

Contents

Acknowledgements	VII
Table of Cases	VIII
List of Abbreviations	XIII

1 Introduction	1
1.1 Rationale	3
1.2 Methodology	6
1.3 Structure	11
2 The Fragmentation of International Law; the World Trade Organization and International Human Rights Regimes	13
2.1 Introduction	13
2.2 What is Fragmentation?	14
2.3 Characteristics of a Fragmented International Legal Order	20
2.4 Regimes of Relevance	38
2.5 Conclusion	50
3 Conflict of Norms in International Law; Theories and Practice	51
3.1 Introduction to Conflict of Norms	51
3.2 Defining Parameters	53
3.3 To Whom are Obligations Owed, and Why does it Matter to Norm Conflict Theories and Resolution Techniques?	57
3.4 Apparent Versus Genuine Conflicts	62
3.5 Problematizing the Presumption Against Conflict	63
3.6 Defining Conflict of Norms	69
3.7 Conflict Resolution; the Vienna Convention on the Law of Treaties and Techniques	88
3.8 Conclusion	96
4 The Human Right to Adequate Food and Corresponding Obligations	98
4.1 Introduction to the Right to Adequate Food	98
4.2 The Right to Food as an Economic, Social, and Cultural Right	101
4.3 Key Formal Source in International Law: ICESCR	107
4.4 Notes on the Committee on Economic, Social and Cultural Rights and General Comment 12	130
4.5 Collective Responsibility	131

4.6	Concepts Related to the Right to Food	132
4.7	Conclusion	138
5	Market Access	139
5.1	Introduction to Market Accessibility	139
5.2	Market Access in the Multilateral Trade System; Divergent Opinions	141
5.3	Market Access Provisions Under the Agreement on Agriculture	161
5.4	Are the Elements of a Conflict of Norms Present Between the Right to Food and Market Access Provisions?	168
5.5	Conclusion	183
6	Domestic and Export Subsidies	185
6.1	Introduction to Subsidies in the World Trade Regime	185
6.2	Agricultural Subsidies and the Right to Food	188
6.3	Subsidy Provisions Under the Agreement on Agriculture	205
6.4	Are the Elements of a Conflict of Norms Present Between the Right to Food and the Subsidies Provisions?	226
6.5	Conclusion	240
7	Locating Entryways for the Right to Food in WTO Agricultural Trade Rules; Are Backdoor Exceptions and Unilateral Conditions Enough to Transform the Relationship into one of Complementarity?	242
7.1	Introduction	242
7.2	The GATT Exceptions	243
7.3	The Generalized System of Preferences	257
7.4	Transforming Agricultural Production and Trade	264
7.5	Conclusion	267
8	Conclusion	269
8.1	Neither Conflict nor Compatibility	270
8.2	Limitations of the Research and Looking Forward	273
	Bibliography	275
	Index	288