



Agricultural Trade and Food System Transformation
Virtual WTO Agriculture Symposium

WEDNESDAY 2 DECEMBER 2020

OPENING SESSION

10:00 - 11:30

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"The Role of International Trade in Food Security"

As the UN Special Rapporteur on the Right to Food, I obviously bring my expertise in human rights. But before I became a human rights expert, I was a specialist in international trade law and agriculture. In my research, I have looked at how questions of food and agriculture have been central to international trade regimes for the past 120 years.

What I've learned is that you can't understand international trade regimes without understanding questions of food security; and you can't have a food security policy without addressing international trade. My first report as UN Special Rapporteur was on international trade and I presented it to the UN General Assembly in October, where I received favorable interest from the EU, African Group, and Non-Aligned Movement.

So, my remarks today draw from my 20 years of research in trade and my official report. I will first point out how food security has been always been a WTO issue. I will then frame how I see the problem before us today. I will conclude with some ideas on how to frame the solution.

I. Food Security is a WTO Issue

I know that for the last year many people have talked about the crisis at the WTO. But I find all this crisis talk misses the long-standing issue of agriculture at the WTO. The question of food and agriculture was regularly addressed under the GATT and has been contentious since the inception of the WTO:

- It divided farmers all over the world during the Uruguay round – and it wasn't just developed vs. developing countries; within countries farmers had profound disagreements,
- It has been an unresolved sticking point in the Doha Development Round,
- and with the food crisis in 2008, it became a huge point of debate. The question of national stockpiles and farmer support was a central concern.

Since the food crisis, the Bali and Nairobi Ministerial Decisions were significant advancements in the realm of agriculture and food security. Before Bali and Nairobi, food security was treated mostly as a "non-trade" issue not to be addressed at the WTO. But thankfully, now we're in a better position to talk about food security at the WTO.

Now, the Bali and Nairobi Ministerial Conferences only provided short-term solutions and there remains an open call for permanent solutions. I was at the Buenos Aires Ministerial, where there was no advancement on that issue. Hundreds of civil society organizations have supported the call for a permanent solution so that trade better serve food security goals.

II. Framing the Problem

The core debate in agriculture has always been the issue of subsidies, not so much the issue of tariffs. Regional and bilateral agreements are very popular these days. But they only focus on tariffs and market access. From an international farm policy and food security perspective, the WTO remains the only place to address the core issue of subsidies.

The Agreement on Agriculture also provided some theoretical opportunities for some countries to have some more flexibility with their agricultural policies, with things like: Special and Differential Treatment and Special safeguards after tariffication. But these have been proven to be ineffective in addressing food security concerns.

The G-33 has proposed broader Special Safeguard Measures and exceptions for Special Products. And there has been a call for special attention to the food needs of least developed countries and net food-importing developing countries. But these issues have remained contentious.

But let me broaden out a bit more, before pointing to some productive avenues. Trade policy has primarily focused on economic frameworks and has either ignored or marginalized people's human rights concerns. At the same time, human rights policy has provided a powerful sociopolitical critique of trade but has not offer an institutional alternative to the existing regime. And neither approach has adequately responded to climate change.

My report to the UN General Assembly blends trade and human rights perspectives and provides new principles and an institutional map for how to move forward. Part of moving forward includes talking about transforming food systems; this will have to include institutional changes. Today, the WTO is a historical moment. It has the opportunity to transform itself to respond to contemporary problems.

III. Framing the Solution

I will conclude with some ideas on how to frame the solution. Really, this is an invitation. I invite governments and others to reach out to me to continue this conversation. I want to invite people to start thinking in newer ways, allowing for new solutions to arise.

I know that the G-33 has been frustrated with AoA. And now, more recently, the CAIRNS group has been challenging things more publicly. Those two blocs may not agree on much, but they do agree that things must change.

I provide more details in my UN report but let me just put out some starting points.

I think the WTO could be a place to develop **International Food Agreements**. These would be plurilateral agreements that all fall under the umbrella of GATT. These International Food Agreements would be about developing trade policy around two issues: aid and subsidies. The purpose would be to ensure that markets are fair and stable, while also tackling food security concerns. International Food Agreements would be something between the GATT and the Agreement on Agriculture.

Here's what I mean by that –

The GATT imagined the world as interconnected domestic markets. Whereas the Agreement on Agriculture set out to construct a single global market. International Food Agreements would be more nuanced. They could focus on one commodity or they could be more ambitious and create regional food markets. The WTO could then provide active support to make sure that when you combine all the International Food Agreements together, they would all create a stable, fair, and coherent international market.

To be clear, these are not the old-style International Commodity Agreements, which focused on supply management. Nor would they be Regional Trade Agreements which focus only on market access and tariff reduction. My report draws a clear institutional map how International Food

Agreements are achievable and how they would be anchored in the GATT "interface" system.

This word "interface" was more common in the past and it's worth reviving. GATT is structured in a way that recognizes different types of economies and contexts – the interface of different systems – and it ameliorates the international tensions caused by those differences.

International Food Agreements would also have the same elements of transparency and monitoring that define the modern WTO. Again, the two core trade issues for International Food Agreements would be:

- Aid
- Subsidies

AID in trade policy covers at least 3 particular issues:

1. The first has to do with making sure that aid does not have the effect of **dumping**. The 1967 International Grains Agreement was a breakthrough in that regards and provides an interesting starting point. It attempted to create a stable grain market, and it also made sure that aid would not disrupt local producers.
2. Today, there is a debate over how **humanitarian relief relates to export restrictions**.

3. And I would also add the issue of how **economic sanctions** are used in geopolitics. Economic sanctions usually have deadly effects on civilian lives.

SUBSIDIES are the heart of the matter.

For the past 120 years, trade regimes have been where governments work out what counts as a good subsidy and bad subsidy. And these ideas always change over time. In many ways, the Agreement on Agriculture reflects a consensus from the 1980s. In light of the 2008 food crisis, the current hunger crisis caused by COVID-19, and who knows what else climate change will bring – there clearly is a need to renegotiate what counts as a good subsidy and what is a bad subsidy.

IV. Conclusion

Again, this is an invitation to start a fresh conversation around these issues. I encourage everyone to reach out to me and I am happy to collaborate with anyone. COVID-19 has been just a warning shot for what is yet to come. Climate change is here. And from a human rights perspective, I can see that things are going to still going to get a lot worse before they get better.

What happens in the next year or so will determine the fate of the world's food systems for decades to come.

I want to end with a call to action to everyone –

- to the peasant and farmer movements,
- the associations of fishers and pastoralists,
- the food workers and their unions,
- the women and youth groups,
- to the consumer and producer co-operatives
- to Indigenous peoples
- and to the governments

– a call to everyone to come together to create International Food Agreements that serve the people.
