

Contents

<i>Acknowledgements</i>	vii
<i>Table of Abbreviations</i>	xiii

1. Introduction	1
I. Why a Book on Human Rights and International Trade Agreements?	2
II. Area of Research.....	4
III. Objective of the Book	8
IV. Book Outline	10
2. The Right to Food in International Law	15
I. Introduction.....	15
II. The Content of the Right to Food.....	16
A. Introduction	16
B. Article 11 of the International Covenant on Economic, Social and Cultural Rights.....	17
C. Availability of Food.....	18
D. Accessibility of Food	19
III. State Duties.....	21
A. Introduction	21
B. Duty to Respect.....	22
C. Duty to Protect.....	24
D. Duty to Fulfil	25
IV. The Right to Food and the Negotiation of Trade Agreements....	28
A. Introduction	28
B. Extraterritorial Duties in the Covenant	29
C. Extraterritorial Duties Concerning the Right to Food	30
D. Extraterritorial Duties to Realise the Right to Food Based on EU Law	32
E. Conclusions.....	35
V. Defragmenting International Law: Paths of Legal Dialogue between Human Rights and Trade Law and the Role of the EU.....	36
VI. Conclusions	41

3.	Realising the Right to Food in the Global Food Market	43
I.	Introduction.....	43
II.	Market Failures	44
A.	Price Volatility.....	46
(i)	Upward Oscillations.....	46
(ii)	Downward Oscillations.....	48
B.	Negative Incentives on Domestic Food Production.....	49
C.	Concentration of Market Power.....	51
(i)	Exports	52
(ii)	Imports	54
(iii)	Observations	55
III.	Limits of Development Aid and Domestic Policies	56
IV.	Vulnerable Categories	59
A.	Developing Countries.....	59
B.	Agricultural Economies.....	61
C.	Net Food-Importing Countries.....	62
V.	The Role of the European Union	63
A.	Leverage during Trade Negotiations.....	63
B.	Technical Know-How in International Trade Law	65
C.	The Position of Vulnerable Countries in Trade Negotiations.....	67
D.	Conclusions.....	68
VI.	Conclusions	68
4.	The EU External Trade Policy and the EU External Food Security Policy	71
I.	Introduction.....	71
II.	The Influence of the EU on International Trade Law: Institutional Dimension	71
A.	Competence	72
B.	Procedure and Institutions.....	74
C.	Role of Member States.....	76
D.	How the EU Influences International Trade Law.....	76
III.	The EU Trade Strategy	78
A.	Overview of the Policy	78
B.	Tariffs and the Market Access Strategy	80
C.	Export Restrictions and the Raw Materials Initiative	81
D.	The Role of Free Trade Agreements in the EU Trade Strategy	83
IV.	The Right to Food in the External Relations of the EU	85
A.	Competences.....	85
B.	The EU External Food Security Policy.....	87
V.	Food Security in the Negotiations of Free Trade Agreements.....	89
VI.	Conclusions	91

5. The Right to Food in the WTO	95
I. Introduction.....	95
II. Import Restrictions	96
III. Safeguards	99
IV. The Special Safeguards (SSG).....	101
V. The Enabling Clause, Waivers and Free Trade Agreements	105
A. The Enabling Clause	106
B. Waivers	108
C. Free Trade Agreements.....	108
D. Free Trade Agreements and Food Security.....	109
E. Preferential Treatment and Food Security: The State of Play	110
VI. Export Restrictions	112
A. Export Restrictions in the GATT.....	113
B. Export Restrictions in the Agreement on Agriculture	115
C. Direction of the Doha Round.....	115
D. Export Restrictions and the Right to Food.....	116
VII. Conclusions	118
6. The EU-CARIFORUM Economic Partnership Agreement.....	123
I. Introduction.....	123
II. The EU-CARIFORUM Economic Partnership Agreement	124
III. Import Restrictions	126
A. The EPA Regime on Import Restrictions	126
(i) Regime Applied to the European Union	127
(ii) Regime Applied to the Caribbean.....	127
B. The Caribbean EPA Regime and the Right to Food.....	129
(i) Caribbean Food Imports to the EU	129
(ii) EU Food Imports to the Caribbean	131
(iii) Reduction of Trade Revenues in Caribbean Countries	132
IV. Safeguards	134
A. Substantive Requirements	134
B. Procedure	135
C. Evaluation in the Light of the Right to Food.....	136
V. Export Restrictions	139
A. Export Restrictions in the Caribbean EPA.....	139
B. Evaluation in the Light of the Right to Food.....	141
(i) Export Restrictions as Short-term Response to a Food Crisis	142
VI. Conclusions	144

7. The Economic Partnership Agreements between the EU and Sub-Saharan Africa	147
I. Introduction.....	147
II. The State of Negotiations between the EU and Africa.....	148
III. Sub-Saharan Africa's Economic and Legal Setting.....	150
A. Economic Setting.....	150
B. Sub-Saharan Africa in WTO Law.....	153
IV. Import Restrictions.....	153
A. African Products Imported into the EU	154
B. European Food Products Imported into African Countries	154
V. Safeguards	157
VI. Export Restrictions.....	159
A. Agreements Not Including the Food Security Exception of Article XI.2 GATT	161
B. Agreements Including the Food Security Exception of Article XI.2 GATT	161
C. The Raw Materials Initiative and the Right to Food	162
VII. Conclusions	162
8. Conclusions	165
I. Introduction.....	165
II. Summary of the Main Findings of the First Four Chapters	165
III. Main Findings of the Case Studies	168
IV. An EU Trade Policy for Global Food Security.....	170
A. Defragmenting EU External Policies.....	171
B. Defragmenting International Trade Law	174
V. The EU, the Right to Food and Developing Countries	176
<i>Bibliography</i>	179
<i>Index</i>	197