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ICJ Intervention on the impact of the worsening world food crisis on the realization of the right to food

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Mr. President,

The current food crisis has hit hard the right to food, and negatively impacted the adequacy of the standard of living of millions of people, which in turn determines the enjoyment of other human rights, and even the right to life, as in the case of many hungry children¹.

As the restricted enjoyment of the right to adequate food has put in peril human lives and shaken the world security and development, States have corresponding core obligations to alleviate the consequences, including by mitigating hunger, and prevent the recurrence of similar crisis, especially as the current crisis' sources have been partly man-made. Such core obligations extend to all States, as evidenced by Article 25 of the Universal Declaration of Human Rights.

The principles of the interdependence and indivisibility of all human rights require the Human Rights Council to integrate the human rights perspective into the response to the world food crisis, which must be coordinated so as to uphold the right to adequate food. The Council should stress the implications of the internationally-recognized human right to adequate food and call for necessary international cooperation and adequate national measures, including invoking accountability for failure to safeguard this right.

The human rights perspective must become a standard element of the development and trade issues, especially following the instances of liberalized agricultural trade running counter the internationally established human rights framework.

Mr. President,

States have to take necessary steps, individually and through international cooperation, to ensure that everyone is free from hunger and can enjoy as soon as possible the right to adequate food, in accordance with Articles 11 and 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Ultimately, States have to ensure the satisfaction of the minimum essential level required to be free from hunger.²

Given the extent of the world food crisis, there is a need for immediate international assistance and cooperation, as provided for by Articles 2 and 23 of the ICESCR and by Articles 1(3) and 56 of the UN Charter, which corresponds to the obligation under international law to respect and protect the right to adequate food in other countries. Such assistance should be neither selective nor retrogressive.

¹ See General Comment No. 12: The right to adequate food (1999), UN doc. E/C.12/1999/5, para 1, whereby the Committee on Economic, Social and Cultural Rights states that "[the] human right to adequate food is of crucial importance for the enjoyment of all rights [...] and] is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights".

² See General Comment No. 12: The right to adequate food (1999), UN doc. E/C.12/1999/5, para. 6.

For the world community to ensure security, development and human rights, as required by Article 1 of the UN Charter, it will need to transfer adequate resources, and extend food aid or assistance that develops domestic capacities for food production. It will also need to identify and prevent the recurrence of the crisis' root causes, including establishing mechanism to invoke accountability. The ICJ suggests that such a mechanism provide redress and promote responsibility for private economic actors' actions, some of whom have contributed to the crisis through speculation in commodities markets.

Domestically, States have to *respect* existing access to food, *protect* the right by ensuring that enterprises or individuals do not deprive consumers of their access to adequate food,³ and *fulfil* the right to adequate food. Although States often attempted to strengthen people's access to and utilization of resources of livelihood many measures to fulfil the right limited access to food in other countries. No matter whether countries' trade policies are free or regulated, they cannot fail to include the recognition of basic human rights, including the right to food, as their part.

The ICJ is alarmed at violent suppression in several countries of the protests against the deteriorating food situation, instead of addressing the root-causes of hunger, and at accounts of abusing the current situation to reinforce repressive and emergency measures, which has served to restrict other human rights and freedoms.

These incidents prompt correctional national strategies to ensure enjoyment of the right to food, invoke accountability for its violations and secure observance of minimum core obligations, such as to refrain from discrimination in access to food and from retrogressive measures.

Finally, the ICJ calls on the Council, its special procedures, including the Special Rapporteur on the right to food, and the relevant treaty bodies to swiftly consider how to improve compliance with the obligations to respect, protect and fulfil the right to food nationally and how to promote its enjoyment through international assistance and cooperation.

I thank you.

³ See General Comment No. 12: The right to adequate food (1999), UN doc. E/C.12/1999/5, para. 15.