

EDITED BY
ROSEMARY RAYFUSE
NICOLE WEISFELT



THE CHALLENGE OF FOOD SECURITY

International Policy and
Regulatory Frameworks



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Regulatory Frameworks

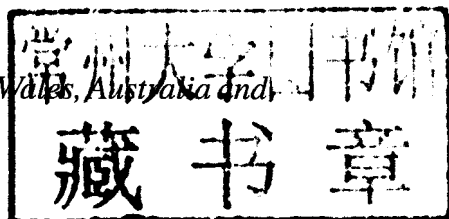
Edited by

Rosemary Rayfuse

*The University of New South Wales, Australia and
Lund University, Sweden*

Nicole Weisfelt

The University of New South Wales, Australia



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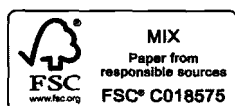
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Contributors

Elisabeth Bürgi Bonanomi, Attorney at Law; Researcher, World Trade Institute (WTI) and the Centre for Development and Environment (CDE), University of Bern, Switzerland

Colin Chartres, Director General, International Water Management Institute, Sri Lanka

Nicola Colbran, law and justice specialist

Lorenzo Cotula, Senior Researcher, International Institute for Environment and Development, United Kingdom

Iris Carla De Jesus, Researcher, Division of Sociology, Nanyang Technological University, Singapore

Rebecca Ford, Associate Professor and Reader, Department of Agriculture and Food Systems, Melbourne School of Land and Environment University of Melbourne, Australia

Doris Fuchs, Professor, Institute for Political Science, Westfälische Wilhems-University Münster, Germany

Katharina Glaab, Research Fellow, Institute for Political Science, Westfälische Wilhems-University Münster, Germany

Christian Häberli, Senior Research Fellow, National Centre of Competence in Research – Trade Regulation, World Trade Institute, University of Bern, Switzerland

Md Saidul Islam, Assistant Professor, Division of Sociology, Nanyang Technological University, Singapore

Anagha Joshi, Attorney-General's Department of Australia

Agni Kalfagianni, Assistant Professor, Institute for Environmental Studies, Free University, Amsterdam, The Netherlands

Niels Louwaars, Centre for Genetic Resources, Wageningen University and Research Centre, The Netherlands

Matias Margulis, Assistant Professor of International Studies, University of Northern British Columbia, Canada

Richard Meyer-Eppler, Research Fellow, University of Köln, Germany

Craig Pearson, Professor and Director of Melbourne Sustainable Society Institute, University of Melbourne, Australia

Rosemary Rayfuse, Professor of International Law, Faculty of Law, The University of New South Wales, Sydney, Australia and Conjoint Professor of International Environmental Law, Faculty of Law, Lund University, Sweden

Bert Visser, Director, Centre for Genetic Resources, Wageningen University, The Netherlands

Nicole Weisfelt, Faculty of Law, The University of New South Wales, Sydney, Australia

Margaret Young, Associate Professor, Law School, University of Melbourne, Australia

Preface

A quick perusal of scientific and economic literature reveals a plethora of studies dealing with various topics related to food security. Surprisingly, however, there is a dearth of literature analysing and elaborating on the international policy and regulatory challenges that arise in attempting to ensure long-term global food security. The aim of this book is to fill, at least in some small part, that lacuna.

This book owes its genesis to one person, Mr James Ingram AO, former Executive Director of the United Nations World Food Programme. In 2005, Mr Ingram established the Ingram Fund for Law and Development in the Faculty of Law at the University of New South Wales in Sydney, Australia, to promote the study, teaching and dissemination of international law and to foster the understanding of the impact of international law on the interests of developing countries. A significant activity of the Fund is the Biennial Ingram Colloquium on International Law and Development, which was established to provide an interdisciplinary forum for the exchange of ideas and to sharpen debate and enhance research on current issues of international law and development, having special regard to the concerns of developing countries.

This book builds on papers that were presented at the 3rd Biennial Ingram Colloquium, which was held at the Faculty of Law at the University of New South Wales in December 2010. While previous *colloquia* have focused on development issues relating to the Asia Pacific region, in 2010 the topic chosen was Food Security. After the Colloquium, speakers were invited to revise their papers for submission as chapters in this book and a number of other contributions having a policy or governance focus were specifically commissioned from authors in various disciplines. The book is structured around five themes all having a central focus on policy and regulatory issues. Part I provides an introductory overview of the challenges identified by the authors. In Part II policy frameworks relating to access to food and food insecurity are examined. The chapters in Part III examine the theme of sustainability and food security while the theme of Part IV is food, trade and investment. The chapters in Part V conclude the book with an examination of the theme of food governance.

We are deeply indebted to Mr Ingram for his generous gift to the UNSW Law Faculty, which has made both the Colloquium and this book possible. However, this project would not have been possible without the contributions of our many authors who have engaged so assiduously with the issues and from whom we have learned so much about the challenge of food security. We are, of course, also grateful to our colleagues at the University of New South Wales who assisted in various ways with the planning and running of the Colloquium. In addition to her support at UNSW, the Faculty of Law at Lund University has provided Rosemary with an immensely enriching environment in which to work on the manuscript during her sojourn there as Conjoint Professor of International Environmental Law, while Nicole's personal thanks go to her partner Trevor for his patience and ongoing support. Finally, we would like to thank Ben Booth at Edward Elgar for his recognition of the importance of the topic and for his support during the course of this book's realization.

Rosemary Rayfuse
Nicole Weisfelt

Abbreviations

ACP	Africa, Caribbean, Pacific
ADB	Asian Development Bank
AFSI	L'Aquila Food Security Initiative
AFSIS	ASEAN Food Security Information System
AFSRB	ASEAN Food Security Reserve Board
AIFS	ASEAN Integrated Food Security Framework
AMS	Aggregate Measure of Support
AoA	Agreement on Agriculture
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
ASPC	ASEAN Political–Security Community
ATIGA	ASEAN Trade in Goods Agreement
BITs	bilateral investment treaties
CAP	Common Agricultural Policy
CARP	Comprehensive Agrarian Reform Program
CBD	1992 Convention on Biological Diversity
CCRF	Code of Conduct for Responsible Fisheries
GDP	gross domestic product
CEB	UN Chief Executives Board
CEDAW	1979 Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CFA	Comprehensive Frame for Action
CFS	Committee on World Food Security
CGIAR	Consultative Group on International Agricultural Research
CMV	Cassava Mosaic Virus

CNIP	Cambodian Nutrition Investment Plan
CO ₂	carbon dioxide
COT	Commitments of Traders
CSIRO	Commonwealth Science and Industry Research Organisation
DDA	Doha Development Agenda
EC	European Community
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States
EMIR	European Market Infrastructure Regulation
EPA	Economic Partnership Agreements
ERM	ecological rodent management
EU	European Union
EUREP	Euro-Retailers Produce Working Group
FAC	Food Aid Committee
FAO	Food and Agriculture Organization
FDI	foreign direct investment
FOGS	Functioning of the GATT System
FOM	farmer ownership model
FOWTOS	Functioning of the World Trade Organization System
FSCF	APEC Food Safety Cooperation Forum
G8	Group of Eight
G20	Group of Twenty
GAFSP	Global Agriculture and Food Security Program
GAPs	Good Agricultural Practices
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GECAFS	Global Environmental Change and Food Systems
GIZ	German Society for International Cooperation
GM	genetically modified
GMO	genetically modified organism

HLPDAB	APEC High Level Policy Dialogue on Agricultural Biotechnology
HLPE	High Level Panel Committee of Experts
HLTF	UN High Level Task Force on the Global Food Security
ICESCR	1976 International Covenant on Economic, Social and Cultural Rights
ICSID	International Centre for Settlement of Investment Disputes
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
IIED	International Institute for Environment and Development
ILO	International Labour Organization
IMF	International Monetary Fund
INGO	international non-governmental organisation
IOSCO	International Organization of Securities Commissions
IPM	integrated pest management
IPOA-Capacity	International Plan of Action for the Management of Fishing Capacity
IPOA-IUU	International Plan of Action to Eliminate Illegal, Unregulated and Unreported Fishing
IPR	intellectual property rights
ITPGRFA	2001 International Treaty on Plant Genetic Resources for Food and Agriculture
IUU	illegal, unregulated and unreported
LDC	least developed countries
MARD	Ministry of Agriculture and Rural Development
MDB	Murray Darling Basin
MiFID	Markets in Financial Instruments Directive 2004/39/EC
NAFTA	North American Free Trade Agreement
NFICDs	net food-importing developing countries

NGO	non-governmental organisations
NPFS	Food Safety Cooperation Forum
ODA	overseas development assistance
OECD	Organisation for Economic Co-operation and Development
OPK	Operasi Pasar Khusus
OTC	over-the-counter
P	Phosphorus
PBAS	Performance-based Allocation System
PFID	Partnership for Food Industry Development
PRSV	Papaya Ringspot Virus
PPMs	process and production methods
R&D	research and development
RED	Renewable Energy Directive
RGC	Royal Government of Cambodia
RPFS	Regional Programs for Food Security
SAPs	structural adjustment programmes
SCM Agreement	WTO Agreement on Subsidies and Countervailing Measures
SCN	Standing Committee on Nutrition
SCSC	APEC Sub-Committee on Standards and Conformance
S&D	special and differential treatment
SFFSN	Strategic Framework for Food Security and Nutrition in Cambodia 2008–2012
SP	Special Products
SPA-FS	Plan of Action on Food Security in the ASEAN Region
SPFS	Special Program for Food Security
SPS	Agreement 1994 WTO <i>Agreement</i> on the Application of Sanitary and Phytosanitary Measures
SSG	security sector governance
SSM	Special Safeguard Mechanism
TRQ	tariff-rate quota

UBS	Union Bank of Switzerland
UCFA	Updated Comprehensive Frame for Action
UFTC	Commodity Futures Trading Commission
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United National Conference on Trade and Development
UNFCCC	1992 United Nations Framework Convention on Climate Change
USAID	United States Agency for International Development
WFC	World Food Council
WFP	World Food Programme
WHO	World Health Organization
WTO	World Trade Organization

Treaties

- 1947 General Agreement on Tariffs and Trade, 55 UNTS 187 **31, 50, 53–4, 66, 72, 159, 160, 165–6, 202**
- 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 330 UNTS 3 **226**
- 1965 Convention on the Settlement of Investment Disputes between States and Nationals of Other States, 557 UNTS 160 **226**
- 1966 International Covenant on Economic, Social and Cultural Rights, (1967) 6 ILM 360 **7, 75–7, 82, 164, 167**
- 1979 Convention on the Elimination of All Forms of Discrimination Against Women, 1249 UNTS 13 **82**
- 1982 United Nations Convention on the Law of the Sea, 1833 UNTS 3 **190**
- 1989 Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, 1650 UNTS 383 **225**
- 1989 Convention on the Rights of the Child, 1577 UNTS 3 **82**
- 1992 United Nations Framework Convention on Climate Change, 1771 UNTS 107 **83**
- 1992 Convention on Biological Diversity, 1760 UNTS 79 **83**
- 1994 Agreement on Agriculture, 1867 UNTS 410 **7, 10, 46, 49, 53–4, 55–7, 59–60, 64, 66–8, 72, 77–8, 82, 85–6, 88, 90, 151–4, 157, 163, 165, 191–2, 195–6**
- 1994 Agreement on the Application of Sanitary and PhytoSanitary Measures, 1867 UNTS 493 **84, 90, 108, 202**
- 1994 Agreement on Subsidies and Countervailing Measures, 1867 UNTS 14 **194–6**
- 1994 UN Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, (1994) 33 ILM 1016 **83**
- 1994 General Agreement on Tariffs and Trade, 1867 UNTS 187 **51, 54, 59, 66, 155, 158–9, 163, 166**
- 1994 General Agreement on Trade in Services, 1869 UNTS 183 **90**

- 1994 Marrakesh Agreement
Establishing the World Trade
Organization, 1867 UNTS
3 **7, 50–51, 53, 78, 152,**
166
- 1994 North American Free Trade
Agreement, (1993) 32 ILM
289 **163–4**
- 1996 Convention on the Protection
of the Alps, OJ L 61 of
12.3.1996 **84**
- 1997 Kyoto Protocol to the United
Nations Framework
Convention on Climate
Change, 2303 UNTS 148 **83**
- 1998 Protocol to the African Charter
on Human and Peoples' Rights
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African Court on Human and
Peoples' Rights, OAU/LEG/
MIN/AFCHPR/PROT.1 rev.2
(1997) **225**
- 2000 Cartagena Protocol on
Biosafety to the Convention on
Biological Diversity, 2226
UNTS 208 **84**
- 2001 International Treaty on Plant
Genetic Resources for Food
and Agriculture, 2400 UNTS
303 **83**
- 2005 Convention on the Protection
and Promotion of the Diversity
of Cultural Expressions, 2440
UNTS 311 **82**
- 2006 Pact on Security, Stability and
Development in the Great
Lakes Region, (2007) 46 ILM
175 **6, 44, 57**

Contents

<i>List of figures and tables</i>	vii
<i>List of contributors</i>	viii
<i>Preface</i>	x
<i>List of abbreviations</i>	xii
<i>List of treaties</i>	xvii

PART I INTRODUCTION

- | | | |
|---|---|---|
| 1 | The international policy and regulatory challenges of food security:
an overview | 3 |
| | <i>Rosemary Rayfuse and Nicole Weisfelt</i> | |

PART II ACCESS TO FOOD

- | | | |
|---|--|----|
| 2 | A fresh look at the roots of food insecurity | 19 |
| | <i>Craig Pearson</i> | |
| 3 | Food security in the Great Lakes region: reconciling trade
liberalisation with human security goals | 44 |
| | <i>Anagha Joshi</i> | |
| 4 | Right to food, sustainable development and trade: all faces of the
same cube? | 70 |
| | <i>Elisabeth Bürgi Bonanomi</i> | |

PART III SUSTAINABILITY AND FOOD SECURITY

- | | | |
|---|--|-----|
| 5 | Crop disease, management and food security | 95 |
| | <i>Rebecca Ford</i> | |
| 6 | The contribution of plant genetic resources to food security | 112 |
| | <i>Bert Visser and Niels Louwaars</i> | |
| 7 | Water and food security | 128 |
| | <i>Colin Chartres</i> | |

PART IV FOOD, TRADE AND INVESTMENT

- | | | |
|----|--|-----|
| 8 | The WTO and food security: what's wrong with the rules?
<i>Christian Häberli</i> | 149 |
| 9 | The financialisation of agricultural commodity futures trading:
the 2006–08 global food crisis
<i>Nicola Colbran</i> | 168 |
| 10 | Food security, sustainability and trade distortions: fisheries
subsidies and the WTO
<i>Margaret Young</i> | 190 |
| 11 | ‘Land grabbing’ in the shadow of the law: legal frameworks
regulating the global land rush
<i>Lorenzo Cotula</i> | 206 |

PART V FOOD GOVERNANCE

- | | | |
|----|--|-----|
| 12 | Global food security governance: the Committee on World Food
Security, Comprehensive Framework for Action and the
G8/G20
<i>Matias Margulis</i> | 231 |
| 13 | Regional initiatives on food security
<i>Md Saidul Islam and Iris Carla De Jesus</i> | 255 |
| 14 | Food security in the era of retail governance
<i>Doris Fuchs, Katharina Glaab, Agni Kalfagianni and
Richard Meyer-Eppler</i> | 275 |
| | <i>Index</i> | 293 |

Figures and tables

FIGURES

2.1	Local variation in food security in East Africa	21
2.2	Harvest and other losses that contribute to food insecurity	24
2.3	Food represented as two coupled, leaky systems	30
2.4	Thirteen major foci within the food system that contribute to food insecurity	33
5.1	The disease quadrangle: host, pathogen and environmental parameters contributing to disease expression	101
9.1	Index of estimated net long positions of index traders and IMF food price index (January 2006–May 2009)	182

TABLES

2.1	Actual and projected global grain production, consumption and stocks 1961–2050	22
2.2	Efficiency of conversion of various farm inputs into grain, as illustrated by tropical wet rice and temperate rain-fed wheat production	35
2.3	Leaky points in the food system, and actions that could be taken to improve them	37
12.1	Selected international institutions relevant to food security	234