

# **The human right to adequate food: Challenges and possibilities in research and higher education**

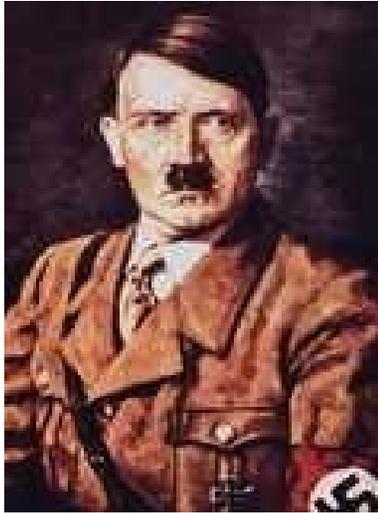
**Arne Oshaug**

McGill University, 20th October 2010

# HR, guidelines of using power

- Human rights constitute such guidelines for how to use power, in policy development and implementation, development of the law and use of the law for the benefit of people
- The Universal Declaration on Human Rights and later conventions were developed with World War II as the background; this war created considerable suffering and led to bestial atrocities against humanity. We said "...never more...". It seems that we forget quickly...

# Power, politics and war: Important political leaders



**Adolf Hitler**



**Hideki Tojo**  
**Prime minister in**  
**Japan**



**Benito**  
**Mussolini**

# Power, politics and war: Important political leaders (ii)



**F.D. Roosevelt**



**Joseph Stalin**



**Winston Churchill**

# Where did the inspiration come from to make a common framework like this?

- Unacceptable and bestial atrocities and human suffering caused by two world wars as a back ground. That was a major wake up call ...
- Common values and shared ethical standards throughout the world
- The social suffering during the economic crisis in the 1930'ies in USA and Europe
- An two unusual politicians, a woman and a man, with visions and political wisdom of rare proportions

# Eleanor and F.D. Roosevelt



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## F.D. Roosevelt, central for the further thinking also on economic, social and cultural rights

- ❖ F.D. Roosevelt: Abundance of those who have much, or enough for those who have too little, second inaugural address, 1937
- ❖ F.D. Roosevelt 'Four Freedoms Address', 1941
- ❖ Roosevelt's State of the Union address 1944 – 'Economic Bill of Rights'
- ❖ Everything strongly influenced by the activist Eleanor Roosevelt.

The result – mainly due to Eleanor Roosevelt  
with the backing of her husband

World Declaration of Human Rights  
With two Covenants, together seen as the:  
The International Bill of Human Rights

# Overview of some central Human Rights Instrument

UN Charter (1945)

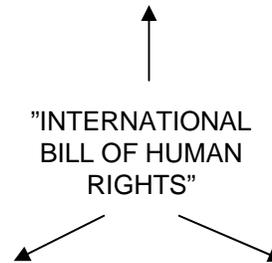
World Declaration of Human Rights  
(1948)

**The International Covenant on Civil and Political Rights (ICCPR) 1966/1976**

+ 2 Optional Protocols

- Individual Complaints
- Death Penalty

**Ratified by 166 states**



**The International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966/1976**

**Optional Protocol** adopted by the UN General Assembly on 10 December 2008; opened for signature on 24 September 2009. As of October, 2010, the Protocol has 35 signatories and 3 parties (will enter into force when ratified by 10 parties).

**Ratified by 160 states**

**International Convention on the Elimination of All Forms of Racial Discrimination (1957/1969)**

Ratified by 173 states

**Convention on the Elimination of All Forms of Discrimination Against Women (1979/1981)**

Ratified by 186 states

**Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984/1989)**

Ratified by 147 states

**Convention on the Rights of the Child (1989/1990)**

Ratified by 193 states

**International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990/2003**

Ratified by 43 states

**Convention on the Rights of People with Disabilities 2006/2008**

Ratified by 95 states

# Principles in DG and HR

## Democratic Governance

- Respect for and **promote human rights**
- **Gender equality**
- Inclusive **Participation** (Civic Engagement; Electoral Systems and Processes; Parliaments; Governance and Access to Information)
- **Accountable and Responsive Governing Institutions** (Governance and Public Administration; Decentralization and Local Governance)
- *Anti-corruption*
- *Capacity Development*
- *Governance assessment*
- *Benchmark* for governance reform and ownership

## Right to adequate food

- **Human dignity**
- Respect for the **rule of law**
- **Juridical**; legal (law and order); national and international (claims and rights)
- *Independent judiciary*
- **Non-discrimination (equality)**
- **Participation** - by all members of society
- **Accountability**: Political, juridical, administrative
- *Transparency* in public affairs
- *Empowerment* – also of vulnerable groups and individuals
- **Responsibility** - on the part of each individual

FAO – PANTHER: Participation, Accountability, Non-discrimination, Transparency, Human dignity, Empowerment, Respect for the rule of law

# Summing up of the characterisation of international human rights and what they mean

- Is a set of universal juridical norms based on ethical principles – human dignity central
- Juridical placed in international human rights law in binding treaties or conventions/covenants
- Are meant to regulate state behaviour vis-à-vis own inhabitants
- Introduces obligations for the states that have ratified the conventions/covenants (“States Parties”)
- Try to balance between respecting peoples’ freedoms and to meet their needs
- Focus both on result/outcome and process
- Opens up for claims from the claim holder to the right holders

# About RtF in the International Covenant on Economic, Social and Cultural Rights, 1966

## Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an **adequate standard of living** for himself and his family, **including adequate food**, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent

## **Additional tools – often considered soft law**

**General Comment (GC):** Authoritative interpretations of what a specific human right means. Developed by appointed experts, with the possibility to influence by other professionals

**Guidelines:** Developed for State parties to use for different purposes, such as national reporting which is an obligation after ratification, or on how to make HR based policies

**Education/learning:** What does human rights mean in different situations? Demand also research and tools to be used by those responsible

The right to adequate food (Art.11)  
General comment 12: 12/05/99. E/C.12/1999/5

Normative content of article 11, paragraphs 1  
and 2

6. 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.

# What are the state obligations upon ratification?

## General comment Nr. 12: The right to adequate food, §15

Levels of state obligation at three levels:

- respect
- protect
- fulfil
  - facilitate
  - provide

# GC 12, 14, 15 of the CESCR

<b>General Comment</b>	<b>Right to</b>	<b>Type of Obligations</b>	
<b>GC 12</b>	Food	<i>respect, protect, fulfil</i> (facilitate, provide)	
<b>GC 14</b>	Health	to <i>respect, protect fulfil</i> (facilitate, provide and <b>promote</b> )	
<b>GC 15</b>	Water	<i>respect, protect fulfil</i> (facilitate, provide and <b>promote</b> )	

Relevance for "our" teaching and  
research in HiAk?

# RtF in higher training (1, 2, 3)

- **Bachelor:** All bachelor students in public nutrition
  - Food as a human right. Challenges and possibilities. Lecture in the morning and use of the primer in the RtF Office, FAO
- **Master**
  - Responses and challenges in realising Ugandan's right to food. Peter Milton Rukundo, Department of Human Nutrition & Home Economics, Kyambogo University, Kampala, Uganda
    - ✓ Study objectives: (1) To examine the roles and capacity of relevant State actors promoting the right to adequate food in Uganda; (2) To analyse the right to adequate food situation of internally displaced persons and nomadic pastoralists in northern and north-eastern Uganda
  - Challenges of Realising the Human Right to Adequate Food of Slum Dwellers of Banda Parish-Kampala City. Kato Peterson Kikomeko, Department of Human Nutrition & Home Economics, Kyambogo University, Kampala, Uganda
    - ✓ Study objective: Identify challenges faced by Banda slum dwellers in attaining adequate food. A major assumption of the study was that breaching of State obligations in ensuring progressive realisation of the RtF makes it difficult for vulnerable groups to realise the RtF and be free from hunger and malnutrition

# State obligations and our research at HIAK

## State Obligations

1. Respect

2. Protect

3. Fulfil

3.1 facilitate

3.2 provide

## Research Projects

- The Centre for Controlled Dietary studies (1, 2, 3.1)
- Goitre among refugees from West-Sahara: Too much iodine? (2, 3)
- Talking health, changing health: Developing culture sensitive health and nutrition communication for Mother and Child Health Clinics (1, 2, 3)
- Assessing the nutritional status of patients with inoperable cancer in the pancreas (1, 2, 3)
- Nutrition communication (1, 2, 3)
- Eating on the edge – the nutritional situation among heavy substance abusers in Oslo, Norway (1, 2, 3)
- Valuation and uncertainty in health economic evaluation (2, 3.1)
- Master theses at HiAk and UiO (1, 2, 3.1)

# International Project on the right to food in development (IPRFD): Collaboration between UiO and HiAk (1, 2, 3)

## ■ Research

- Bok: Food And Human Right In Development. Vol. I & II.
- UN/FAO: Methods to Monitor the Human Right to. Adequate Food. Volume I & II. Curriculum development (both part of the FAO Tool box)

## ■ Master program for students in South Africa, Uganda and Norway – implementation in 2011

## ■ 3 PhD's

1. The right to an adequate standard of living, including the right to food and the **TRIPS Agreement** (political science/law)
2. Developing Capacity to Realise Socio-Economic Rights. The Example of the Right to Food in the Context of **HIV/Aids** in South Africa and Uganda (social geography/law)
3. **Indigenous Peoples** and the right to adequate food (public nutrition/law)

“Human rights are what makes us human.  
They are principles by which we create  
the sacred home for human dignity”

*Kofi Annan, on the occasion of the 50<sup>th</sup> Anniversary of  
the Universal Declaration of Human Rights*

Which world would we like to have? This is a questions about choice – a new world order based on human rights, or still poverty and human suffering as a consequence of riches to the few. And what would the role of research and higher education be?

