In international human rights law, the right to food is not the same as a right against starvation.

There must be a debate on the meaning of the language of rights in general and socio-economic rights in particular. The specific issues open to debate should be the universality of the human rights project that is built with the individual at its centre – ascribing words like *inherent, inalienable* and *universal* to the rights the individual is entitled to diminishes the context of realization at play around those words – like the availability of an effective remedy, or the willingness and economic ability of the state to fulfil the needs of the individual.

By aggrandizing the grammar of the mostly European (historically) agenda of liberalist, democratic model, the individual is powerfully positioned to command that all her rights be cast in the ‘respect, protect and fulfil’ formula of international human rights law. But the realist position in the debate must then explain why the progressive realisation of these rights is understood in terms of the economic resources of the state and the corresponding ability of the state to respect, protect and fulfil the rights of the individual. On balance then, there is nothing universal about how rights are realised – they are inherently relative - sex, race, colour, economic status, education, class, caste, age, physical and mental ability, and a host of other deeply divisive variables that mock the universal human rights project.

The right to food (different from the right against starvation) has developed and been defined primarily as a treaty based right, embodied in international instruments from the Universal Declaration on Human Rights 1948 (as part of the right to an adequate standard of living), International Covenant on Social and Economic Rights 1966 (Articles 1, 2) to the Geneva Conventions 1964 and its Additional Protocols (interestingly, these instruments regulating international humanitarian law predate the international human rights instruments and protect the right to food as part of their foundational philosophy of ‘consciousness of identity’, prohibiting discrimination between ally and adversary in ensuring basic human rights such as the right to food), specific international instruments that focus on vulnerable groups such as the Convention on the Rights of the Child 1989 (Article 21), Convention to Eliminate all forms of Discrimination Against Women 1981 (Article 12), regional human rights instruments such as the African Charter 1981 (Article 16), the 1998 San Salvador Protocol of the American Convention on Human Rights (Article 12). These treaties collectively and over time have offered a definition to the right to food that involves an understanding of both adequacy (in quantitative as well as qualitative terms) and food security that comes from adequacy, availability, accessibility and quality and whose content (General Comment No. 12 of the Committee on Economic Social and Cultural Rights) constitutes a minimum core of socio-economic rights.

Translating this treaty based definition into domestic law is the challenge of human rights law – while like most socio-economic rights, the right to food is subject to *context* and relies on the principle of ‘progressive realization’ depending on the economic ability of the sovereign state, it also is a right which is time sensitive – people could die as a result of sovereign states failing to ensure food security. This too is a paradox of the right to food as a socio-economic right – an individual who is waiting for her rights to be fulfilled by progressive realisation in a developing state, could die waiting, thereby reducing the *inalienable* nature of her *inherent* human right to food to yet another absurdity of the universal human rights project.

International human rights law evolved through distinct phases to identify the content of the right to food. Like most other individual rights in the neoliberal model, the right *inheres* in an individual by virtue of the fact of human birth and is also *inalienable*. This prescription of individual right puts the responsibility to realise and protect that right on the sovereign state – that is the project of international human rights law, to recognise only one form of subject in the individual and to endow the sovereign with a sense of being the trustee for that individual. Theoretically, one may argue that should the sovereign state fail to discharge its obligations that enable the individual to realise her *inalienable, inherent* human rights, the state would no longer be *worthy* of being the trustee of the rights of the individual and a vacuum of sovereignty would suddenly exist – opening the way to any other state that could make good on its promise to enable the individual to realise her rights. This is the paradox of the human rights project with the individual at its centre – while domestic law creates a Leviathan of the state and reduces the individual to merely one more claimant clamouring for the goods that the great sovereign can deliver, international human rights law simply dwarfs the sovereign before the individual – imagining that truly it is the individual who by human birth and form is entitled to all the protection a state can provide and that the mechanism of the sovereign exists entirely to help the individual realise and achieve all the rights that were hers anyway.