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Food security: different systems, different notions

by

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Abstract

Food security is a hugely important and complex issue. Such complexity is demonstrated, *inter alia*, by the lack of a consistent definition of food security under the international policy framework. Of the various elements that can affect food security, trade in agriculture plays a significant role both in positive and negative terms. This article considers the concept of food security as emerging from the WTO Agreement on Agriculture (AoA) and discusses it in the light of the most commonly accepted definition of food security (i.e. the FAO's definition). The analysis highlights a bifurcation in the concept at stake, depending on the forum considered. According to the AoA, food security is conceived as an exception. It does not consider the individual condition, but focuses either on a country's agricultural self-sufficiency or on the suitability of food self-reliance at national and global levels. While within the UN agencies, a multifaceted and multidimensional concept emerges.

Key-words

food security, WTO Agreement on Agriculture, exceptional rules, right to food, agricultural self-sufficiency



1. Introduction

Eradicating hunger and all forms of malnutrition is a central pillar of the Sustainable Development Goals (SDGs), and a prerequisite for achieving the entire 2030 Agenda for Sustainable Development. According to the latest editions of the report on *The State of Food Security and Nutrition in the World* issued by the FAO, IFAD, UNICEF, WFP and WHO (SOFI report) ‘the decline in hunger the world had enjoyed for over a decade is at an end, and hunger is again on the rise’. The 2019 report shows that although the global level of undernourishment has stabilized, the absolute number of undernourished people continues to increase^I.

Thus, the scenario is developing in the opposite direction to that envisioned by the 2030 Agenda for Sustainable Development^{II} and the UN Decade of Action on Nutrition 2016–2025^{III} which both call on all countries and stakeholders to act together to end hunger and prevent all forms of malnutrition by 2030. Hence, despite the profusion of initiatives by the international community, there is still a lack of food security and the situation is getting worse. Interestingly, the 2019 SOFI report notes that hunger has been increasing in many countries where economic growth has slowed down and that ‘the majority of these countries are not low-income countries, but middle-income countries and countries that rely heavily on international trade of primary commodities’ (FAO et al. 2019: viii). Indeed, international agricultural trade plays a key role in both enhancing and hindering the food security status at global, national and individual levels. Moreover, the relevance of the topic has been increasing since the ‘UN Declaration on the Rights of Peasants and Other People working in Rural Areas’ was adopted in December 2018^{IV}. In fact, the Declaration aims, *inter alia*, to strengthen food sovereignty which, in turn, provides a powerful criticism of the global food system and of the significant role of international trade in that system (Clapp 2017: 92).

The present article examines how the multilateral legal system considers food security and what form food security actually takes under international trade rules. First the article provides a succinct analysis of the most common international definition of food security, that is the FAO definition (section 2). It then sets out the main connections between agricultural trade and food security (section 3) and touches on the food security regime



under the legal framework of the WTO Agreement on Agriculture (section 4). Lastly, it reflects on the concept of food security emerging from the WTO legal system and on the possible significance of its divergence from the FAO's notion.

2. Food security: how the concept first emerged and evolved

Food security is a very important and complex issue. It has a multifaceted and multi-dimensional nature as reflected in the many attempts to define it in research and policy usage. Even a few decades ago, approximately 200 definitions were reported in published writings (Smith et al. 1992). It has also been the subject of countless international conventions, declarations, and resolutions (Shaw 2007).

The concept of food security has evolved significantly over time. A major landmark in its history can be traced back to the 1974 World Food Conference^V, convened by the UN after the food crisis (aggravated by the oil crisis) in the early 1970s. As an outcome of the conference, a resounding Universal Declaration on the eradication of hunger and malnutrition was adopted. The definition of food security found in this document reads: 'Availability at all times of adequate world food supplies of basic foodstuffs to sustain a steady expansion of food consumption and to offset fluctuations in production and prices.' It was a food supply-based definition, where food security was a synonym for the availability of food.

In 1996, two decades after the 1974 World Food Conference, a new world meeting on food security was triggered by the election of a new director-general of the FAO (Jacques Diouf from Senegal, the first African director-general of the FAO). The summit's main documents are the *Rome Declaration on World Food Security* and the *World Food Summit Plan of Action*. However, the most important outcome of the World Food Summit was the definition of food security, which was formally endorsed at the global level. It reads as follows: 'Food security exists when all people, at all times, have physical and economic access to sufficient safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life'.

The focus was thus now on the access to food and not only on the presence or availability of food. This paradigm shift was also due to Amartya Sen's theories (Sen 1981)



which highlighted the fundamental idea that in famine situations, it is often not the availability of food that is the critical factor, but people's access to it.

In 2007/8 a new global food crisis occurred which was linked to the financial crisis and triggered a spike in food prices worldwide. As a consequence, in 2009 world leaders gathered in Rome for a new food summit and unanimously adopted a declaration pledging renewed commitment to eradicate hunger. Most importantly, the 2009 World Summit on Food Security brought about a new and more specific definition of food security:

Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. The four pillars of food security are availability, access, utilization and stability. The nutritional dimension is integral to the concept of food security^{VI}.

3. The 'modern' notion of food security and its connections with trade in agriculture

According to the most common notion of food security, i.e. the FAO's definition, food security rests on the availability of quantitatively and qualitatively adequate food, access to that food, a safe and nutritionally appropriate utilization of food, and the stability of the three aforementioned dimensions over time (Simon 2009). It is central to our analysis to understand how each of the four pillars (availability, access, utilization and stability) is intensely influenced by trade in agricultural products (Matthews 2014; Clapp 2015).

First, availability refers to the amount of food that is available in a country or area through all forms of domestic production, imports, food stocks and food aid. Trade can affect availability. In fact through food imports, internal food reserves can be increased for those countries that are not self-sufficient. On the other hand export restrictions and prohibitions can endanger countries that experience food shortages and who are most in need of obtaining agricultural commodities from abroad.

Second, regarding access, three dimensions are taken into consideration. Physical access is a logistical dimension requiring food to be available where people can actually reach it. Economic access implies that people have the financial ability to regularly acquire adequate food without compromising other essential needs, such as housing or education. Socio-cultural access refers to the social barriers that limit the access of some groups to food due



to gender or social reasons (Bellows et al. 2016). Trade mostly impacts the economic access, as it can boost economic growth and promote access to food. In addition, the open market can lead to low prices (more affordable for consumers). From a negative viewpoint, small farmers may suffer from low food prices which may also exclude them from international trade circles if they are not competitive or are not able to comply with high food standards within the global food supply value chains.

Third, the pillar of utilization highlights that food security does not just refer to the quantity of food consumed, but also the quality and nutrients. A number of elements affect this issue, such as the selection of food commodities, their conservation and preparation as well as the absorption of nutrients (which implies that a body is in good health). Food utilization is thus related to clean water, sanitation and health care. This dimension, in fact, not only refers to nutrition but also to other elements that are related to the use, conservation, processing and preparation of food commodities. It further highlights the problems involved in food safety. The link between trade and utilization is related to the fact that agricultural trade affects dietary regimes and food preferences (e.g. in terms of the nutritional quality of the food available). This can help protect against malnutrition, but it can also favour unhealthy food choices (making junk food cheaper than healthier food). Likewise, there are potentially negative effects involved in traditional food since imported food may be cheaper and replace the traditional and typical foods from a geographical area. This last phenomenon can affect people's *food preferences*, which are related to traditional and culturally acceptable food (*food security exists when all people, at all times, have ... access to ... food to meet their ... food preferences*).

Finally, stability is related to the need that the abovementioned three pillars are stable over time and that they are not negatively affected by natural, social, economic or political factors. Thus, trade effects on availability, access, and utilization are able to threaten a stable environment for the realization of food security.

4. The WTO Agreement on Agriculture and food security

The topic of food security within WTO regulation needs to be discussed under the terms of the Agreement on Agriculture, which has been in force since 1995. It is worth mentioning that even before the WTO was established, within the GATT 1947 a special



regime was already in place, which aimed to protect national food security. Indeed, article XI:2(a) provides an exception to the obligation of eliminating quantitative restrictions and allows for ‘export prohibitions or restrictions temporarily applied to prevent or relieve critical shortages of foodstuffs’. A similar provision would be introduced by article 12 of the Agreement on Agriculture that will be referred to in the final part of this section.

The Agreement on Agriculture does not include a definition of food security since, as noted, ‘food security is not a matter for the rules *per se*, but is something separate [...]’ (Smith 2012). However, it does devote ample attention to food security. This is probably due to the idea that was one of the driving forces during the Uruguay round of negotiations which resulted in a special regime for agriculture, i.e. States did not accept that agricultural products should be treated in the same way as other products, partly because agriculture has always been considered as a ‘sensitive’ sector due to its major contribution to food security.

Food security is taken into consideration throughout the various parts of the Agreement: starting with the Preamble, then the articles related to the three pillars (market access, domestic support, and export competition) which the regulation of trade in agriculture is based on, and concluding with the norm devoted to the continuation of the reform process that was envisaged when the Agreement was negotiated. Without going into detail regarding the relevant rules, it is worth looking at how food security was addressed in order to understand the concept of food security emerging from the WTO legal system.

Paragraph 6 of the Preamble to the Agreement on Agriculture reports the Member States’ note regarding the will ‘that commitments under the reform programme should be made in an equitable way among all Members, having regard to non-trade concerns, including food security and the need to protect the environment’. The issue of food security is therefore characterized as a ‘non-trade concern’ to which due regard must be given. Its description as a non-trade concern emerged during the ‘mid-term review’^{VII} of the Uruguay round and it weakened the way in which the food security issue was addressed within the WTO law. Food security became *one* of the possible concerns to be considered in designing trade rules. In fact, participants in the negotiations recognized that factors other than trade policies had to be taken into account in the conduct of their agricultural policies. Following the same line, article 20 of the Agreement on Agriculture - which deals



with the continuation of the reform process to be initiated one year before the end of the implementation period (i.e. starting from 2000) – highlights that Members shall take into account ‘non-trade concerns, special and differential treatment to developing country Members, and the objective to establish a fair and market-oriented agricultural trading system’. Food security was therefore included in the agenda for the continuation of the reform process (i.e. the Doha Development agenda) not as an autonomous chapter of the discussion but as one of the non-trade concerns. The stall of the trade talks which had started in Doha and the disengagement of some major players, such as the USA^{VIII}, resulted in what has been called the death of the development agenda (Martin A.-Mercurio B. 2017). Not surprisingly the proliferation of free trade agreements has become a huge phenomenon with important implications for food security. Nevertheless, any dramatic changes in the treatment of food security-related issues are neither reported in the regime reserved to sensitive and/or highly sensitive agricultural products and staples, nor in the notion of food security emerging from the different legal contexts (FAO 2012).

Several other articles in the Agreement explicitly address food security under each of its three pillars. With regard to market access, Annex 5 introduces exceptions to the so-called ‘tariffication’ – under certain conditions – for a) primary agricultural products and their worked and/or prepared products and b) primary agricultural products that are the predominant staple in the traditional diet of a developing country Member. Thus, in specific cases reflecting non-trade concerns, such as food security, some products that are strictly related to basic nutritional needs are subject to special treatment. In other words, States may be allowed to keep non-tariff measures in order to shield their agricultural production from competition from foreign products in order to guarantee national food security.

As far as domestic subsidies are concerned, the so-called ‘green box’ includes an exception to the reduction rules of domestic subsidies in the case of public stockholding for food security purposes^{IX} and domestic food aid^X, among many others. This means that these trade rules allow for the purchase (also at administered prices for developing countries^{XI}) of agri-food products in order to create national food stocks and for distribution to vulnerable people.

Finally, in relation to the export-related measures, article 12 of the Agreement needs mentioning, which, as mentioned above, is devoted to export prohibition and restrictions.



According to the relevant pillar, export subsidies and other methods used to make exports artificially competitive are subject to the reduction commitment (which, after the Nairobi Ministerial Conference, became an elimination commitment)^{XII}. In addition, exports shall not be restricted or prohibited. This export prohibition rule, in accordance with article XI:2(a) GATT, finds an exception in the case of critical shortages of foodstuffs. If any WTO Member applies such an exception, it needs to observe several provisions provided by article 12 of the Agreement on Agriculture which, among other conditions, requires States to give due consideration to the effects of such a prohibition or restriction on the importing Member's food security (Anania 2014). In the emerging regulatory framework of GATT 1947 (and also present in GATT 1994), article 12 was grafted onto the conclusion of the Agreement on Agriculture. This article introduces a number of obligations on those states which establish restrictions or vetos on export under the terms of article XI:2(a) GATT. The manner in which article 12 has been drafted is worthy of attention because it refers back to article XI:2(a) GATT by clearly presenting itself as a specification of the rules as applied to the agricultural sector (Alabrese 2018).

5. Concluding remarks: an 'old-fashion' notion of food security

The brief and incomplete reference to the articles explicitly dealing with food security^{XIII} clearly shows the concept is framed in a way that appears to be coherent within the WTO legal system. Food security is conceived as an exception, a valid reason for permitting exceptions to the general trade rules. Since trade rules limit national states, this means that the exceptions extend States' powers in relation to food security matters. Such an assumption confirms the recognition by WTO Member States of the connection between trade and food security.

With regard to the notion of food security that can be drawn from the Agreement on Agriculture, it should be noted that food security is considered at the national and global levels, and not at the individual and household levels. The idea of food security expressed in the Agreement does not consider the individual condition, but focuses either on a country's agricultural self-sufficiency or on the suitability of food self-reliance at the national and global levels^{XIV}. This highlights the bifurcation in the concept of food security, depending on the forum considered.



On the one hand, within the UN agencies, a complex and multidimensional concept emerges which results in the definition issued at the end of the 1996 World Food Summit organized by FAO and extended in 2009. On the other, in the same period the international trade forum, during the Uruguay round (1986-1994) which gave birth to the WTO and the Agreement on Agriculture, still relied on a supply-based definition of food security. It retained almost the same notion of food security that was outlined in the 1974 World Food Conference (*'Availability at all times of adequate world food supplies of basic foodstuffs to sustain a steady expansion of food consumption and to offset fluctuations in production and prices'*) focusing on the availability of food, while access to food, individual nutritional needs and food preferences were totally missing.

One could argue that a state-level notion of food security was the only one conceivable during the Uruguay negotiations as Members were focusing on international trade rules. If this focus was related to the interests and the mandate of the Member States, then the same should apply considering the current round of negotiations for the continuation of the reform process. However this is not the case. The food security concept emerging from the current negotiating round shows a different framework embodying the individual dimension and, as a consequence, the right to food^{xv} which was lacking in the multilateral debate in the Uruguay round. In fact, if, according to the current 'Doha development agenda' trade is supposed to lead to development 'with a view to raising standards of living'^{xvi} it must give due consideration to people and their basic needs.

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ⁱ FAO, IFAD, UNICEF, WFP and WHO. 2019. *The State of Food Security and Nutrition in the World 2019. Safeguarding against economic slowdowns and downturns*. Rome, FAO.

ⁱⁱ *Transforming our world: the 2030 Agenda for Sustainable Development*, adopted by the UN General Assembly Resolution, 25 September 2015, A/RES/70/1.

ⁱⁱⁱ *United Nations Decade of Action on Nutrition (2016 – 2025)*, adopted by the UN General Assembly Resolution, 1 April 2016, A/RES/70/259.

^{iv} *United Nations Declaration on the Rights of Peasants and Other People working in rural areas*, adopted by the UN General Assembly Resolution, 17 December 2018, A/RES/73/165.

^v This conference was held in Rome under the auspices of the UN. It was the second conference dealing with food issues at an international level. The first one was convened by President Roosevelt in Hot Springs, Virginia-USA in 1943 during WWII (Conference on Food and Agriculture). The Hot Springs Conference triggered the creation of the FAO which was established in 1945.

^{vi} FAO, *Declaration of the World Summit on Food Security*, 2009, note n. 1, available at <http://www.fao.org/tempref/docrep/fao/Meeting/018/k6050e.pdf>.

^{vii} See *Summary of main points raised at the twelfth meeting of the negotiating group on agriculture – Note by the Secretariat*, MTN.GNG/NG5/W/93, 13 January 1989, paragraph 28; and in particular *Mid-term Meeting*, MTN.TNC/11, 21 April 1989, p. 10-11.



^{VIII} See the Opening Plenary Statement of USTR Robert Lighthizer at the WTO Buenos Aires Ministerial Conference in 2017, available at <https://ustr.gov/about-us/policy-offices/press-office/pressreleases/2017/december/opening-plenary-statement-ustr>, a section of which reads as follows: «we need to clarify our understanding of development within the WTO. We cannot sustain a situation in which new rules can only apply to the few, and that others will be given a pass in the name of self-proclaimed development status. There is something wrong, in our view, when five of the six richest countries in the world presently claim developing country status. Indeed, we should all be troubled that so many Members appear to believe that they would be better off with exemptions to the rules. If in the opinion of a vast majority of Members playing by current WTO rules makes it harder to achieve economic growth, then clearly serious reflection is needed».

^{IX} Annex 2 to the Agreement on Agriculture, paragraph 3.

^X Annex 2 to the Agreement on Agriculture, paragraph 4.

^{XI} See Annex 2, paragraph 3, note 5 which makes it clear that in the case of administered prices, the difference between the acquisition price and the external reference price is accounted for in the AMS (subject to reduction). On this topic it is worth mentioning the peace clause introduced by the so-called Bali Decision (Ministerial Decision, *Public stockholding for food security purposes*, 11th December 2013, WT/MIN(13)/38), confirmed by the General Council decision WT/L/939. The subsequent Nairobi Decision WT/MIN(15)/44, December 2015 did not change the framework.

^{XII} Ministerial Decision, *Export Competition*, 19th December 2015, WT/MIN(15)/45.

^{XIII} Article 10.4, Agreement on Agriculture was not mentioned since it does not include an explicit reference to food security even though its relevance to the topic is undeniable.

^{XIV} See FAO, *Trade reforms and food security. Conceptualizing the linkages*, 2003, p. 35, according to which: 'Food security is traditionally discussed in terms of either food self-sufficiency or food self-reliance. The former requires production of food in the quantities consumed domestically, while the latter requires domestic availability. Self sufficiency rules out imports as a major source of supply while self-reliance has no such restriction'.

^{XV} See *Developing countries and non-trade concerns (prepared by Mauritius)*, Attachment 5, G/AG/NG/W/36/Rev.1; *The need for flexibility in national policy design to address non-trade concerns (presented by Norway)*, Attachment 6 G/AG/NG/W/36/Rev.1; *Summary report on the twentieth meeting of the Committee on agriculture special session – Note by the Secretariat*, 9 September 2003, TN/AG/R/10.

^{XVI} See the Preamble to the Agreement establishing the World Trade Organization.

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