



INTERNATIONAL FOOD
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sustainable solutions for ending hunger and poverty
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IFPRI Discussion Paper 00731

December 2007

**The Human Right to Food as a U.S. Nutrition Concern,
1976-2006**

Ellen Messer, Tufts University
and
Marc J. Cohen, International Food Policy Research Institute

Food Consumption and Nutrition Division

INTERNATIONAL FOOD POLICY RESEARCH INSTITUTE

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ABSTRACT

For 30 years, U.S. food and nutrition scientists and policymakers concerned with food and nutrition have explored the possibility of making the human right to food (HRF) the moral and legal cornerstone of U.S. domestic and international initiatives in this area. The U.S. government has consistently opposed formal right-to-food legislation, labeling it as overly burdensome and inconsistent with constitutional law. In contrast, anti-hunger advocates have favored a rights-based framework as a way to hold government accountable for improving the nutritional situation of its poorest citizens and for saving lives and preventing malnutrition in developing countries. The U.S. government has continually expanded food and nutrition assistance at home and abroad, but not within a human rights framework. What might a human rights perspective add, and what are the continuing rationales of the opposition? Using as touchstones U.S. government and nongovernmental organization (NGO) testimonies from the 1976 Right to Food Resolution congressional debate and the 1996 World Food Summit, which featured U.S. opposition to HRF language, the U.S. government and NGO HRF positions are traced from 1976 to 2006. Qualitative analyses of historical policy position papers, testimonies, research reports, and the popular nutrition literature are used to evaluate how human rights and the HRF—as framing and rhetoric—have influenced nutrition policy, public and official understanding, and outreach. In this documentation process, we also integrate information from the wider “human rights” positions of the food-and-nutrition advocacy community, including Food First, Bread for the World, the Food Research and Action Center, the community food security movement, and charitable food assistance agencies, to demonstrate where these different advocacy agents, organizations, and agendas fit in this process of advancing a HRF sensibility.

Key words: Food policy; human rights; right to food; malnutrition; social welfare; United States

1. INTRODUCTION

For more than 30 years, U.S. scientists and policymakers concerned with food and nutrition have explored the possibility of making the human right to food (HRF) the moral and legal cornerstone of U.S. domestic and international initiatives in this area. The U.S. government has consistently opposed formal right-to-food legislation as overly burdensome and inconsistent with constitutional law (Alston 1990; U.S. Delegation 2000; Sunstein 2005). Although it legislates food and nutrition assistance at home and abroad, it does not do so within a human rights framework. In contrast, anti-hunger and “food first” advocates have favored a rights-based approach as a way to hold government accountable for improving the nutritional situation of its poorest citizens and for saving lives and preventing malnutrition in developing countries (Simon 1975; U.S. Presidential Commission on World Hunger 1980; Kutzner 1993; U.S. GAO 1996; Mittal and Rosset 1999).

Right-to-food advocates, asserting that a legal HRF and a rights-based approach to adequate food can improve nutrition, health, and social outcomes, have taken two basic ways forward to influence the U.S. government and U.S. public opinion. One path is normative: it specifies what behaviors are expected, and what every government should do, to respect, protect, and fulfill the right to food. Since 1976, legal and political experts have advanced a substantive legal discourse to clarify these three dimensions of the right to food, which are the terms that U.N. legal experts use to describe human rights obligations: the corollaries of rights. The alternative path is positive political analysis that leads to substantive corrective actions. Advocates use HRF as a reference point for political mobilization to improve health and nutrition, as part of general human rights advocacy campaigns, or to promote particular pieces of legislation. The first path has been dominated by U.N. and associated legal experts originating from social welfare states (A. Eide 1989; W. B. Eide and Kracht 2005).

The second approach has been more characteristic of politically progressive social justice advocates. These proponents advance the HRF by healing and feeding, think tank research and outreach, and education and targeted legislative campaigns, respectively. They include many U.S. health and nutrition professionals (for example, Farmer 1999, 2006); U.S. citizens’ organizations such as Food First (Lappé and Collins 1977); and nongovernmental organizations (NGOs), coalitions, and lobbies that aim to end hunger (Simon 1975). These activists insist that “America Needs Human Rights” (Mittal and Rosset 1999) based on the findings that tens of millions of people in the United States are at risk of food insecurity, that those people have no sure access to health care, and that U.S. foreign policy is less effective than it could be under rights-based policies. However, these advocates are not major players in the normative discourse of covenant making and interpretation that dominate the U.N. HRF discourse that results in action.

Yet it is at this level of normative discourse that one can discover and evaluate the evidence for U.S. opposition to the U.N. HRF framework. The principal U.S. opponents to the adoption of a HRF approach to food and nutrition problems base (or caricature) their resistance on four basic points:

- The HRF is not protected by the U.S. Constitution.
- The HRF is associated with un-American socialist political systems.
- Taking on HRF obligations would be too expensive.
- Culturally, HRF provisions are not the American way, which is self-reliance.

HRF advocates—all within the NGO sphere—counter each point systematically. They argue that

- The HRF is not inconsistent with existing constitutional protection.
- President Franklin D. Roosevelt’s concept of freedom from want, which is a starting point for the HRF, is definitively an American political value enshrined in the U.S. political system.
- The clarification of food and nutrition policies within a human rights framework should make programs more cost-effective and reduce expenditures, not increase them.
- “No hunger” is a chief and overriding American value, and the HRF as “the right to feed oneself” is entirely consistent with American can-do values of self-reliance.

Beginning with the 1976 Right to Food Resolution (U.S. Congress 1976), proponents’ testimonies in favor of right-to-food thinking and conceptualization have argued that the HRF should add moral, political, and practical value to U.S. food and nutrition policy. They adopt a normative framework that asserts:

- The HRF should serve as a reference point for evaluating U.S. food policies.
- It should be an important rallying point for U.S. democracy and citizen action in the U.S. political system.
- It should make policies more cost-effective, rather than more expensive, and save more lives, with dignity.
- Finally, it should build on the plural cultural, religious, and political heritage of the American people, whose traditions all affirm a universal right to food.

A human rights perspective might add all of these values to U.S. food and nutrition policy. Yet officially, the U.S. government continues to oppose its incorporation. Government positions appear uninfluenced by more than three decades of HRF advocacy. Additionally, the HRF has never really caught on as a social movement. U.S. citizens have mobilized widely around goals such as “ending hunger,” “community food security,” “sustainability” (in agriculture, the environment, and food systems), and “human rights.” But the HRF achieves policy visibility mainly within other advocacy framings, such as children’s rights, labor rights, or “food sovereignty,” which is the framing preferred by individuals and communities that assert indigenous rights to control their own food systems or by those who advocate the right to say “no” to genetically modified organisms. This conundrum or conflation of issues that is

associated with the HRF but surpasses it in prominence may be both the problem and the explanation for why the HRF has not achieved more policy relevance or dedicated social-movement mobilization over its history.

In the sections that follow, we briefly review and document this history to better understand both the NGO framings and the continuing sources of U.S. government opposition. We begin by outlining the legal, political-economic, and sociocultural parameters of the HRF. We establish our concept of the HRF as more than a legal construct—that is, as a construct influenced by liberal trade and commercial as well as various political and cultural agendas. We briefly note how “rights” imply “obligations” that are only sketchily developed and that much of what constitutes the substantive fulfillment of human rights takes place below the state level. Stated succinctly, the HRF includes benchmarks for adequate food and for legal rights and obligations but also must clarify who is human—that is, define the human being, who possesses dignity and is supposed to be respected, protected, and fulfilled by such human rights guarantees.

Next, we use these parameters to consider the history of HRF advocacy within the U.S. political system: Who are the actors in favor or in opposition, and what do they say to rationalize their positions? How do they relate to other agents and agencies that are focal points for action? Using as our touchstones U.S. government and NGO testimonies from the 1976 congressional Right to Food Resolution debate and the 1996 World Food Summit, which featured U.S. opposition to HRF language, we summarize major points in the U.S. government and NGO positions in the 1970s, 1980s, 1990s, and 2000s.

Finally, we consider what additional actions, agents, and agencies—particularly along the lines of those proposed by Haddad and Oshaug (1998), Marchione (1999), and Farmer (1999, 2006)—might help undermine the rationales of the opposition and eventually improve U.S. food policy performance in practice. We also raise the more general point that continued U.S. opposition to the HRF specifically, and economic and social rights more generally, undermines all U.S. human rights policy. Thus, ultimately, the HRF is extremely important not only for nutrition at home and abroad (W. B. Eide and Kracht 2005, 2007; Kent 2005) but also for U.S. influence on human rights as a basis for world civil and political order.

2. METHODS

In this paper, we draw on our own past writings and experience: 12 years of participant observation of U.S. delegations to the 1992 International Conference on Nutrition; the 1996 World Food Summit, the preparatory meetings that preceded it, and follow-up meetings (at which one of us served as a nongovernmental adviser to the U.S. delegation) held at the Food and Agriculture Organization of the United Nations (FAO); and the 2003–2004 Intergovernmental Working Group sessions that negotiated the Voluntary Guidelines on the Right to Food (see the discussion of “legal touchstones” in the next section). In addition, we have conducted in-depth interviews with leaders and members of those delegations as well as with senior staff of the U.S. missions to the U.N. agencies in Rome and in Geneva, Switzerland. The evidence that we present—which is qualitative, primarily historical, and descriptive—offers an analysis of policy discourse that incorporates U.N. and U.S. primary and secondary sources and juxtaposes framings and commentaries on the basis of legal reasoning (developed and summarized by A. Eide [1989, 1996]; see also A. Eide et al. 1984), political–economic structural analysis (for example, Farmer 1999, 2006), and sociocultural analysis of human and social classification (Messer 1993, 1996, 2004).

Messer (1993, 1996, 2004) developed a three-pronged legal, political-economic, and sociocultural approach to right to food and other human rights policy analysis in a series of courses and publications on human rights. Similarly, Alston (1990, 2005) summarized the relationships among political-economic, political-cultural, and legal dimensions from a legal perspective on human rights. The analysis in this paper augments and updates these earlier treatments.

Taken together, these approaches advance the understanding of HRF as political and cultural discourse (for example, Edelman 1977).

3. ADEQUATE FOOD AS A HUMAN RIGHT: LEGAL, POLITICAL-ECONOMIC, AND SOCIOCULTURAL PARAMETERS

Legal Touchstones

The HRF has its origins within the U.N. Universal Human Rights framework. The main reference point is located within the Universal Declaration of Human Rights (UDHR) (U.N. 1948), Article 25, which states, “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food.” It provided a reference point for human rights legislation that followed but is not itself a binding international legal instrument.¹

Subsequently, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966² reformulated this HRF into two parts. The first, “the fundamental right of everyone to be free from hunger,” is generally viewed as the minimal right not to starve (Cotula and Vidar 2003). The second is a broader “right to adequate food,” which is subject to “progressive realization” in light of resource limitations in developing countries. The states that have ratified the covenant are obligated to engage in international cooperation and assistance to achieve the HRF (U.N. 1966, Articles 2 and 11). These states assume legal obligations to respect, protect, and fulfill the right to adequate food and to report on their progress every 5 years to the U.N. Committee on Economic, Social, and Cultural Rights (CESCR).

Over the next three decades, the United Nations, its agencies, and its member states hosted various conferences, summits, and special rapporteurs on the right to food and other human rights to clarify HRF content (Table 1). Their commentaries defined and described what legal considerations might be entailed in a right (and reciprocally, state duties) to adequate food and nutrition, which population groups (for example, reproductive-aged women, children, the elderly, subsistence farmers, and ethnically or economically marginalized groups) might be of special interest, and what parameters (for example, nutritional, food security, minimum income, landholding) constituted substantive fulfillment—that is, a “moral minimum” of achievements.

¹The declaration is widely accepted as a human rights touchstone, leading some legal scholars to consider it part of “customary international law” (Cotula and Vidar 2003).

²The covenant is binding upon the 156 states parties (Cotula and Vidar 2003).

Table 1. Milestones in elaborating the human right to food (HRF)

Year	Development
1974	World Food Conference Declaration reaffirms the right to food. Such intergovernmental conference declarations are not binding, but rather “soft law” indications of global consensus (Cotula and Vidar 2003).
1976	International Covenant on Economic, Social, and Cultural Rights (ICESCR) enters into force as binding international law.
1979	The U.N. Economic and Social Council (ECOSOC) begins monitoring the HRF.
1983	U.N. Subcommission on the Promotion and Protection of Human Rights names Asbjørn Eide Special Rapporteur on Right to Food.
1983–1984	ECOSOC commissions a report on food as a human right, which begins the process of adding clarifications and new implementing instruments, with direct assistance from the Netherlands Human Rights Institute (Alston and Tomasevski 1984) and United Nations University (A. Eide et al. 1984), whose reports consider the key terms: “adequate food,” “rights,” and various levels of “obligations.” These conferences also consider how “rights” are related to national legal structures and rule of law; food, agriculture, health, and development planning; and social welfare legislation within a larger environmental, political–economic, and health context. They also begin to define “minimally adequate food” for the purpose of monitoring nutritional well-being. Finally, they are concerned with identifying where violations of human rights, particularly through social or political exclusion, enter into the causal nexus of malnutrition; this conceptual framework is later widely adopted within the U.N. system.
1985	ECOSOC establishes the Committee on Economic, Social, and Cultural Rights (CESCR) to receive country reports and monitor progress on implementing the ICESCR. Committee also holds General Discussion Days to discuss relevant questions and issues General Comments to clarify the content of specific provisions. The committee is composed of independent experts, serving in their personal capacity, elected by the states parties. Although its views are not binding per se, they are accorded “particular weight” (Cotula and Vidar 2003).
1986	Food First Information and Action Network (FIAN) is founded and offers initial guidelines on interpretation of the HRF. FIAN is particularly concerned with how access to land and livelihoods affects access to adequate food and nutrition.
1987	ECOSOC accepts FIAN’s initial guidelines and opens its offices to nongovernmental organizations (NGOs), which are allowed to offer supplemental reports to those supplied by governments on implementation of the ICESCR.
1989	U.N. publishes A. Eide’s report on the right to food (A. Eide 1989). ECOSOC accepts FIAN’s revised HRF guidelines.
1990	World Summit for Children (WSC) sets nutrition goals as parameters of the rights of the child. These include the right of the child to breastfeed (for 4–6 months) as well as implementation of country-level policies and programs that will halve childhood malnutrition and virtually eliminate diseases caused by vitamin A, iodine, and iron deficiencies.
1991	UNICEF and the World Health Organization (WHO) collaborate on “Ending Hidden Hunger” (micronutrient goals to eliminate diseases caused by vitamin A, iodine, and iron deficiencies) among children.
1992	Food and Agriculture Organization of the United Nations (FAO)/WHO International Conference on Nutrition affirms adequate food as a human right (specifically, the right not to starve) and reaffirms the WSC nutrition goals for children.
1993	World Conference on Human Rights in Vienna reaffirms the universality, interdependence, and indivisibility of all human rights (as codified in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the ICESCR), and specifically reaffirms the right to adequate food (U.N. 1993). Creates Office of the High Commissioner for Human Rights. World Alliance for Nutrition and Human Rights (WANHR) is established.
1996	World Food Summit Plan of Action, Paragraph 7.4, asks the High Commissioner for clarifications on the HRF that will lead to more effective actions.
1997	FIAN issues a Code of Conduct on the HRF, addressed to states, civil society, the private sector, and international organizations. The code is endorsed by hundreds of NGOs. FIAN is increasingly recognized as a key international NGO on the HRF and plays a key role in a series of consultations sponsored by the Office of the High Commissioner and FAO.
1999	A. Eide updates the 1989 study on HRF for the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities, Commission on Human Rights (A. Eide 1999). CESCR issues <i>General Comment 12 on Right to Adequate Food</i> (CESCR 1999), clarifies state, civil society, and community obligations to work together to enable a context where all meet their nutritional needs: The right to adequate food is realized when every man, woman, and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The comment elaborates language detailing necessary steps by states and civil-society to respect, protect, and fulfill the right to food.
2000	U.N. Commission on Human Rights names Jean Ziegler Special Rapporteur on Right to Food.
2002	Declaration of World Food Summit: <i>five years later</i> calls for the establishment of an Intergovernmental Working Group (IGWG) to develop voluntary guidelines that governments can follow and also advances efforts to set benchmarks for “adequate food” and for monitoring national food security and nutrition performance.
2004	Intergovernmental FAO Council unanimously agrees to Right to Food Guidelines (FAO 2005).
2005	FIAN issues HRF reporting guidelines for NGOs (Künemann and Epal-Ratjen 2005).

Assisting this advocacy and practical process were NGOs, especially the Food First Information and Action Network (FIAN), which was founded in 1986, when the U.N. Economic and Social Council (ECOSOC) was beginning to call for guidelines to judge state reports on their implementation of ICESCR obligations. FIAN took its name from a U.S. think tank, Food First/Institute for Food and Development Policy, and its “name and shame” methodology and tactics from Amnesty International, the civil and political human rights advocacy group. FIAN mobilized civil society in Europe and developing countries around “the right to feed oneself” and developed guidelines for reporting violations. As an NGO with official consultative status with ECOSOC, FIAN was able to propose and negotiate the language that the United Nations used to judge state legal obligations and compliance.

The world summit process also contributed, especially the World Summit for Children (WSC) of 1990; the International Conference on Nutrition in 1992; and the World Food Summit in 1996, which called for further clarification of the content of the HRF and prompted the CESCR to issue (3 years later) *General Comment 12* on the substantive issues arising in the implementation of the right to adequate food (CESCR 1999).³

On the basis of all of the legal touchstones mentioned thus far, FAO hosted intergovernmental negotiations on a set of Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security in 2004 (FAO 2005), and FIAN—working with the American Association for the Advancement of Science—published right-to-food guidelines for NGOs (Künnemann and Epal-Ratjen 2005). Taken together, these documents clarify which actions constitute realization or violation of the HRF. However, the U.S. Congress and administrations have ratified only civil and political rights agreements and obligations. The U.S. government has viewed all of these additional HRF clarifications as not binding, thereby posing stumbling blocks at each additional clarification step (Oshaug 2005).

Political-Economic and Sociocultural Parameters

Additional political-economic and sociocultural approaches to human rights provide some leeway for U.S. advocates to advance HRF themes. In principle, the elimination of hunger through the protection and promotion of human rights is good politics. But in practice, other goals and framings (such as “economic growth” and “meeting basic human needs”) or approaches (such as “economic liberalization” and “fiscal responsibility and good governance”) often take precedence. Private-sector agents, privileging a profit motive, may intentionally or incidentally underpay workers, appropriate assets, or remove land from

³According to U.N. lawyers, general comments by treaty bodies are not binding on the signatories to the covenant but “constitute the interpretation of the U.N. body institutionally responsible for monitoring the application of the treaty, and enjoy therefore a particular authority” (Cotula and Vidar 2003, 14).

subsistence production without effecting the corresponding compensation or income generation. Not all of these actions necessarily constitute human rights abuses. However, human rights political analyses of who cannot feed themselves and their families, and of what the state or community strategies to ensure adequate food might be, all constitute part of the political-economic context in which HRF is achieved (or not).

Civil society mobilizations around the HRF to demand government oversight, regulation, and accountability are still incipient, despite 30 years of networking between the United Nations and NGOs. World Food Day, Bread for the World (BFW), and Food First campaigns in support of the HRF—summarized in pithy slogans like “Fifty Years Is Not Enough”⁴ (to set official development policy based on human rights)—have resonated with political advocates. But the specifics of particular cases are complicated, and U.S. leaders respond to business interests, not only (or mainly) humanitarian interests. Although “justice” and “food for all” are often asserted as values, these causes have failed to transform the opposition.

Instances of HRF adherence or disjuncture also have cultural and social sources. The HRF or the basic right to subsistence is found in all cultures (for example, Shue 1980, Cohen 1998); however, disagreement is widespread over what constitutes subsistence and at what level government can or should intervene. Even when governments (such as Canada’s) embrace the HRF in theory, some people are left out in practice—because the state has not advanced capacities to respect, protect, and fulfill the HRF in theory or practice or because of social exclusion at the local level, which depends on community connections. One goal of international and national human-rights institutions is to transcend or overcome such local discrimination. More positively, household and community practices can help overcome gaps and oversights in government programs and also bring attention to and help resolve threats and instances of commercial and government oppression. However, particular cases again raise questions about what constitutes substantive achievement: Does obligatory resort to charitable networks in order to eat satisfy HRF conditions (for example, Hamelin, Baudry, and Habicht 2002)?

The fair trade movement provides an additional sociocultural aspect of the HRF that resonates with human rights ideals and ideas and anchors them in personal choices and principles of food sharing. Such an approach encourages consumers to buy food produced and marketed under “just” conditions (for example, without child labor, with fair prices to primary producers and processors, who follow democratic procedures). It also provides individuals with a program for personal nutritional change as well as political advocacy. Along with the efforts of World Food Day, BFW activists, and other NGOs working for food and justice, the fair trade movement potentially contributes to a social movement in

⁴The slogan is a play on the 1995 Fifty Years Is Enough campaign to reform the international financial institutions created by the 1945 Bretton Woods Agreements (Cohen and Teton 1998).

support of the right to food, nutrition, and human rights. Yet these efforts do not guarantee that these activists, who see themselves as citizens of the world—affirming no-slave, fair trade consumer practices everywhere—support all government food-assistance programs at home, especially if they entail a tax increase to supplement the incomes of cultural “others” who may be perceived as undeserving and lazy.

All of these dimensions coexist in the United States, where some government officials, political agencies, communities, households, and individuals practice food and nutrition behaviors that support a right to food. But they coexist with official and popular positions that reject the HRF in practice and sometimes in principle.

4. U.S. APPROACHES TO THE RIGHT TO FOOD

The U.S. government officially embraces the UDHR in principle but rejects the legally binding ICESCR in practice. (The United States signed the covenant in 1977 but has yet to ratify it.) The U.S. Department of State has always insisted that economic, social, and cultural rights—including the right to food—are not recognized or protected under the U.S. Constitution (U.S. GAO 1996).⁵ In this view, only civil and political rights are legal human rights, consistent with constitutional protections. From a political-economic perspective, Cold War anticommunist, antisocialist politicians in the 1960s, 1970s, and 1980s branded “so-called” economic, social, and cultural rights anticapitalist and un-American (Alston 1990). Since the end of the Cold War, this argument is presented somewhat differently: civil and political rights are inalienable and immediately enforceable, whereas economic, social, and cultural rights are nonjusticiable, long-term aspirations (U.S. Department of State 2003; Cohen and Brown 2006).

Foreign aid experts and advisers add that economic rights and corresponding duties also are unnecessary because the U.S. government and citizens are already sufficiently generous (for example, U.S. Delegation 2000). As a corollary, they insist that foreign and domestic food aid programs fulfill the substance of human rights; no additional legal framework is needed (for example, USDA 1999). Other economic watchdogs, which usually argue for fiscal responsibility and smaller government, insist that such rights would be too costly to implement. They fear that such rights would lead to new aid claims abroad (especially when food commodity prices rise in response to world shortfalls and increased need) and to litigation at home (a real and legitimate concern when the budgets of food and other economic welfare programs are subject to cuts by the administration and the U.S. Congress [for example, U.S. GAO 1996, Cohen and Brown 2006]).

Some Americans and their elected representatives also argue for nationalistic autonomy; they do not want to be held accountable to the international community or let the international community dictate terms of wages and trade that might interfere with free enterprise. Alston (1990) summarized these views disfavoring U.S. ratification of the ICESCR, which have not changed much in a post-Cold War world that is increasingly globalized. If anything, right-to-food approaches to official development assistance have been increasingly marginalized as the United States has embraced more liberalized trade as the route to global food security. (For discussions of the U.S. position with respect to the World Food Summit and its follow-up, see U.S. GAO 1996 and Oshaug 2005.).

⁵Some U.S. jurisprudence from the 1960s and 1970s supported the constitutional compatibility and justiciability of economic, social, and cultural rights, including the right to an adequate standard of living and the right to education (Sunstein 2005; Cohen and Brown 2006).

HRF advocates around the world cite U.S. precedents for advancing the HRF. In particular, they point to President Franklin D. Roosevelt’s famous assertions about “freedom from want” and “freedom from fear” (for example, A. Eide 1996, Kent 2005). Nevertheless, such sentiments are not universally shared among the American public or their congressional representatives, who see a slippery slope from political rights to freedom from want, to the right to food, to a right-to-food security that is presented as a “right to be hunger-free” (King 2007).⁶ Nevertheless, in every decade, some countercurrents have favored principles and particular points of HRF-based behaviors led by nongovernment and government coalitions. They are summarized in the following sections.

The 1970s

In 1976, selected U.S. legislators, development experts, and religious leaders across the faith spectrum supported a nonbinding Right to Food Resolution (U.S. Congress 1976).⁷ This process allowed testimony insisting that the U.S. government pay more attention to humanitarian values in its policies on domestic and global hunger. A prime mover of this legislation and congressional testimony was the interdenominational “Christian citizens’ movement,” BFW, which was founded against a 1970s background that began with the specter of famines in the West African Sahel, Ethiopia, and Bangladesh; fears of wider spread world food shortages; and the promises of the 1974 World Food Conference (WFC).

The WFC included additional pledges of U.S. food aid, lofty rhetoric by U.S. Secretary of State Henry Kissinger (who, in his keynote address, envisioned a world free from hunger within a decade), and a strong reaffirmation of the right of all to be free from hunger and malnutrition (Congressional Research Service 1984). U.S. religious communities were particularly sickened by Cold War politics and food aid that supported war and political ends in Indochina and across newly independent Africa rather than strictly humanitarian purposes (U.S. Congress 1976). Religious leaders compared “freedom from hunger” with other basic freedoms, including the Biblical Exodus from Egypt and the U.S. Revolutionary War for independence. The timing was the bicentennial year; the political and cultural context was the aftermath of the Vietnam War and a cry for national moral renewal.

The events of the mid-1970s also motivated the formation of Food First/Institute for Food and Development Policy. Its leaders—like those of BFW—used “food” and “justice” principles as

⁶King adds in this testimony his personal opinion, that not knowing where your next meal is coming from helps build character: “If we are free from fear of want, we will also be free of the ambition to provide for our future wants and needs. If that is the case, America will go down dramatically and we will watch this work ethic in our culture collapse. One of the things that drove me to work my entire life was fear of want and not knowing, necessarily, even where my next meal was coming from. . . . I was that one in charge, I was the one in control. I had to not only work hard; I had to work smart” (King 2007).

⁷House Concurrent Resolution 737, “expressing the sense of the Congress that every person throughout the world has a right to a nutritionally adequate diet and that the United States should increase substantially its assistance for self-help development among the world’s poorest people,” passed the House on September 21, 1976, and the Senate 1 week later.

touchstones for mobilizing U.S. grassroots constituencies to insist that the HRF, not transnational corporations, guide U.S. food and development assistance and influence food programs at home. In their analysis, food and justice were the basis of democratic citizen action; the HRF was a convenient framing and link to international advocacy networks for human rights and sustainable food systems. Their basic message challenged people to think about what the world would become if food did not come first. They proposed no specific legislative agenda but an overall emphasis on citizen control over their food system: the right to feed oneself.

Neither Food First nor BFW had great influence over the Carter administration, however. This administration signed the ICESCR, and President Jimmy Carter appointed a bipartisan Commission on World Hunger that strongly endorsed the HRF (U.S. Presidential Commission on World Hunger 1980). However, when President Carter stressed human rights in his foreign policy, he meant civil and political rights; food policy was based on needs-based assessment and approaches.

Meanwhile, on the domestic hunger front, action turned to filling gaps left in the community safety net, despite government programs. The Food Research and Action Center (FRAC) was founded in the early 1970s to provide legal assistance to facilitate access to government food programs that targeted low-income Americans. Its litigation helped develop the language of a human right to good nutrition, especially for children. However, domestic food programs expanded and contracted, depending on congressional and administration support and the state of the economy and government priorities. Although food programs were fully implemented according to civil rights principles of equal access during the 1970s, these programs did not operate on the basis of an economic rights framework. Instead, congressional staffers argued over the costs of particular provisions and traded benefits according to the logic of government financing (budgetary “offsets”) and technical (cost-benefit) evaluations of targeted programs (Melnick 1994). The notion of welfare “rights” had a place in politically progressive advocacy but not in official policymaking.

The 1980s

During the 1980s, Ronald Reagan was elected President of the United States, and official Cold War rhetoric and politics intensified. With respect to civil wars aided by the United States in Central America, where peasants were struggling for land and indigenous peoples for survival, the issue and language of “subsistence rights”—or the HRF and other basic elements of a minimally decent standard of living—arose (for example, Shue 1980, 1996).

Activists questioned the natural versus political causes of famines in Africa—especially in Ethiopia during 1983–1985—and argued that starvation was an indicator of civil and political rights violations (Holcomb and Clay 1987). The right not to starve thus became a benchmark that joined civil

and political rights (“right to life”) with the HRF. But the 1980s became a “lost decade” for development, as Southern governments faced international financial institution pressure to balance their budgets and generally did so by reducing social program spending. Ironically, these cutbacks ensued even as U.N. human rights bodies in Geneva and elsewhere debated how achievement of the HRF might be conceptualized, then measured and monitored (Table 1).

Near the end of the 1980s, child survival became another nutrition-related foreign policy theme. Internationally, nutritional rights for children became established under the Convention on the Rights of the Child (CRC) in 1989, which was ratified by all U.N. members except the United States and Somalia. U.S. opposition in this case centered on the CRC’s advocacy of exclusive breastfeeding and a ban on breast-milk substitutes, which the Reagan administration interpreted as interference with free markets and trade.

In other developments, U.S. food and justice NGOs moved from research within think tanks (on the model of both conservative think tanks and Food First/Institute for Food and Development Policy) to greater activism in support of human rights. This activism included the creation of the Pesticide Action Network (international environmental policy) in 1981 and Global Exchange (fair trade and human rights) in 1988, both spin-offs from Food First. In Washington, D.C., the House Select Committee on Hunger (1984–1993) worked with a broad range of groups on food issues that included the HRF. However, as the United Nations moved to clarify the right to food, the U.S. government remained recalcitrant in its principled position that excluded economic, social, and cultural rights. Domestically, child and anti-hunger advocates tinkered with food program eligibility standards, levels of benefits, procedures, and accessibility; they also documented the growing extent of U.S. food insecurity, especially in households with children. In addition, the 1980s saw a large expansion in private charitable food assistance in the face of economic recession, high unemployment, and the Reagan administration’s cutbacks in food and other welfare programs.⁸

The 1990s

As the Cold War ended, eliminating hunger became a major subtheme of “peace dividend” discussions (Simon 1990), and in 1991, the Freedom from Want Act made explicit reference to the HRF in its preamble.⁹ However, as the United States moved out of the Cold War into a post–Cold War globalizing

⁸For more details on the growth of charitable food assistance, see the historical section of the America’s Second Harvest website (http://www.secondharvest.org/how_we_work/food_banking.html). For documentation about childhood hunger for advocacy purposes, see the Food Research and Action Center (FRAC) website (http://frac.org/html/hunger_in_the_us/hunger_index.html). For information about anti-hunger and human rights advocacy, see Messer 2006, Messer forthcoming).

⁹Introduced by Representative Tony Hall, chair of the Select Committee on Hunger, this legislation did not pass.

economy during the 1990s, a neoliberal “Washington Consensus” emerged that was focused on democratic governance and fiscal responsibility. Although again, some religious and cultural leaders showed an inclination to champion the HRF—as in the Jubilee debt relief movement at the end of the 1990s and in domestic advocacy on child nutrition programs advanced annually by the Medford Group (Eisinger 1998)—widespread popular support for the HRF principle was still lacking.

Diplomatically, all the clarifications earnestly undertaken by European social welfare states in various U.N. forums (Table 1) failed to move U.S. human rights delegations (U.S. Delegation 2000). Although the U.S. delegation affirmed the Vienna Declaration and Programme of Action of the World Conference on Human Rights in 1993 (Table 1), it proceeded to formally remove itself from the World Food Summit consensus on the need to clarify HRF content and from additional follow-up. This stance, condemned by many U.S. NGOs that had participated in the summit, was sparked specifically by Clinton administration fears of legal challenges to its welfare reform legislation (which put new restrictions on food stamp eligibility) and more generally by efforts to balance the budget by cutting social spending (U.S. GAO 1996).

Domestically, the food stamp restrictions and cuts in social spending of the mid-1990s were challenged in court on the basis of equal protection claims by groups advocating immigrants’ rights and anti-hunger campaigns. But the U.S. Supreme Court declined to hear the case; Congress eventually eliminated the restrictive rules (Cohen and Brown 2006).

Given the deteriorating “food rights” of low-income Americans, FIAN temporarily joined forces with Food First as its U.S. focal point. This initiative energetically launched a U.S. campaign, “Economic Rights: The Time Has Come!” It held public hearings, issued a video, and published a book titled *America Needs Human Rights*. All of these efforts addressed the need for living wages, adequate food, housing assistance, and organized labor protection (Mittal and Rosset 1999).

There was also scattered support among U.S. NGOs for a Code of Conduct on the Right to Food, which FIAN formulated after the WFS as a set of preliminary guidelines for monitoring behavior and accountability (Cohen and Teton 1998). However, neither campaign generated a broad and deeply committed grassroots HRF movement.

What did receive greater U.S. government and public attention were campaigns based on food commodities that aimed to eliminate slavery and other abusive labor practices, especially in chocolate production (Global Exchange).¹⁰ The number of advocates (consumers) of fair-trade food are growing, as is the number of community food security coalitions (Gottlieb 2002).

¹⁰For more information, see the Fair Trade Cocoa Campaign on the Global Exchange website (<http://www.globalexchange.org/campaigns/fairtrade/cocoa/>).

Alliances between anti-hunger groups and organizations advocating environmental justice, sustainable agriculture and food systems, and community food security also expanded in the 1990s. They built on community-based food systems programs such as the Hartford Food System (established in 1987), which then networked nationwide and set up clearinghouses using U.S. Department of Agriculture grants to build community food security coalitions. Although these coalitions were not exclusively or always pointedly rights-based, they did call attention to an expanding concept of food rights that addressed concerns about sustainability and food safety as issues related to the social justice of eating.

Another new concept, “food sovereignty,” centered on the idea that local small-farm agriculture should receive priority in national policies and that global trade agreements and aid policies must not undermine sustainable rural livelihoods in either the North or the South. This concept became a theme of opponents of the World Trade Organization (WTO) and globalization. Many activists interpreted this concept to include the right to reject food aid or imports containing genetically modified organisms. They did not really want to return to small-farmer isolationism the world over but wanted to make trade fair and to empower people everywhere to take control of their food systems (NGO/CSO Forum for Food Sovereignty 2002).

The 2000s

As the new millennium began, post–Cold War hopes for food security and policy based on the HRF (for example, Marchione 1999) were dashed by renewed political attention to terrorism and national security. HRF advocates in some cases explored linkages among food security, globalization, and conflict or security (Messer and Cohen 2007). Controlling the impacts of globalization and calls for sustainable food systems and food sovereignty became the chief political and cultural framings. NGO language and politics also featured North–South farmer-to-farmer partnerships and diplomacy for sustainability and fair trade, indigenous rights, land rights, and international environmental agreements. Human rights groups sprang up everywhere, and the United Nations continued to put human rights at the center of its rhetoric and institutional reforms. However, while U.S. national and international policy discourses were dominated by terrorism and globalization, human rights discourse was dominated by religion, human trafficking, torture, and genocide.

The Millennium Development Goals (MDGs), first agreed upon by heads of state and government at the U.N. Millennium Summit in 2000, increasingly shaped development rhetoric and planning. The first MDG calls for halving poverty and hunger by 2015. The summit articulated the MDGs in a declaration that clearly embedded them in a human rights context. Nevertheless, many development policymakers—particularly those from the United States—insisted on treating the goals as “needs-based,” to be achieved primarily as a by-product of economic growth (Hagen 2007; see, also, Alston 2005). In

addition, the director of the U.N. Millennium Project, Jeffrey Sachs, envisioned selectively assisted market and trade solutions to human development, not a rights-based approach (Messer and Cohen 2007).

Despite increased organizing around human rights, the two sets of HRF guidelines issued in 2004–2005 (Table 1) were voluntary, not mandatory (FAO 2005; Künnemann and Epal-Ratjen 2005). The U.S. government has maintained its stance in opposition to the HRF as a binding international obligation, voting against the annual Right to Food Resolution in the U.N. General Assembly, usually as the sole dissenter (for example, U.S. Department of State 2003). The U.S. delegation to the U.N. Commission on Human Rights in Geneva frequently attacked Jean Ziegler, the commission’s Special Rapporteur on the Right to Food. U.S. delegates characterized Ziegler’s assertions that the U.S. military presence in Iraq and the U.S. trade embargo against Cuba had undermined food security as “erroneous and polemical” (U.S. Delegation 2005).

5. AGENCIES AND AGENCY

Such opposition notwithstanding, various NGOs, networking with international agencies, continue to advocate for programs to end hunger and support human rights. In the international sphere, the agencies most active on HRF concerns are UNICEF (which promotes breastfeeding as a chief right of the child and mother, and child nutrition as a right and indicator of development); the U.N. Office of the High Commissioner for Human Rights; FAO; the Inter-American Commission on Human Rights (the most active of the regional frameworks); and NGOs, especially FIAN, Global Exchange, and Oxfam International, which contribute education (awareness and analysis) and strategies for improving democratic governance and rights-respecting behaviors. UNICEF has long taken the lead on expressing the normative framework, insisting that human rights affirm and construct the kind of world in which children should be able to grow up. FIAN provides the technical legal and political expertise to process cases of violations and hold governments accountable. Global Exchange acts as a clearinghouse to connect NGO and government agents as well as food industry agents and consumers. Oxfam affirms partnership principles between developed and developing countries that are based on human rights and common respect for human dignity and democratic practices. Only FIAN and FAO, however, explicitly and primarily focus on the HRF. The other organizations work to advance a range of rights and democratic community practices that are related to the HRF but draw on wider constituencies.

In addition, civil society agencies—linked to international NGO networks like FIAN and to donor government programs such as those of Canada, Germany, Norway, and Switzerland—act through transnational advocacy to hold governments (and international agencies) accountable to human rights standards. Such coalitions were very prominent in the negotiations that developed the Voluntary Guidelines on the Right to Food.

The United Nations and NGOs also offer practical tools, including education and case study materials that analyze malnutrition and food insecurity in a human rights framework and that describe legal reasoning, instruments, and procedures for applying the HRF in particular research and policy situations.¹¹ Overall, these case studies suggest how the HRF framework can be combined with epidemiological research to identify sources of vulnerability to malnutrition, disease, and excess mortality from a human rights perspective. They also consider other policy planning tools to model HRF consequences for the purpose of preventing additional vulnerability.

¹¹From the U.N. side, see, for example, the reports of the Special Rapporteur on the Right to Food, (<http://www.ohchr.org/english/issues/food/index.htm>) or the FAO Right to Food website (<http://www.fao.org/righttofood/>). For NGO examples, see the Food First Information and Action Network (FIAN) website (<http://www.fian.org>).

6. STRATEGIES

Human rights strategies address the substance of the HRF as well as ways to build and strengthen the HRF constituency. In theory and practice, both strategies are necessary if the constant goals and reference points for achievements are to be food for all with social justice and human dignity. In the arena of food and nutrition policy and programming, a rights-based approach adds a normative element: what governments should do to enhance food security at all levels. This directive involves a careful analysis of the contexts in which individuals, households, and communities lack the capacity to feed themselves and then addresses the social, political, and economic as well as nutritional conditions.

Strategies focus not only on providing goods and services but also on the process by which food insecurity is ameliorated and food security attained. The emphasis is on programs that help people feed themselves, but related strategies address government obligations, what governments should or should not do in response to their human rights commitments and the claims of their citizenry who operate in a world that affirms human rights. (For an excellent summary of the rights-based approach to food policy, programs, and projects, see Barrett and Maxwell 2005, 111–114.)

Ideally, human rights strategies build a broad constituency by connecting HRF proponents at the grassroots level with nonstate, official state, and interstate human rights advocates. These connections advance a moral educational process that favors human rights and respect for human dignity, beginning with food. As Food First argues, in a food-surplus country, a focus on food also advances democracy as people mobilize around the practical and principled dimensions of making sure that everyone enjoys a right to eat.

Proponents of a human rights approach compare and contrast the rights-based approach with the political–economic development paradigms of “economic growth” or “basic needs” by emphasizing norms for state behaviors and obligations, which may involve land reform, health, education, and more general economic programs that go well beyond nutritional handouts. They also highlight the requirement of “progressive realization” in contexts of state resource constraints, buttressed by obligatory international cooperation. Perhaps the most important conceptual and political feature is the designation of citizens not as passive beneficiaries of government handouts intended to meet their basic needs but as claims-holders who mobilize around HRF demands and hold governments accountable (Alston 2005; Kent 2005, 2008). Such are the principal and principled value-added features of the rights-based approach, which should help reduce the number of hungry people who persistently lack adequate access to food, despite the best intentions and pro-rights rhetoric of their politicians.

Adding a legal dimension also helps ensure that good intentions will be realized, even in the event of a change in government or a violation of human rights by government, that then must be called to

account. Probably the most pointed example is in India, where right-to-food activists have held the state governments accountable for meeting the minimal food needs specified in national food programs for all eligible individuals. They also challenge changes in national government food programs that potentially reduce the access to adequate food by low-income households, who previously turned to subsidized food shops.¹² These human rights actions do not restore lives lost, but they do affirm the principle that government is and should be accountable for protecting the lives of all individuals, beginning with health and nutrition. They also help pinpoint at what level of government violations—out of neglect or corruption—take place.

Other HRF national case studies, developed by the U.N. special rapporteur, illustrate how an HRF approach could and should transform domestic food policies to improve food security and community-level actions. They illustrate another feature of HRF approaches: that they address sociopolitical processes as well as food and nutrition outcomes. The International Food Policy Research Institute (IFPRI) also has been developing a legal and economic value-added approach to human rights. Establishing the judicial and quasi-judicial institutions needed to adjudicate right-to-food cases, as is taking place in India and Brazil, also can advance food security in other ways, for example, by enforcing contracts, upholding weights and measures standards, regulating food safety, and generally advancing rule of law within a market economy (von Braun and Cohen 2003).

In sum, the norms that are being advanced through right-to-food strategies assert that

- Governments should be accountable for protecting the lives of all their citizens.
- The goal of adequate nutrition should take precedence over other economic and political motives, and the HRF impacts of all food programs, policies, and projects should be analyzed.
- Citizens should be claims-holders, not passive beneficiaries, making demands for decent nutrition to which government should respond.
- Mobilization around the justice of eating should be good democratic practice, serving more general justice ends.

Consistent with these norms, specific actions should follow the Voluntary Guidelines on the Right to Food (FAO 2005). As a signatory of the ICESCR, the U.S. government has a duty not to undermine its principles and can act on those principles, even though it has yet to ratify the covenant. A. Eide's (1989) tripartite typology of state obligations with regard to human rights—to *respect*, *protect*, and *fulfill*—offers the standard analytical framework for monitoring and evaluating states' implementation of human rights, used by treaty-monitoring bodies, NGOs, and official national human rights institutions.

¹²See the Right to Food Campaign website (<http://www.righttofoodindia.org>).

Respect

The obligation to respect requires the United States government to refrain from actions that undermine the HRF. Policymakers should use a “rights lens” in designing programs and allocating budget resources. Impacts on nutrition would assume the highest priority in programming and the associated budgetary cost-cutting measures.

Internationally, a rights-oriented approach would lead the United States to consistently refrain from imposing food-related embargoes—as in the case of Iraq between 1991 and 2003—or at least to design them in such a way that vulnerable groups would continue to have access to food. The disaster of the corrupt Iraq Oil-for-Food Programme would not be repeated.

Protect

In the domestic arena, this obligation applies to the protection of household and individual food security from the actions of other individuals and collectivities (for example, by preventing corporate oligopolies from fixing food prices). Internationally, the duty to protect entails objecting seriously to civil and political rights abuses by both governments and nonstate actors that undermine food security in the countries where the United States delivers nutritional, food, and agricultural assistance. This rights-based approach might go far toward monitoring, understanding, then correcting why enormous expenditures for food and agricultural assistance do not result in more peace or food security, even though both are supposed to follow as products. It also requires serious scrutiny of how affected populations might be irreparably harmed in areas where more liberalized trade and globalization would result in social and economic displacements.

This analysis of who is left out, why, and the appropriate response strategies probably is the most difficult dimension of the HRF because of the difficulty in distinguishing between market displacements (which cause inequality and suffering) and human rights violations (which implicate governments). The international working groups that provide guidelines on HRF interpretation have been trying to facilitate understanding about what governments can or should do (or not). The United States could participate more actively in these discussions to help constructive voices articulate points. Its participation would lead to greater coherence among U.S. and other donors’ policies on international development aid, trade, and security.

Fulfill

In the domestic arena, the U.S. government could work more closely with the initiatives of civil society, which insist that the HRF can be protected as the United States changes welfare programs for the 21st century. Taking an HRF approach, these initiatives enhance efforts to widen the eligibility for food

stamps and increase benefit levels so as to ensure that everyone who is eligible receives assistance in a way that preserves their human dignity. As a result, an enormous citizen constituency has been organized to press for greater benefits, entitlements, and protection of human dignity in domestic food programs. Consistent with the norm that adequate nutrition is a human right, the government could ensure that the highly effective Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) receives the resources needed to enroll all eligible low-income women and children. Such steps would help address the chronic problem of low-income families lacking a sustained access to adequate food (Nord, Andrews, and Carlson 2006).

Internationally, the United States could work with food aid experts to fulfill the right to food without threatening long-term food security (Barrett and Maxwell 2005). According to Farmer (1999, 2006), the most immediate and critical directive among public health professionals is to heal and, in the case of nutrition, feed the hungry. However, food security policies go well beyond simple feeding; they also qualify the types of feeding programs as conveying short-, medium-, or long-term food security benefits. NGOs are already practiced in promoting rights-based approaches to food security programming. The U.S. government would do well to listen to them and to assert leadership where other political interests (for example, food processing or shipping) effectively outcompete HRF concerns and thinking. With a rights-based approach, the United States would move quickly to reform its food aid programs so as to allow the purchase of food in the recipient country or region when most appropriate, rather than requiring the exclusive use of U.S. food.

Increasing HRF Awareness that Leads to Action

Some HRF proponents add a fourth category of obligations, which is to increase the awareness of human rights and associated responsibilities (Barrett and Maxwell 2005, 113). It includes educational and mobilization efforts at all social levels that can better inform the citizenry. In the United States, NGOs usually have assumed responsibility for this role. One early and persistent example is the research of two think tanks, Food First/Institute for Food and Development Policy and Bread for the World Institute, which establish the informational base for legislative and more general political advocacy.

Additionally, Partners in Health and Physicians for Human Rights (PHR) address the personal steps that individual professionals can take to promote the HRF in individual and group institutional practice (Farmer 1999, 2006). The Partners approach calls for an epidemiological and structural analysis, which indicates the sociocultural and political-economic attributes of people who suffer from malnutrition and related illnesses. This analysis enables researcher activists to establish the root causes of hunger, malnutrition, and illness. From this analysis, questions that lead to corrective and preventive strategies follow: What should be done? Who (what agent or agency) should do it? And who should

monitor, evaluate, and report whether ameliorative actions are doing any good? Farmer (1999) also suggests that food and nutrition as part of health should be made the center of the public health human rights agenda and of particular institutional and professional strategies. PHR offers legal framing and background on the human rights conditions that influence malnutrition, especially in disaster areas, and educates health professionals about additional principled ways to take action and hold governments—including that of the United States—responsible.

In view of U.S. opposition to the HRF, it is appropriate to ask whether the language of human rights—specifically the HRF—is always necessary to help or influence policymakers to do the right thing, that is, to follow a course that respects, protects, and fulfills the substance of the HRF in international and national food policy.

7. THE WAY FORWARD

Rational argument alone is unlikely to shift the U.S. government stance on the HRF, which appears to be driven by government lawyers sitting mainly in the U.S. Department of State. These officials do not respond to any powerful anti-HRF lobby. Indeed, campaigns by NGOs (including the U.S. National Committee for World Food Day, which twice has chosen the HRF as its annual teleconference theme) suggest that it is unclear whether most Americans are even aware of the U.S. government's position on this issue. Furthermore, public opinion surveys (although framed in such a way that respondents do not have to consider budget offsets) indicate widespread support among the U.S. public for increased U.S. government action against hunger, at home and abroad.

Moreover, notwithstanding government accounting and accountability priorities on cost-effectiveness and sustainability, with their problematic indicators, as demonstrated above, the U.S. government certainly supports the right to food as presented in the UDHR as its reference point for international food policy.

In this context, the priority analysis and strategies for right-to-food supporters might focus more—as some food-policymakers are already doing (see, for example, Barrett and Maxwell 2005)—on finding ways to put U.S. food-policy actions on a rights-based footing, even in the absence of an explicit legal commitment to the ICESCR mechanism. In addition to allocating resources to feed people in crisis situations, constructing nutrition safety nets to keep households at the margin of food security above the line, constructing “cargo nets” to pull those who have fallen below critical household income above the line, and investing in development programs that will increase assets and food entitlements (see Barrett and Maxwell 2005) are all “facts on the ground” consistent with Farmer’s (1999) views, actions that actively support people’s right to feed themselves.

This agenda includes several facets besides making sure that people have access to adequate food:

- Make the UDHR the reference point for food policy.
- Insist on “rights-based” checks on program conceptualization, implementation, and evaluation.
- Encourage training and oversight in rights-based as well as economic conceptualization, implementation, and monitoring, which can encourage professionals and advocates to present their work in rights-based frameworks.

This agenda, furthermore, may prove more feasible than an agenda that concentrates mainly on getting the legal codes right. There needs to be more cultural and political dialogue between the substantive food and nutrition public-health agenda and human-rights legal conventions.

Additional Implications for U.S. Commitments to Universal Human Rights

The United States injures, subtracts, and detracts from the concept and policies of universal human rights by its refusal to recognize economic, social, and cultural rights. By this stance, U.S. policymakers fracture the fragile solidarity of the international community around human rights issues and threaten the entire structure. In the wake of the Vienna and Rome summits, the U.S. position also puts it at odds with a growing effort by U.N. agencies and intergovernmental organizations, including IFPRI, to incorporate human rights and HRF language into their mission statements. When the U.S. government asserts that economic, social, and cultural rights are not part of American legal and political culture, it opens the door wide to similar “cultural relativist” claims by other national leaders and governments, who assert that civil and political rights are Western inventions and “not their culture” but rather objectionable and foreign. (For a refutation of “Asian exceptionalism,” see Sen 1999.) These claims and counterclaims are historically familiar, as are the human rights violations that they rationalize (for example, the “full belly thesis” among African leaders who oversaw nations where people enjoyed neither protection of person nor of subsistence [Howard 1983]).

It is time to consider where the interpretation leads, both in terms of international and domestic policies, both those directly centered on food and also affecting food sufficiency. This could also be a time for the United States to demonstrate how economic, social, and cultural rights are interdependent with civil and political rights, which is the more powerful underlying message. If the current clarifications of the right to food (for example, FAO 2005), or other human rights (for example, clarifications of the right to adequate shelter, see CESCR 1997), are not useful for advancing either the right in question, or this principle of interdependence and indivisibility, then the United States can take the legal high road to demonstrate these findings. U.S. human rights policy needs to be constructive, not destructive.

8. CONCLUSIONS

U.S. government opposition to the HRF needs to be overcome to put all U.S. human rights policies on a human-rights footing. In the meanwhile, however, much is already in progress to improve U.S. HRF performance in practice.

Rights-based programming by NGOs such as CARE and rights-based analysis and strategies by NGO think tanks such as Food First/Institute for Food and Development Policy, FIAN, and Global Exchange have begun to construct the facts on the ground and the dialogues that can advance the performance of human rights programming. Public health scholars, policymakers, and practitioners are assisting this constructive process by insisting on government accountability to human rights standards. Such a process of constructing facts on the ground—and demonstrating the feasibility of so improving human rights performance—will advance the objectives and participation of a citizenry who are increasingly educated about human rights and who hold their government and the rest of civil society (and its organizations) accountable to human rights standards.

However, this historical review suggests that a political–cultural divide remains between the predominantly positive action-based U.S. approach to the HRF and the normative (legal) approach favored by European welfare states, which have championed progressive clarification as well progressive realization. Much of the U.S. support for the HRF, beginning with right-to-food legislation and “food first” positions, is less grounded in the U.N. legal framework, specifics, and rhetoric than in a general advocacy stance that puts “justice” in eating at the top of the political agenda.

Also, in practical terms, the HRF has not had more impact on U.S. policy and practice in part because, in political contexts where the United States officially rejects a formal HRF, advocates and practitioners have chosen to avoid controversial rights language and instead find ways to achieve the substance of the HRF by a process of convergence. Thus, advocates of food assistance pursue full funding for WIC, the expansion of food stamp benefits, and local sourcing of food aid—with or without the HRF language. In this process, advocates may share goals and strategies analogous to those conceptualizing and implementing the MDGs, which also affirm and advance human rights, without explicitly saying so or adopting the framework (Alston 2005).

Alongside these practical strategies for achieving the substance of the HRF, advocates also are working to anchor U.S. food and nutrition efforts in the human rights framework, in order to address all the ways that human rights violations imperil food security: for conceptual purposes, to link hunger and human rights, and for programmatic purposes, to join food programs with programs for justice. Such efforts can only strengthen the U.S. government’s human rights advocacy programs, although considerable care and convincing will still be required.

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