

Food Security and the Right to Food in the Discourse of the United Nations

*Kerstin Mechlem**

Abstract: *The definition of food security now most commonly used, that of the 1996 World Food Summit, bears considerable resemblance to the definition of the right to food. Yet a right-to-food based approach to food security is distinct from other approaches to reducing hunger and malnutrition and complements food security considerations with dignity, rights acknowledgment, transparency, accountability, and empowerment concerns. It is based on an a priori commitment to the value of human dignity and makes the individual an agent of change in a way that enables him or her to hold governments accountable and to seek redress for violations of his or her rights. A right-to-food approach is not based on vague and replaceable policy goals subject to periodic redefinition, but on existing, comparatively specific and continuously becoming more precise obligations undertaken by governments. Therefore, the right to food cannot only be regarded as a means to achieve food security, but must be seen as a wider, more encompassing, and distinct objective in itself. Realizing the right to food should, furthermore, be part and parcel of rights-based approaches to development that aim to implement all human rights obligations which States have committed themselves to under human rights law.*

I Introduction

Worldwide, approximately 840 million people were estimated to be undernourished in 1998–2000, most of them in the developing world.¹

In the Rome Declaration on World Food Security, adopted at the World Food Summit in 1996, Member States set themselves the goal of reducing the number of hungry to half the level of 1990–1992² by the year 2015.³ Four years later, goal number

* Legal Officer, Food and Agricultural Organization (FAO) of the United Nations, Rome. The views expressed in this article are personal and do not necessarily reflect the views of FAO.

¹ Undernourishment can be defined as ‘food intake that is continuously insufficient to meet dietary energy requirements’ leading to ‘undernutrition’, FAO, *The State of Food Insecurity in the World 2002* (FAO, 2001), at 50.

² The benchmark period is 1990–1992.

³ Rome Declaration on World Food Security, in FAO, *Report of the World Food Summit, Rome 13 to 17 November 1996*, Part I, Appendix (FAO, 1996); also available at <http://www.fao.org/wfs/index_en.htm>.

one of the Millennium Development Goals became that of halving the proportion of people who suffer from hunger by the year 2015.⁴ In order to achieve their goals, States adopted at the World Food Summit a Plan of Action containing commitments and objectives. One of these, Objective 7.4, is to 'clarify the content of the right to adequate food . . . as a means of achieving food security for all'.⁵

Since then, and partly in response to this call, the right to food has received increasing attention at the global, regional, and national level. The normative content of the right was spelled out in General Comment No. 12 of the Committee on Economic, Social and Cultural Rights (CESCR), the supervisory body of the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁶ The Human Rights Commission has appointed a Special Rapporteur on the Right to Food (Jean Ziegler).⁷ The right has been included in recent international and regional documents, among them the Plan of Implementation of the World Summit on Sustainable Development⁸ and the 2003 Protocol on the Rights of Women to the African Charter on Human and Peoples' Rights.⁹ Furthermore, right-to-food expert consultations were convened by the High Commissioner for Human Rights.¹⁰ The right to food is contained in a large number of constitutions, and international as well as national case law is developing.¹¹ Some countries organised national seminars to raise awareness about the right and to discuss ways of implementing it.¹² A few states are considering the enactment of special food security laws.¹³ In October 2002 the FAO Council established an Intergovernmental Working Group (IGWG) with the mandate 'to develop a set of voluntary guidelines to support Member Nations' efforts to achieve the progressive realisation of the *right to adequate food in the context of national food security*'.¹⁴

This last development, in particular, raises the pertinent question of how food security and the right to food relate to each other, as the IGWG will have to deal with the

⁴ UN GA *United Nations Millennium Declaration* A/Res/55/2, para 19. Both goals were recognised also in the Plan of Implementation of the World Summit on Sustainable Development, *Report of the World Summit on Sustainable Development*, 26 August–4 September 2003, UN Doc A/CONF.199/20, para 40(a).

⁵ Plan of Action, in FAO, *Report of the World Food Summit, Rome 13–17 November 1996*, Part I (FAO, 1996), also available at <http://www.fao.org/wfs/index_en.htm>.

⁶ Cf Committee on Economic, Social and Cultural Rights, *General Comment No. 12 (The Right to Adequate Food)*, E/C.12/1999/5 (12 May 1999), para 6.

⁷ Commission on Human Rights Resolution 2000/10 (17 April 2000), available at: <[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.CN.4.RES.2000.10.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.CN.4.RES.2000.10.En?Opendocument)>. The Rapporteur's mandate was renewed for a further three years in 2003, cf UN Commission on Human Rights, Resolution 2003/25 (22 April 2003).

⁸ *Op. cit.* note 4 *supra*, paras 40 and 102.

⁹ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Maputo, 12 July 2003, Article 15.

¹⁰ The first was held in Geneva in December 1997 (E/CN.4/1998/21), the second in Rome in November 1998, co-hosted by FAO (E/CN.4/1999/45) and the third in Bonn in March 2001 (E/CN.4/2001/148).

¹¹ FAO Legal Office, 'Implementing the right to food in national legislation', in FAO (ed.), *The Right to Food in Theory and Practice*, (FAO, 1998), 40–41 and FAO, *Recognition of the Right to Food at the National Level*, FAO Doc. IGWG RTFG2/INF1/REV.1. See also the Ogoni Case of the African Commission on Human Rights, African Commission on Human and Peoples' Rights, Decision regarding Communication 155/96 (*Social and Economic Rights Action Center/Center for Economic and Social Rights v Nigeria*), Case No. ACHPR/COMM/A044/1 of 27 May 2002.

¹² E.g. South Africa, Uganda, Mali, Sierra Leone, Brazil, India.

¹³ E.g. South Africa, Uganda, and Ecuador, documents on file with author.

¹⁴ FAO, *Report of the 123rd Session of the FAO Council*, Rome, 28 October–1 November 2002, CL 123/REP-Revised, emphasis added.

relationship between the two in the Voluntary Guidelines. The questions arising in this context comprise the following: Is the right to food only a means to achieve food security, as the World Food Summit Plan of Action seems to indicate? Is it automatically fully realised once food security is achieved—or is it the other way round? Are the concepts referring to the same outcomes differing only in approach—food security being a policy concept, and the right to food a legal one? What is the value added in emphasising a *right* to food?

In order to deal with these questions, first, the two concepts of food security and the right to food will be looked at separately; then their similarities and distinctiveness will be discussed. Lastly, the paper will briefly place the increased attention given to the right to food within the wider context of rights-based approaches to development, of which right-to-food activities constitute only a segment.

II Food Security

‘Food security’ as a concept is younger than ‘the right to food’. The right to food had already been recognised in Article 25 of the Universal Declaration of Human Rights (UDHR) in 1948 and is enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966. The concept of food security was developed in the 1970s. Yet, food security, and not the right to food, was the topic of public discourse for a few decades until the time was ripe for focusing on the individual and his or her rights.

Food security has acquired a number of different meanings over time. Some estimate that approximately 200 definitions and 450 indicators of food security exist.¹⁵ In order to better understand the status quo of the concept of food security, the following section will trace how this increasingly complex concept evolved. The focus will be on public policy documents as they represent the negotiated consolidation of a diversity of states’ views and commitments, and give guidance to the activities of states and international organisations.

A Availability and Stability of Supply at the Global and National Level

At the time of the 1974 World Food Conference, food security was defined as the ‘availability at all times of adequate world food supplies of basic foodstuffs . . . to sustain a steady expansion of food consumption . . . and to offset fluctuations in production and prices’.¹⁶ The focus of the debate was on strengthening food production to increase availability and stability of world food supplies of basic foodstuffs, particularly cereals, to meet increasing demands. Such demands were triggered by population growth and the occurrence of a drought across many major grain-producing countries that had led to heavy demands on international grain markets¹⁷ and sharp rises in world food

¹⁵ C. Sage, ‘Food Security’, in E. Page, M. Redcliff (eds), *Human Security and the Environment—International Comparisons* (Elgar, 2002), 128, 129. See S. Maxwell, ‘Food Security: a Post-modern Perspective’, (1996) 21 *Food Policy* 155, 170 for a list of 32 different definitions of food security from 1975–1991.

¹⁶ FAO, *Report of the World Food Conference*, Rome 5–16 November 1974 (FAO, 1974). The Universal Declaration on the Eradication of Hunger and Malnutrition itself contains no definition.

¹⁷ C. Sage, *op. cit.* note 15 *supra*, at 128, 129 *et seq*; R. Stringer, *Food Security in Developing Countries*, Centre for International Economic Studies (CIES), Policy Discussion Paper No. 0011, 2002, 3 *et seq*.

prices.¹⁸ Very low levels of cereal stocks and high cereal prices had evoked a perception that the world was moving towards overall food shortages that required crop-protection measures. There was debate as to how the international community could ensure that developing countries had access to adequate flows of staple foods,¹⁹ and new international bodies were proposed: the World Food Council, the FAO Committee on World Food Security and the International Fund for Agricultural Development. FAO adopted an International Undertaking on World Food Security.²⁰

In line with the focus on food shortages, the Universal Declaration on the Eradication of Hunger and Malnutrition adopted at the 1974 World Food Conference proclaimed that 'every man, woman and child has the inalienable right to be free from hunger and malnutrition'.²¹ The more comprehensive 'right to adequate food', that had been enshrined only eight years earlier in Article 11 of the ICESCR, was not mentioned, and the implications of recognising a right were not developed in the Declaration.²²

After the recovery from the world food crisis at the beginning of the 1970s and due to difficulties related to the negotiations of a new international grains agreement, measures at the national level received increased attention. In 1979 the FAO Council adopted a 'Plan of Action on World Food Security'.²³ It urged governments to 'take full advantage of the relatively ample world supply situation for cereals in order to build up stocks', to 'adopt and implement national cereal stock policies, and targets or objectives'. It suggested criteria for the management and release of national stocks and encouraged governments to give high priority to the formulation and implementation of national food security programmes.

B Access at Household and Individual Level

In 1981 Amartya Sen's seminal 'Poverty and Famines'²⁴ shattered the theory that food insecurity was mainly a result of lack of availability of foodstuffs, by proving that *individuals'* food security was primarily dependent on their possibilities to *access* food, their '[ability] to establish entitlement to enough food' either through production-based, labour-based, trade-based, transfer-based, or other entitlement relationships.²⁵ He showed that individual food security can be severely constrained despite sufficient national supplies, and that some of the worst famines took place due to entitlement shifts with no significant decline in food availability per capita.²⁶

¹⁸ S. Maxwell, *op. cit.* note 15 *supra*.

¹⁹ *Ibid.*, at 25.

²⁰ FAO, 'Council Resolution I/64', *Report of the Council of FAO Sixty-Fourth Session, Rome 18–29 November 1974* (FAO, 1974), 11 *et seq.*; also reprinted in K. Tomasevski (ed.), *The Right to Food: Guide through Applicable International Law* (Martinus Nijhoff, 1987), 219 *et seq.*

²¹ Adopted by the World Food Conference, Rome, 5–16 November 1974, UN Doc. E/CONF.65/20, para 1.

²² There is only one further reference to 'the right to life and human dignity as enshrined in the Universal Declaration of Human Rights'.

²³ FAO, 'Council Resolution I/75', *Report of the Council of FAO Seventy-Fifth Session, Rome 11–22 June 1979*, (FAO, 1979), 7 *et seq.*; also reprinted in K. Tomasevski (ed.), *op. cit.* note 20 *supra*, 219 *et seq.*

²⁴ A. Sen, *Poverty and Famines—An Essay on Entitlement and Deprivation* (Oxford University Press, 1981).

²⁵ *Ibid.*, at 8. S. Maxwell points out that Sen was not the first to discover the importance of access to food. However, it was his study that brought it to the centre of development thinking. Cf S. Maxwell, *op. cit.* note 15 *supra*, at 157.

²⁶ *Ibid.*, at 7.

In the relatively more stable international food-market environment it became clear that not food availability, but poverty and lack of access (a problem of effective demand) cause food insecurity. The food security agenda was broadened from focussing on instability and acute crisis to the problem of chronic hunger.²⁷ In 1983, FAO explicitly expanded its definition of food security to include ‘security of access to supplies on the part of all those who need them’.²⁸

People in general, and the household in particular, became of interest. The World Bank used a definition that took people’s needs as its starting point.²⁹ The 1985 World Food Security Compact,³⁰ adopted by the FAO Conference to bring together general principles and suggestions for action by governments, organisations, and individuals, mentioned food security at the national, household, and individual level. It acknowledged that ‘achievement of the “fundamental right of everyone to be free from hunger” depends ultimately on the abolition of poverty’ [sic].³¹

The 1980s also witnessed interest in the complex relationships between chronic, seasonal, and temporary food insecurity, peoples’ coping strategies, their priorities when making choices as to how to spend overall insufficient resources, food security as part of a wider livelihoods concept, and the relationship between household and individual food security.

It became clear that even with household food security, *individual* food security is not guaranteed. Within the household, access to food by individuals is linked to their control over household income and household resources, often to the disadvantage of women and children, particularly girl children.³² Food-insecure individuals can be found in food-secure households, and likewise, food-secure individuals can be found in some food-insecure households, depending on the—in many cases ‘gendered’—power relationships within the ‘black box’ household.³³

At about the same time as food security research revealed the importance of looking at the individual, the right to food received particular attention for the first time.³⁴ With the end of the Cold War, the perception of the division of human rights into ‘western’ civil and political rights, and ‘eastern’ and ‘southern’ economic, social and cultural ones, had also begun to fade away. Asbjørn Eide, in his capacity as then Special Rapporteur on the Right to Food of the UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities submitted a groundbreaking study in 1987.³⁵ It was the first Sub-Commission study to explore the nature and content of a socio-

²⁷ E. Clay, *Food Security: A Status Report of the Literature*, ODI Research Report, (ODI, 1997), 7.

²⁸ FAO Conference, ‘Resolution 2/83 on World Food Security’, in *Report of the Conference of FAO, Twenty-second Session, Rome 5–23 November 1983* (FAO, 1983) 15. See also FAO Conference, ‘Progress in Implementation of the Plan of Action to Strengthen World Food Security—Reappraisal of Concepts and Approaches’, *ibid.* p. 12 *et seq.*

²⁹ The definition used by World Bank was ‘access by all people at all times to enough food for an active, healthy life’, *Poverty and Hunger Issues and Options for Food Security in Developing Countries* (World Bank, 1986) at v.

³⁰ FAO, ‘The World Food Security Compact’, *Report of the Conference of FAO, Twenty-third Session, Rome 9–28 November 1985* (FAO, 1985), reprinted in Tomasevski, *op. cit.* note 20 *supra*, at 224.

³¹ *Ibid.*, para 2.

³² Cf Stringer, *op. cit.* note 18 *supra*, at 5.

³³ Cf references in Stringer, *op. cit.* note 18 *supra*, at 5.

³⁴ Cf the appointment of A. Eide as Special Rapporteur on the right to food in 1983 and the first collection of articles dedicated to the right to food, in: P. Alston and K. Tomasevski (eds), *The Right to Food* (Nijhoff, 1984).

³⁵ It was published in 1989; A. Eide, *Right to Adequate Food as a Human Right* (United Nations, 1989).

economic right. It analysed the content of the right and clarified the corresponding national and international obligations of States.

C Health and Related Factors

The food security agenda was further broadened by health and nutrition research, which highlighted the fact that reciprocal and synergetic linkages exist between food intake and nutritional well-being.³⁶ Disease leads to deterioration in nutritional status at the same time as malnutrition increases susceptibility to disease.³⁷ Gastrointestinal infections particularly can impair the body's ability to absorb both calories and micronutrients.³⁸ A life-cycle approach to understanding the long-term and intergenerational consequences of malnutrition was developed.³⁹ It was also shown that food quality and nutritional value mattered as, even if food is consumed in quantities sufficient to meet caloric and protein needs, micro-nutrient deficits, in particular of vitamin A, iron, and iodine, heavily impact on mental functions and vulnerability to disease.⁴⁰

Non-food causes of food insecurity were looked into, such as inadequate care—particularly of young children who need not only sufficient healthy food, but also somebody to feed them. Some strands of the literature have considered food security as only one component of the wider goal, 'adequate nutrition' or 'nutrition security'; adequate care and adequate prevention and control of diseases being the others.⁴¹

D The World Food Summit Approach

The definition of food security most widely used and accepted at present is a complex definition adopted at the World Food Summit in 1996: 'Food security, at the individual, household, national, regional and global levels is achieved when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life'.⁴² It comprises the elements of earlier definitions, but adds 'safe' and 'nutritious', recognises dietary needs and the importance of cultural factors, and sees an active and healthy life as the broader goal beyond food security.

According to FAO, the definition is in keeping with three classic aspects of food security: availability of staple foods, stability of supplies, and access for all to these supplies, but also introduces the idea of adapted food, i.e., of the 'biological utilization' of food, which depends, *inter alia*, on cooking methods, ways of consuming food, and the

³⁶ L. F. De Rose and S. R. Millman, 'Introduction', in L. F. De Rose, E. Messer and S. R. Millman, *Who's Hungry? And how do we know it? Food Shortage, Poverty and Deprivation* (United Nations, 1998) at 8.

³⁷ *Ibid.*

³⁸ FAO, *The State of Food Insecurity in the World 2001* (FAO, 2001) at 32–33.

³⁹ Cf Commission on the Nutrition Challenges of the 21st Century, *Ending Malnutrition by 2020: an Agenda for Change in the Millennium*, Final Report to the UN Standing Committee on Nutrition, 2000. Available at <http://www.unsystem.org/scn/Publications/UN_Report.PDF> (access 10 October 2003); A. Eide, UN Commission on Human Rights, Subcommission on the Prevention of Discrimination and Protection of Minorities, *Updated Study on the Right to Food, submitted by Mr. Asbjørn Eide in accordance with Sub-Commission decision 1998/106, E/CN.4/Sub.2/1999/12*, paras 19 *et seq.*

⁴⁰ *Ibid.*, pp 9–11.

⁴¹ A. Eide, A. Oshaug and W. Barth Eide, 'Food Security and the Right to Food in International Law and Development', (1991) 1 *Transnational Law and Contemporary Problems* 415, 445 *et seq.*

⁴² Plan of Action, *op. cit.* note 5 *supra*.

state of a person's health.⁴³ It also addresses food security as an issue from the individual to the global level.

This section can be summarised by stating that the notion of food security evolved, developed, and diversified to become more and more encompassing and multilayered. At least three important shifts in thinking about food security can be identified since the World Food Conference of 1974. A shift in the unit level of analysis; a shift from quantity alone to 'quantity and quality'; and a shift from looking at food alone to including the broader context. Attention widened from the international, to the national, to the household level, and finally to the individual level once research had shown that even behind the veil of household food security, food insecure individuals could be hidden. While initially the main concern was availability of staple food supplies, gradually the importance of other factors such as food quality, safety, and micro-nutrients was recognised. Finally, non-food factors relevant for food security such as adequate care, health and hygiene practices have received attention.

III The Right to Food

At the same time that increasing interest was directed towards the individual in food security thinking, the 1990s also witnessed growing attention to the right to food that had been largely dormant since its early recognition in the UDHR and the ICESCR (see below).

A Legal Foundation

The right to food, or aspects of it, are included in a large number of binding and non-binding instruments.⁴⁴ Article 25 Paragraph 1 of the UDHR states that 'everyone has the right to a standard of living adequate for the health and well being of himself and his family, including food, clothing, housing'. Other bases are Article 12 Paragraph 2 of the Convention on the Elimination of All Forms of Discrimination Against Women of 1979; Article 24 Paragraph 2(c) and (e), as well as Article 27 Paragraph 3 of the Convention on the Rights of the Child of 1989; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003);⁴⁵ the World Declaration on Nutrition adopted at the International Conference on Nutrition in 1992;⁴⁶ the International Conference on Population and Development of 1994;⁴⁷ the Copenhagen Declaration on Social Development of 1995;⁴⁸ the—in this respect particularly important—1996 Rome Declaration on World Food Security and Plan of

⁴³ FAO, *Handbook for Defining and Setting Up A Food Security Information and Early Warning System (FSIEWS)*, FAO Agricultural Policy and Economic Development Series (FAO, 2001), 4, at 64.

⁴⁴ Also international humanitarian law contains right to food related provisions, *inter alia*, in Article 54 of Additional Protocol I to the Geneva Conventions. An enumeration of these provisions is beyond the scope of this study.

⁴⁵ *Op. cit.* note 9 *supra*.

⁴⁶ Para. 1: 'We recognise that access to nutritionally adequate and safe food is a right of each individual'.

⁴⁷ Principle 2. UNDOC.A/CONF.AI/13 of 18 October 1994.

⁴⁸ Commitment 1 (f): 'We . . . reaffirm, promote and strive to ensure the realization of the rights set out in relevant international instruments and declarations, such as the Universal Declaration of Human Rights, the Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development, including those relating to . . . food'.

Action,⁴⁹ the Declaration of the World Food Summit Five Years Later in 2002,⁵⁰ and the 2002 Plan of Implementation of the World Summit on Sustainable Development.⁵¹ Furthermore, the right to food has been recognised in numerous resolutions and declarations of the General Assembly, ECOSOC, and the Commission on Human Rights.

The instrument that deals most comprehensively with food rights is the ICESCR. In Article 11 Paragraph 1 ‘States Parties . . . recognise the right of everyone to an adequate standard of living . . . including adequate food’. In Article 11 Paragraph 2 ICESCR ‘States Parties . . . [recognise] the fundamental right of everyone to be free from hunger’. As part of a surge of right to food activities in the follow-up to the World Food Summit (see Introduction), the monitoring body of the ICESCR, the CESCR, developed an interpretation of the content of the right. It adopted General Comment No. 12 on the Right to Adequate Food in May 1999.⁵² For the current 149 Member States of the ICESCR, this constitutes an authoritative interpretation of their obligation to progressively realise the right to adequate food, as enshrined in Article 2 Paragraph 1 and Article 11 ICESCR.⁵³ General Comment No. 12 was strongly influenced by Eide’s 1987 study on the right to food (see above). An update of the study was prepared in parallel to the drafting of General Comment No. 12.

B Normative Content

General Comment No. 12 defines the right to food as ‘*the right of everyone to have physical and economic access at all times to food in adequate quantity and quality or to means of its procurement*’.⁵⁴ It outlines in some detail basic premises, the normative content of the right, states’ obligations, violations, and implementation at the national level, as well as international obligations.

The right to food implies the ‘availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture [and] the accessibility of such food in ways that are sustainable and do not interfere with the enjoyment of other human rights’.⁵⁵

‘Availability’ refers to the possibility of either feeding oneself directly from productive land or other natural resources, or having means for the procurement of food through well-functioning distribution, processing, and market systems. ‘Dietary needs’ implies that the diet as a whole must contain a mix of nutrients for physical and mental growth, development and maintenance, and physical activity, which is in compliance with human physiological needs at all stages throughout the life cycle, and according to gender and occupation.⁵⁶ ‘Free from adverse substances’ sets requirements for food safety and for a range of protective measures to prevent contamination of foodstuffs through adulteration and/or through bad environmental hygiene or inappropriate handling at different stages throughout the food chain.⁵⁷ ‘Cultural acceptability’—the

⁴⁹ *Op. cit.* note 5 *supra*.

⁵⁰ Declaration of the World Food Summit Five Years Later, ‘An International Alliance Against Hunger’. *FAO, Report of the World Food Summit Five Years Later*, 10–13 June 2002, Part I, Appendix (FAO, 2002).

⁵¹ *Op. cit.* note 4 *supra*.

⁵² *Op. cit.* note 6 *supra*.

⁵³ Eide, *op. cit.* note 39 *supra*; C. Villan Durán, ‘The Right to Food and Drinking Water’, in *International Law: New Developments, Liber Amicorum to Professor Antônio Augusto Cançado Trindade* (forthcoming).

⁵⁴ CESCR, *op. cit.* note 6 *supra*, para 6.

⁵⁵ *Ibid.*, para 8.

⁵⁶ *Ibid.*, para 9.

Committee also calls it consumer acceptability—implies the need to take into account, as far as possible, perceived non nutrient-based values attached to food and food consumption, and informed consumer concerns regarding the nature of accessible food supplies.⁵⁸ ‘Accessibility’ encompasses both economic and physical accessibility. 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. Physical accessibility means that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, the elderly and the infirm.⁵⁹ ‘Sustainable access’ denotes the requirement that food be accessible for both present and future generations. It incorporates the notion of long-term availability and accessibility.⁶⁰

C States’ Obligations

The principal obligation under the ICESCR is the obligation ‘to [undertake] steps . . . with a view to achieving progressively the full realization of the rights recognised in the present Covenant’ (Article 2 Paragraph 1).

The full realisation of all rights contained in the Covenant is the ultimate goal and objective. While realising this goal may take time, steps must be taken immediately. States must move as expeditiously and effectively as possible, within the limits of their maximum available resources,⁶¹ towards this goal. The right to adequate food must be implemented at the national level through a multitude of diverse steps, which in the short term contribute to progressive realisation, while eventually leading to full realisation. The Committee has pointed out that any assessment as to whether a State has discharged its obligations under the Covenant must take account of resource constraints within the country concerned⁶² and that it is crucial to distinguish States’ inability from unwillingness to comply.⁶³

The right to food, as all human rights, entails three forms of state obligations, viz. the obligations to respect, protect, and fulfil the right to adequate food. The obligation to *respect* requires that States refrain from interfering directly or indirectly with the enjoyment of the rights. They must refrain from denying or limiting access to food or interfering arbitrarily with existing arrangements, e.g. by destroying existing functioning market systems. The obligation to *protect* requires States to take measures to ensure that third parties such as individuals, groups, corporations, or other entities do not interfere in any way with the enjoyment of the right. States must take, effective legislative and other measures—such as food safety measures—to control and restrain the activities of third parties. The obligation to *fulfil* means that States must take positive measures to *facilitate* and *provide* for individuals’ enjoyment of their rights. Facilitation comprises the development of comprehensive national right-to-food strategies, the development of policies, the repeal of legislation that impairs the progressive

⁵⁷ *Ibid.*, para. 10.

⁵⁸ *Ibid.*, para. 11.

⁵⁹ *Ibid.*, para. 13.

⁶⁰ *Ibid.*, para. 7.

⁶¹ Article 2 Paragraph 1 ICESCR.

⁶² CESCR, General Comment No. 3 on the Nature of States Parties Obligations, 14 December 1990 contained in UNDOC.E/1991/23.

⁶³ General Comment No. 12 *op. cit.* note 6 *supra*, para 17.

realisation of the right, and the enactment of necessary new laws. In short, it comprises the development of an enabling framework in which as many individuals as possible can provide for their own food. Lastly, States have the obligation to *provide* for the fulfilment of the rights directly in those cases, and only in those cases, in which individuals are unable, for reasons beyond their control, to realise the rights themselves. Food safety nets and food interventions targeted towards vulnerable groups fall within the provide dimension. Unfortunately, providing food is often mistakenly regarded as the main thrust of the concept of a 'right to food', which has led to its rejection in many cases and to a politicised debate. If a State is not able to fulfil its 'provide obligation' immediately, it does not violate its obligations, if it can demonstrate that every effort has been made to use all the resources at its disposal in an effort to satisfy, as a matter of priority, at least minimum obligations.

Some right-to-food obligations must be fulfilled immediately. Among the duties that are not restrained by limited resources are the duty to 'respect' the right and the duty not to discriminate. Any discrimination in access to food as well as to means and entitlements for its procurement with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of the right to food constitutes a violation.⁶⁴

IV Similarities and Distinctiveness

There are considerable similarities between the World Food Summit's definition of food security ('Food security . . . is achieved when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life') and the CESCR's definition of the right to adequate food ('the right of everyone to have physical and economic access at all times to food in adequate quantity and quality or to means of its procurement') with its sub-definitions. Hence, are 'achieving food security' and 'fully realizing the right to food' two terms implying essentially the same objective? More to the point: Is the current promotion of the right to food a mere relabelling of policy attempts to achieve food security or, as the World Food Summit Plan of Action seems to suggest, only a means of achieving food security?⁶⁵ Or, is realising the right to food an objective in itself that has more dimensions than the objective to achieve food security? In order to respond to these questions, the following section will analyse both the *objectives* of the two approaches—food security and the full realisation of the right to adequate food—and the *methods* they permit to be employed. In the case of Canada, the CESCR showed that while the country had been for years at the top of the United Nations Development Programme's Human Development Index, it still failed in many respects to fulfil its human rights obligations.⁶⁶ This paper will argue that the full realisation of the right to food cannot be reduced to a means to achieve food security, but that it is a distinct encompassing objective in itself.

The analysis faces two challenges. The first is that it is to some extent a comparison of 'apples with pears', i.e. a comparison of two subject matters of a different nature.

⁶⁴ Art 2, para. 2 ICESCR, and CESCR, *op. cit.* note 6 *supra*, para 18.

⁶⁵ Cf Introduction *supra*.

⁶⁶ CESCR, Concluding Observations of the Committee on Economic, Social and Cultural Rights: Canada, E/C.12/1/Add.31 of 10 December 1998.

The second is that the concept of food security is not a homogeneous one. While the first is recognised as a limitation, the second will be dealt with by focusing on the World Food Summit 1996 food security definition, which will be contrasted with the right to food as outlined in General Comment No. 12.

Before embarking on the analysis, the present study will look briefly at how the two concepts are related in the World Food Summit and the World Food Summit Five Years Later documents. Those documents are high-level endorsements of the right to food, and they were stepping stones towards the establishment of the IGWG (see Introduction), which draw, in its work, on the thinking and discussions that took place during the two food summits.

A Food Security and the Right to Food in International Documents

The two 1996 documents, the Rome Declaration on World Food Security and the Plan of Action, refer in two instances to the right to food. In Paragraph 1 of the Rome Declaration, States 'reaffirm the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger'. The cumbersome and unclear formulation reflects the difficulties and controversies encountered in the negotiations of the Declaration. It constitutes a compromise between right-to-food proponents and others that have reject any notion of a *right* to food. States reaffirmed '*the right to have access to safe and nutritious food*'. A right to access '*safe*' and '*nutritious*' food might be interpreted as not encompassing a right to *sufficient* food. It could imply that the food that is available on the market must be safe and nutritious, but that no obligation would exist to increase the availability of foodstuffs in case of shortcomings. Also, the 'fulfil/provide' dimension of states' obligations towards those who are, for reasons beyond their control, unable to provide for themselves could be left out (cf the reservations of the United States concerning Paragraph 1 of the Rome Declaration and to Operative Paragraph 10 of the World Food Summit Five Years Later Declaration).⁶⁷ As such an interpretation would not be in line with states' human rights obligations it can, however, not be assumed that it was the intention of states to recognise only some aspects of the right to food. It is, nevertheless, noteworthy that the right to adequate food as such is not reaffirmed in clear terms, although in 1996 more than 120 States had already become Parties to the ICESCR. The right to have access to safe and nutritious food is only referred to as being *consistent* with the right to adequate food and the fundamental right of everyone to be free from hunger.

The second instance is in the World Food Summit Plan of Action. Its Objective 7.4 is: '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* to achieving food security for all' (emphasis added). Objective

⁶⁷ FAO, *Report of the World Food Summit, 13–17 November 1996*, Part I, WFS 96/REP (FAO, 1997), Annex II, p. 50 and note 70 *infra*.

7.4. then lists a number of steps to be taken that contain no further indications of how States at the Summit considered the right to food to relate to food security.⁶⁸ In 1996, the right to food was described merely as a means of achieving food security.

Between the World Food Summit and the World Food Summit Five Years Later a large number of right-to-food activities took place (see Introduction) that strengthened the right and prepared the ground for the 2002 developments. While in 2002, at the World Food Summit Five Years Later, States again reaffirmed the limited 'right of everyone to have access to safe and nutritious food',⁶⁹ they also took the step to invite—with one reservation⁷⁰—the FAO Council to establish the IGWG 'to develop a set of voluntary guidelines to support Member States' efforts to achieve the progressive realization of the right to adequate food in the context of national food security'.⁷¹ The relationship between the right to food and food security in the mandate of the IGWG is not entirely clear. The meaning of national food security as the 'context' for the right to food is ambiguous. It could be read as a reflection of human rights doctrine according to which a State has human rights obligations only vis-à-vis individuals under its jurisdiction and not towards others. It could also be seen as limiting the task of the IGWG to national food security as the unit of analysis, leaving out larger units such as of regional or world food security. Or, it could be understood as asking the Working Group to develop guidelines only on national policies, without touching upon their entanglements with the broader international trade and aid framework. The latter interpretation would render the task of the Intergovernmental Working Group a very difficult one, as States have as a matter of law and policy to take account of a variety of international legal obligations in their national food security policies.

The fact that in 2002 the World Food Summit Five Years Later mandated the IGWG to develop guidelines for the progressive realisation of the *right to adequate food*, and

⁶⁸ States will, as appropriate, make every effort to implement the provisions of Article 11 ICESCR and relevant provisions of other international and regional instruments. ('As appropriate' allows States that are not Parties to the ICESCR to argue that, as they are not bound by its provisions, it is not appropriate for them to implement them, cf the interpretative statements by the United States to this paragraph, FAO, *Report of the World Food Summit, 13–17 November 1996*, Part I, WFS 96/REP, Annex II, p. 51). It urges States that are not yet parties to the Covenant to adhere to it. It invites the CESCR to give attention to the Plan of Action in its work. It invites all UN bodies to consider how they might contribute to the further implementation of the right and invites the UN High Commissioner for Human Rights and other UN human rights bodies to better define the rights related to food in Article 11 of the ICESCR and to propose ways to implement and realise these rights.

⁶⁹ Preamble of the World Food Summit Five Years Later Declaration, *op. cit.* note 50 *supra*.

⁷⁰ The United States communicated the following reservation to Operative Paragraph 10, reflecting a rejection of the very notion of a right to food: '[t]he 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 services and necessary social services. Furthermore, 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 legal obligation or any domestic legal entitlement, and does not diminish the responsibility 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'; FAO, *Report of the World Food Summit: Five Years Later*, Annex II Explanatory Notes/Reservations. *op. cit.* note 50 *supra*.

⁷¹ Operative paragraph 10 of the World Food Summit Five Years Later Declaration, *op. cit.* note 70 *supra*. The IGWG was established by the FAO Council at its 123rd session in October 2002, cf note 14 *supra*.

not for the achievement of national food security, has to be read, however, as a recognition of the central role of the right to food. This approach seems to go beyond the earlier more instrumentalist view of the right to food as a means to achieve food security.

B The Relationship between Food Security and the Right to Food

Attempts to achieve food security and attempts to realise the right to food are obviously both concerned with fulfilling people's basic need for food and nourishment. It is this *tertium comparationis* that justifies a comparison. The following section will compare first the two objectives and then the methods used to pursue them in order to develop the distinct merits of a right-to-food approach.

a) Objective

i) Overall objective. Food security policies aim at achieving food security; right-to-food measures at fully realising the right to food. Both concepts cover food availability, accessibility, safety, cultural acceptability, and conditions in other fields. *De facto*, both have also in common that fact that the attention paid to food availability largely outweighs food safety concerns, although the safety of food is an element of both concepts.⁷²

ii) Justification of the objective. The aim of food security can be based on a number of grounds. These range from moral grounds to more economic approaches, which emphasise that the overall costs of hunger are prohibitive to society as a whole. Human rights are exclusively based on the very idea of human dignity. They require *a priori* value commitments⁷³ and recognition of the universal, interdependent, and inalienable character of all human rights. From a human rights perspective, all other considerations must be secondary in nature.

iii) Nature of the objective. Food security has remained up to now a policy concept. Hence striving for food security means striving towards a policy goal. In international law it is used only in non-binding instruments⁷⁴ such as those adopted at the World Food Summit and the World Food Summit Five Years Later, and has not been given a normative content. Being a policy rather than a legal concept, food security is subject to easy redefinition. Conversely, aiming for the realisation of the right to food means implementing a legal obligation. The right to food is a well-recognised element of both treaty and customary international law, with a relatively clear and binding normative content that continues to be developed through the findings of treaty bodies, international and national case law, and other means. As Alston states 'human rights norms have a relatively precise content, the surrogates [such as food security] are open-ended,

⁷² In practice, the main centre of attention of international actors (such as FAO and particularly the Committee on World Food Security, and the CESCR) and programmes (such as FAO's Special Programme on Food Security) has been food supply security. Food safety has developed into a highly specialised separate field in which a different set of actors, such as the joint FAO/WHO Codex Alimentarius Commission, operates and sets standards. Also, at the national level, in many cases different authorities are in charge of the two aspects.

⁷³ P. Alston, 'What's in a Name: Does it Really Matter if Development Policies Refer to Goals, Ideals or Human Rights?', in H. Helmich in collaboration with E. Borghes (eds), *Human Rights in Development Co-operation*, SIM Special No. 22, Utrecht, 1998, p. 104.

⁷⁴ Cf on the soft law nature of these instruments, for example, C. Tomuschat, 'The Concluding Documents of World Order Conferences', in J. Makarczyk (ed), *Theory of International Law at the Threshold of the 21st Century—Essays in Honour of Krzysztof Skubiszewski* (Kluwer, 1996) 563.

manipulable and devoid of any fixed content'.⁷⁵ From the difference in nature it follows only that food security *as a policy goal* cannot be achieved. The full realisation of the right to food cannot only not be achieved, as *a right* the right to food can also be violated and such violations can be the subject of judicial or quasi-judicial remedies.

b) *Method*

i) *Unit of analysis of the objective.* The concept of food security applies to various levels: the global, regional, national, local, household, or individual one. Looking at each level can be of use, depending on the type of information and measure looked for. If food security exists at the individual level all larger units are food secure as well. The right to food as a human right applies to the individual and, in specific cases, also to the group level. There is no right to food of a nation state that can be fulfilled or violated, nor of a household. The main 'unit' of relevance is the individual.

ii) *Permissible methods.* As food security as such is not a subject of special international law, states have wide discretion to choose their own ways of managing food production, availability, and supply; regulating markets; dealing with access to natural resources etc. Legal restrictions from various fields of law, such as provisions on access to natural resources or on trade, do, however, apply. Also, human rights law constrains choices. Realisation of the right to food requires looking at outcomes and means. While it leaves states the liberty to design their own food security strategies, so as best to suit the national context, it also sets minimum requirements that must be met to make a right-to-food policy out of a food security policy. While, for example, the food security definition of the World Food Summit takes no stance on discrimination, human rights law forbids discrimination with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of the right.⁷⁶ Hence, food security could be achieved, while human rights, including the right to food, would still be violated because of discriminatory means. Prisoners who receive sufficient, safe, and nutritious food but are discriminated on the basis of their colour, with regard to quality and variety of supplies, are all food secure, yet the right to food of some is violated. Another characteristic of a right-to-food approach is its focus on the most vulnerable and, on human dignity. While people living off garbage dumps in slums can be food secure when they manage to find sufficient food on a regular basis, their right to food is still not fulfilled, as picking rubbish is incompatible with their human dignity.

iii) *Additional steps required to be taken.* Food security focuses on food-related concerns. The implementation of the right to food also requires taking into account general human rights principles such as the principles of accountability, transparency, people's participation, the independence of the judiciary, and the rule of law.⁷⁷ All levels of the state and all its actions, be they policies, strategies, programmes, or laws, must comply with human rights principles. Only then will the individual be able to act as the holder of a right, and not merely as the object of state policy. These principles underpin other key mechanisms such as judicial and administrative procedures and remedies. In addition, a right requires effective remedies of either a judicial or non-judicial nature and entitlement to adequate reparations for victims of violation.⁷⁸

⁷⁵ Alston, *op. cit.* note 73 *supra*, at 99.

⁷⁶ *Ibid.*, para. 18, cf Article 2 para. 2 ICESCR Art. 2 UDHR, Art. 1 para. 3 UNCharter and M. Craven, *The International Covenant on Economic, Social and Cultural Rights* (Clarendon Press, 1995) at 153 *et seq.*

⁷⁷ Cf CESCR, General Comment No. 12, note 6 *supra*, para 23.

⁷⁸ *Ibid.*, para 21.

These differences need to be reflected in monitoring procedures. While overall food security might be measurable, at least to some extent, by using anthropometric indicators, calories per capita availability, calorie intake etc, monitoring of the right to food requires sufficient disaggregation necessary to analyse the situation of vulnerable groups and the existence of discriminatory effects. Being a right, it also requires monitoring of its violations and the identification of obstacles to its realisation.⁷⁹ The latter cannot be delivered by technical agencies alone, but institutions versed in human rights, such as human rights commissions or ombudspersons, need to be involved.

In conclusion, it can be said that the concepts of food security and the right to food relate closely to each other. Evidently, it is in circumstances of food security that the right to food is most likely to be realised. Over time, the concept of food security has become more and more similar to that of the right to food, by paying more attention to food security at the individual level. Progressively realising the right to food should imply using a rights-based approach to food security that has distinct characteristics. Moreover, fully realising the right to food is a wider and more encompassing objective than achieving food security.

A right-to-food approach does not claim to achieve food security faster than other approaches, or to diminish the importance of experiences gained with food security policies. Any attempt to realise the right to food needs to be integrated with existing experiences with food security policies, programmes, and strategies. It adds new dimensions and poses some methodological limits to them. It reduces arbitrariness and is in line with international law.

It is the right to food that fully acknowledges the individual's dignity, his or her role as a subject, agent of change and as a rights-holder. It also highlights the importance of framework principles such as accountability and participation, of mechanisms to activate these principles and to provide remedies against violations. To regard it as a mere tool to achieve food security is failing to recognise these differences. The achievement of food security is a policy objective; striving towards the full realisation of the right to food is a legally binding obligation. It is not in accordance with the very idea of human rights based on human dignity to reduce them to instruments to achieve other goals. While human rights may help to achieve policy goals, and may have overlapping objectives, they are first and foremost goals in themselves. Discussing food security without taking note of the right to food is tantamount to claiming an unfettered liberty and sovereignty that states have long since given away.

V The Wider Context: Rights-Based Approaches to Development

The increasing attention paid to the right to food during the last few years is not an isolated development. It is intimately linked with, and part of, a trend in development circles to discuss and explore rights-based approaches to development and poverty reduction. Under international law all human rights are universal, indivisible, interdependent, inalienable, and interrelated.⁸⁰ Their implementation requires a broader range of human rights policies beyond sectorally implementing one right alone, such as the right to food. Although no single definition of 'rights-based approaches' or—a

⁷⁹ *Ibid.*, paras 29 and 31.

⁸⁰ Cf, for example, World Conference on Human Rights, Vienna Declaration and Programme of Action, para. 5, Vienna, 14–25 June 1993, UN A/Conf.157/23 of 12 July 1993.

parallel issue—‘mainstreaming human rights’ exists, some of the main features can be discerned. Their central characteristic is that the achievement of the full realisation of all human rights is set as the objective of all action. A rights-based approach recognises that individuals are not mere objects of policy, but that they, as human beings with dignity, have a right to food, education, participation in public affairs, fair judicial processes etc. It constitutes a shift from basic needs to rights, from beneficiaries to claimants. It thereby goes beyond earlier good governance, democracy, and human rights programmes that concentrated mainly on civil and political rights and the rule of law by support for elections, functioning court systems, police training, and the development of private, particularly property, law. This dimension can be called the ‘*dignity dimension*’ of a rights-based approach.

A rights-based approach acknowledges that states have international obligations that set requirements for both the outcome and the process of development. It helps to identify the desirable outcome—the full realisation of all human rights—and the permissible and desirable processes to reach this goal. A rights-based approach means to be explicit on principles, to clearly recognise and base all policies, programmes, laws, and other actions on a state’s national and international human rights commitments. There is thus a fairly clear international standard against which action can be measured. It is the ‘*acknowledgement dimension*’ inherent to a rights-based approach.

Compliance with these requirements, and progress towards the full realisation of all rights needs to be monitored against defined benchmarks and standards in order to be able to adjust action, as required and to identify the human rights implications of all government action. The development of indicators and other evaluation tools is therefore crucial. One might call these requirements the ‘*transparency dimension*’.

The concept of making progress visible or lack of it is closely linked to the idea of accountability. It means that actors have to bear the consequences of their actions. It can be created through a number of political, administrative, and judicial means. Accountability procedures can reveal violations of rights. In a rights-based framework individuals need to have the power to seek remedial actions against and compensation for violations. Avenues of redress can comprise judicial and non-judicial means. Altogether these elements constitute the ‘*accountability dimension*’.

A rights-based approach focuses on vulnerable groups, the marginalised, and the excluded, and pays particular attention to non-discrimination. It attempts to give ‘voice’⁸¹ to all people as a way of advancing their own claims, to prevent marginalisation and discrimination, to create accountability, and to enable meaningful participation in public affairs, in policy formulation, policy choice, implementation and monitoring, assessment and accountability⁸². This is the ‘*empowerment dimension*’.

To summarise, the key characteristics of a rights-based approach are: its basis on human dignity, its explicit acknowledgement of existing human rights standards, its transparency, accountability, and empowerment dimension, particularly through participation, non-discrimination, and attention to vulnerable groups. If taken seriously, a rights-based approach means more than adopting ‘rights language’. Rather, it implies comprehensive implementation of human rights and thereby tackling difficult issues of underlying beliefs, legitimacy of action, practice of power, and lines of

⁸¹ Cf Hirschmann on ‘voice’ and ‘exit’ as mechanisms to create accountability; A. Hirschmann, *Exit, Voice and Loyalty* (Harvard University Press, 1970).

⁸² United Nations, OHCHR, note 85 *infra*, at 16.

accountability.⁸³ A rights-based approach is not easy to implement, especially given the complex nature of states' obligations with respect to socio-economic rights. For states it means full compliance with their human rights obligations. For international organisations and donor agencies it implies supporting states' fulfilment of these obligations by adopting rights-based approaches in their work with a focus on the right or rights that are most closely linked to their mandate. Some international organisations, bilateral donors, and national governments have explicitly subscribed to such an approach.⁸⁴ This means more than adopting 'rights language'. Rather, goals and acceptable and desirable ways to achieve these goals need to be redefined.⁸⁵

FAO, the agency most concerned with right-to-food matters, is on its way to adopting a rights-based approach in its programmes and activities. FAO's Constitution was amended in 1965 in response to the drafting of the ICESCR.⁸⁶ During the last few years, reference has increasingly been made to the right to food and related human rights in policy statements as well as technical documents and the organisation has carried out more and more right-to-food related work. A significant development is its serving as Secretariat to the IGWG.

VI Conclusion

The concept of food security has changed significantly over time. It has broadened from availability and stability of basic foodstuff supplies at the international and national level to include access at the household and individual level; to comprise not only

⁸³ Cf Eyben, *op. cit.* note 85 *infra*.

⁸⁴ Among the international organisations that employ a rights-based framework are UNICEF (cf. UNICEF Mission Statement) and WHO; at the bilateral level both the Swedish SIDA and DFID have been vocal about the issues. At UN-level, two interagency workshops on implementing a human rights-based approach in the context of the UN Reform have explored how to mainstream and integrate human rights in all UN activities. Norway's policy on agriculture and food production is rights-based, cf A. Oshaug, *Implementing the Right to Food at National Level, The Case of Norway* (Abstract), available at: <<http://www.verbraucherministerium.de/workshop-615/speeches/oshaug.shtml>>.

⁸⁵ For literature on rights-based approaches see: Alston, *op. cit.* note 73 *supra*; J. Häusermann, *A Human Rights Approach to Development*, Department for International Development of the UK Government (DFID), (DFID, 1998); S. Maxwell; *What Can We Do with a Rights-based Approach to Development?*, Overseas Development Institute, Briefing Paper (ODI 1999 (3) September); United Nations Office of the High Commission for Human Rights, *Draft Guidelines: A Human Rights Approach to Poverty Reduction*, (OHCHR, 2003); R. Eyben, *The Rise of Rights—Rights-based Approaches to International Development*, IDS Policy Briefing, (IDS, Issue of 17 May 2003); WHO, *25 Questions and Answers on Health and Human Rights*, Geneva, available at <<http://www.who.int-hhr>>; R. Hodgkin and P. Newell, *Implementation Handbook for the Convention on the Rights of the Child* UNICEF, 2002), UNDP, *Human Rights and Human Development*, Human Development Report (UNDP, 2000).

⁸⁶ In 1965, the FAO Council noted that the draft ICESCR formally recognised humanity's fundamental right to freedom from hunger. The Council was of the opinion that FAO's Constitution should not be any less specific on such an issue than the proposed Covenant, (FAO, *Report of the Forty-Fourth Session of the Council of the FAO*, 1965, at 26). Following a proposal by the Council, the FAO Conference amended the preamble of the FAO Constitution at its 13th Session in 1965. The FAO Conference adopted on 1 December 1965 Resolution No. 12/65. In the Resolution, it considered that it was the ultimate aim of all of the organization's work, as reflected in its purposes, functions, and responsibilities embodied in the Constitution of the Organization, to ensure the fundamental right of everyone to be free from hunger and decided to amend the Preamble of the FAO constitution, (FAO, *Report of the Thirteenth Session of the FAO Conference*, 1965, p. 77). However, the right to be free from hunger was not explicitly included in the Constitution. As one of FAO's purposes, only 'ensuring humanity's freedom from hunger' was introduced.

sufficient, but also safe and nutritious food; and to take account of health and other factors.

The definition of food security now most commonly used, that of the World Food Summit, bears considerable resemblance to the definition of the right to food as adopted by the CESCR. Improving food security will lead to progressive realisation of the right to food. Yet, a right-to-food approach to food security has distinct characteristics. Those pertain to the justification underlying the two concepts, their nature, the unit they are mainly interested in, their focus, and their scope. It is through a rights-based approach that food security is complemented by dimensions of dignity, rights acknowledgment, transparency, accountability, and empowerment. There is a difference between promoting one or other policy to improve food security, and acknowledging that individuals have a *right* to food. The right to food is based on an *a priori* commitment to the value of human dignity, and makes the individual and his or her rights the centre of policy in a way that enables him or her to hold government accountable and to seek redress for violations of his or her rights. Moreover, a right-to-food approach is not based on vague and replaceable policy goals subject to periodic redefinition, but on existing obligations that are comparatively specific and continuously being better-defined and clarified. It is part and parcel of a wider set of rights-based approaches to development to which states have committed themselves to under human rights law.