elisabeth Ashford and Thomas Pogge.

4 Conclusion: Back to Morality?

There is an international consensus on the existence of a right to food, but the wording of the legal human rights obligations is vague, and the right is weak since it fails to assign duties to the responsible actors in an efficient way. In less affluent states there is always a lack of resources and a state can claim that it has taken all the steps in its power and is implementing the right 'as quickly as possible'. Theorists go to great lengths to develop theories, logic schemes and lines of reasoning that would prove or rule out if that company executives, government ministers, officials of international organisations and financial institutions contribute to the hunger and deprivation people around the world.

The right to food is a construct, however, this is not necessarily discouraging. It could simply give evidence of a supposed elasticity and flexibility of the system. This right was created in a specific context and is 'valid' within that context. I argue that if the context changes, the construction of the right should also be able to change accordingly. I conclude, on the basis of what has been brought forth in the previous chapters, that there is a need for a change of the human rights regime concerning the right to food.

Concluding that there is a need for a change of the human rights regime and a modification of how to assign responsibility most effectively might imply, however, returning to the foundations of the right to food. We would then find ourselves back where we started – at a philosophical and moral impasse. There are controversies in returning to a discussion on morality, since, I believe, there is no universal morality. One reason backing up this view is that there *de facto* are disagreements throughout the world on moral issues and dilemmas. Furthermore, a person's attitude on when it is moral to uphold a right, is obscured by that person's subsequent responsibility for his or her pronouncement on responsibility and, probably even more decisive, the costs for this. A politician's statement on human rights is coloured by his or her general political agenda and the responsibilities he or she is willing to take on the party or him- or herself in the political work. Therefore, I believe that a global regulation of minimum standards could, and even should, build on other grounds than moral ones.

One way of avoiding circular discussions on morality, where theorists try to convince politicians, is to copy the model used to address the environmental problems, namely the assigning of a scientific body such as the Intergovernmental Panel on Climate Change (IPCC) to report on urgent actions.²⁴ The measure serves two important purposes. First, the publicity of their negotiation-like discussions has evoked debates worldwide and mobilised both the public and the experts in various environment-related areas, which advanced the knowledge in the field. Second, by entrusting the environmental experts with the task of sorting out the question, there is a larger chance that power relations between states, political will and moral considerations are put aside initially. It has turned out, however, that many of the IPCC members are politically 'bound'

²⁴ IPCC was created in 1994, under the auspice of WMO and UNEP.

to their home countries' governments and the discussions are politically tainted – but in principle, gathering experts instead of politicians could be beneficial.

More complicated in changing the structure of rights and duties is that the actors (at least indirectly) causing hunger problems today are also among the most powerful ones. It seems unlikely that they, on their own authority, would change their behaviour on moral grounds, if they are 'programmed' in codes other than moral ones, such as economic. It is difficult in democratic societies, like the Northern affluent states, to force or make people step down from power or decline from economic benefits that they enjoy, in order to alleviate poverty in a distant country in the South. It is unlikely that a political party will be re-elected after having made the economic situation worse for a large number of the voters, for example after having increased taxes against the tax payers will. Our society is built largely on valuing the quality of life in monetary terms and the course of life is focused on improving one's own economic situation. This money-centred view has been dominating the international development debate (economic growth as development) since the 1950s but has been increasingly criticised. It is prevalent within the IFIs today that the problem is that the ideas of the 'new' notion of human-centred development are hard to make operational within these organisations. Maybe this goes for a mentality change among people in the affluent countries as well. One might want to help the poor and hungry, but within the structure of our society, it is difficult to see how this is done in a sustainable way. Along the democratic and liberal lines of thinking, to be justified, all degradation of an individual's situation (in the end, in economic terms) must be done on a voluntary basis. Thereby, the chance for an alleviation of hunger lies in the hands of the benevolence of the affluent, which would fail to guarantee a certain level of consistency in the advocacy of a fulfilment of the right to food.

Food and food production in our world is related to humans as well as to nature. In both areas, there are great difficulties in calculating the 'costs' of injuries and suffering. The social costs are invisible since hunger is a highly internal and personal sentiment and the environmental costs are hidden since they are not necessarily visible at the time of the harming activity and will not have to be paid until sometime in the future (when the damage shows). 'Pay' does not mean in the sense of receiving something in return after having paid for it. Rather, it is in the sense of 'having an effect' or 'causing a damage or a change' that is not possible to alter. This makes damages on both humans and the environment even more difficult both to calculate and to compensate. In classical legal logic, there is a preventive thought in criminalising an act. By imposing a punishment, future or possible perpetrators refrain from committing the same act, since they do not want to be punished in that way. The equivalent in economic terms would be to create economic incentives for a change in behaviour. This last suggestion is discomfoting though, since it means to give in to the 'rules' of the economic system that we earlier found was fundamentally flawed. Rather than accepting to play by the rules of the (economic) game, a change of the game, as such, is wanted.

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