

A A L S C O M M E N T S

Food Security: Concept, Challenges, and the Role of Attorneys

by Laurie Ristino

Laurie Ristino is Associate Professor of Law and Director of the Center for Agriculture and Food Systems at Vermont Law School.

I. Introduction

You might ask yourself why we would address the topic of food security in the *Environmental Law Reporter*. After all, isn't food security inherently a food and agriculture problem and, thus, the province of those legal disciplines? To the contrary, the concept of food security and the related right to food that informs it are intimately tied to the environment; accordingly, environmental law has a critical role to play. There is no addressing global food security without a nuanced and systems-based approach that takes into account several areas of the law. Feeding a growing global population, estimated to reach 9.6 billion by 2050, in a changing climate without destroying our environment is one of humanity's greatest challenges. Environmental advocates have a central role in addressing this challenge.

In this Comment, I provide a brief overview of the concept of food security, starting with its foundation in the internationally recognized right to food. After providing the legal framework, I describe the meta challenges to global food security, with a particular focus on the environment and the role of legal practitioners.

II. The Concept of Food Security

A. The Right to Food

The right to food is arguably embedded in customary international law. In 1945, President Dwight D. Eisenhower appointed Eleanor Roosevelt to America's first delegation to the newly chartered United Nations (U.N.). The only woman appointed to the delegation, she served on the high-profile Committee on Humanitarian, Social, and Cultural Concerns, which focused its work on refugees and repatriation. In 1947, the U.N. established the Commission on Human Rights and unanimously elected Roosevelt chair. She led the subcommittee charged with drafting the iconic Universal Declaration of Human Rights (UDHR),¹ ultimately presenting it for adoption in December 1948. The

UDHR included a clause declaring a right to food, providing in Article 25, Clause 1, that:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, *including food*, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.²

The UDHR is generally considered the foundation of international human rights law.³ In the decades following its adoption, the international community has attempted various initiatives to address the evolving issue of food availability and hunger, underscoring food security's persistence as a humanitarian challenge and its necessity as a right.

In 1961, the U.N. and its Food and Agriculture Organization (FAO) established the World Food Programme, the largest organization dedicated to addressing world hunger. In 1963, at a World Food Congress held in Washington, D.C., President John F. Kennedy declared that the international community was gathering to rededicate itself to the eradication of hunger.⁴

A decade later, horrific images of famine in Bangladesh resulted in the first World Food Conference in 1974 in Rome. During this time, the concept of "food security" emerged and marked a shift from the post-World War II "surplus food as aid" paradigm. The Conference adopted the Universal Declaration on the Eradication of Hunger and Malnutrition,⁵ which reads in part: "Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties." The Dec-

1. See Universal Declaration of Human Rights (UDHR), G.A. Res. 217 (III) A, U.N. Doc. A/RES/217 (III) (Dec. 10, 1948).

2. *Id.* art. 25(1) (emphasis added).

3. United Nations, *The Foundation of International Human Rights Law*, http://www.un.org/en/documents/udhr/hr_law.shtml (last visited May 2, 2015).

4. John F. Kennedy, *Remarks to World Food Congress Delegates, 4 June 1963*, in PAPERS OF JOHN F. KENNEDY, PRESIDENTIAL PAPERS, PRESIDENT'S OFFICE FILES, SPEECH FILES, available at <http://www.jfklibrary.org/Asset-Viewer/Archives/JFKPOF-044-034.aspx>.

5. Universal Declaration on the Eradication of Hunger and Malnutrition, G.A. Res. 3348 (XXIX) (Dec. 17, 1974), available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/EradicationOfHungerAndMalnutrition.aspx>.

laration employs the term “world food security” and recognizes the multiple causes of hunger: lack of agriculture inputs; global economic pressure; inadequate distribution; weather; and sociopolitical forces. Another key outcome of the 1974 Conference was the establishment of the International Fund for Agricultural Development (IFAD) as a specialized agency in the U.N. to fund agricultural projects, primarily for food production in developing countries.

The first World Food Day was celebrated in 1981 in order to provide a common focus on food security. (Appropriately, the theme for World Food Day in 2014 was “Feeding the world, caring for the earth.”) The famine in Ethiopia from 1984-1986 underscored the need for international coordination and action on food security. A series of international efforts refined and galvanized food security as an operational concept guiding policy and action.

For example, in 1986, AGROSTAT was established to provide world agriculture statistics; in 1992, an international conference on food and nutrition was held by the FAO and the World Health Organization (WHO); the FAO launched the Special Program for Food Security, targeting low-income, food-deficit countries; in 1996, the U.N.’s World Food Summit adopted the Rome Declaration on World Food Security⁶; in 1997, the U.N.’s First Consultation on the Right to Food was held; in 2004 the Special Rapporteur on the Right to Food was created by the U.N. Commission on Human Rights; in 2004, the tragedy in Darfur resulted in the airlifting of food by the World Food Programme; and the FAO developed Right to Food Guidelines to provide guidance on how countries may achieve an adequate right to food, moving the right from an aspirational goal to an operational tool for action.⁷

International activity and discourse in the new millennium also reflected the reality of the globalization of food: its entanglement with the global economy, climate change, and energy. In 2008, in response to the high prices of food globally, the World Bank established the Global Food Crisis Response Program to provide immediate assistance to countries that were hardest hit. Also in 2008, the FAO held a high-level conference on the impact of climate change and biofuels on food prices. In 2009, the FAO convened the World Summit on Food Security, attended by 182 nations and the European Community. The summit adopted a declaration on world food security, stating in part that:

We are alarmed that the number of people suffering from hunger and poverty now exceeds 1 billion. This is an unacceptable blight on the lives, livelihoods and dignity of one-sixth of the world’s population. The effects of long-standing underinvestment in food security, agriculture, and rural development have recently been further exac-

erbated by food, financial and economic crises, among other factors.⁸

The 2009 Declaration explicitly recognizes the serious additional risk to food security posed by climate change.

The U.S. position on the right to food began to change during the Barack Obama Administration and, in joining the 2013 U.N. Resolution on the Right to Food, the United States affirmed its (qualified) support for the right to food: “[W]e support the right of everyone to an adequate standard of living, including food, as recognized in the Universal Declaration of Human Rights.” But the United States does not “treat the right to food as an enforceable obligation.”⁹

B. Evolution of Food Security

The definition of food security has evolved from its inception in 1974, reflecting growing understanding of the concept in relation to world events, the globalization of food systems, and other multifactorial causes of hunger.¹⁰ The first definition of food security was a result of the 1974 World Food Conference in Rome that was sparked by the famine in Bangladesh. It aspired to the “availability at all times of adequate world food supplies of basic food stuffs to sustain a steady expansion of food consumption and to offset fluctuations in production and prices.”¹¹ However, the Bangladesh famine was not caused solely by food availability; distributional failures due to flooding, government mishandling, and delayed international aid also contributed to the disaster.

In 1983, FAO expanded the concept of food security to include the distributional component of “ensuring that all people at all times have both physical and economic access to the basic food they need.”¹² The 1986 World Bank report “Poverty and Hunger” focused on the temporal dynamics of food insecurity—for example, temporary food insecurity caused by natural disasters and conflict—by addressing the “access of all people at all times to enough food for an active, healthy life.”¹³

As indicated by the language of the World Bank report, the definition of food security also began to incorporate the principle that food should be nutritionally sufficient

6. See World Food Summit, Nov. 13-17, 1996, *Rome Declaration on World Food Security and World Food Summit Plan of Action*, available at <http://www.fao.org/docrep/003/w3613e/w3613e00.htm>.

7. FOOD AND AGRIC. ORG. OF THE UNITED NATIONS (U.N. FAO), THE RIGHT TO FOOD: PAST COMMITMENT, CURRENT OBLIGATION, FURTHER ACTION FOR THE FUTURE: A TEN-YEAR RETROSPECTIVE ON THE RIGHT TO FOOD GUIDELINES 1 (2014), available at <http://www.fao.org/3/a-i4145e.pdf>.

8. World Summit on Food Security, Rome, Italy, Nov. 16-18, 2009, *Declaration of the World Summit on Food Security*, available at http://www.fao.org/fileadmin/templates/wsfs/Summit/Docs/Final_Declaration/WSFS09_Declaration.pdf.

9. Terri Robl, *U.S. Explanation of Position on Right to Food*, U.S. DEPT OF STATE (2014), <http://www.humanrights.gov/dyn/2014/12/u/u.s.-explanation-of-position-on-right-to-food>.

10. See generally George-André Simon, *Food Security: Definition, Four Dimensions, History* (2012), available at <http://www.fao.org/fileadmin/templates/ERP/uni/F4D.pdf>.

11. World Food Conference, Rome, Italy, Nov. 5-16, 1974, *Report of the World Food Conference* (1975).

12. U.S. FAO, *World Food Security: A Reappraisal of the Concepts and Approaches* (1983) (emphasis added).

13. WORLD BANK, POVERTY AND HUNGER: ISSUES AND OPTIONS FOR FOOD SECURITY IN DEVELOPING COUNTRIES, (1986) (emphasis added), available at http://www-wds.worldbank.org/external/default/WDSCContentServer/WDSP/IB/1999/09/17/000178830_98101901455676/Rendered/PDF/multi_page.pdf.

for an active, healthy life. The nutritional component of food security was more fully realized in the 1996 definition adopted at the World Food Summit, defining food security as existing “when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.”¹⁴ The term “social” was added in 2001 to reflect the demand side of food security.¹⁵

C. Four Pillars

In the 2009 Declaration of the World Summit on Food Security, the FAO articulated the “four pillars” necessary to achieve food security: availability; access; utilization; and stability. The assessment of deficiencies in one or more of the pillars can be used to help guide corrective action. In this way, food security became more than a definition; it became an operational concept.

To illustrate an application of the four pillars of food security and how lawyers have a vital role to play, I will use a domestic example: farm-to-school legislation. Farm-to-school legislation brings local food to schools, providing availability and access to healthy, fresh food for our most vulnerable population, children. The National Farm to School Network supports communities that want to bring local food sourcing and education into their school systems and preschools. The Network was originally led by the Community Food Security Coalition and the Urban and Environment Policy Institute.

The Network partners with Vermont Law School’s Center for Agriculture and Food Systems, which I direct, to document and track the growth of state legislative efforts. The resulting report, “The State to Farm Legislative Survey 2002-2014,” has been used as a tool by advocates and legislators to pass similar legislation in their jurisdictions.¹⁶ The farm-to-school movement has been wildly successful, growing from a handful of schools in the 1990s to over 40,000 schools today.

III. Food Security Challenges and the Role of Attorneys

The nexus linking food insecurity, population growth, and climate change creates a complex, immense humanitarian and environmental challenge. By 2050, the planet will need to support a population of 9.6 billion people, who will require 60-70% greater food production.¹⁷ As if that were not challenging enough, climate change will impact yields

and where crops may be grown. Extreme weather events will destabilize communities and countries.

Not surprisingly, the most extreme cases of food insecurity are clustered in developing countries. Currently, one in nine people, over 800 million, do not have enough to eat to lead healthy, active lives.¹⁸ Asia is the continent with the greatest number of hungry people. Sub-Saharan Africa has the greatest prevalence of food insecurity, with one in four people hungry.¹⁹ Food insecurity remains a persistent problem there, in Mongolia, portions of Southeast Asia, and South and Central America.

Compounding the problem, crop-yield reductions due to climate change will impact these areas the hardest, with yield loss up to 50% in parts of Africa, Southeast Asia, and South America by 2050.²⁰ Water stress will increase as dry areas became drier and competition for the resource increases.²¹ (The current record-breaking drought in California is a case in point.) Further, we cannot count on the higher yields that characterized the last century due to the so-called Green Revolution with its hybrid plants and increased inputs. Although challenging to measure, by the end of the last century, the growth in yields slowed globally for the majority of commodities.²²

At the same time, agriculture is a significant contributor to climate change, accounting for 24% of total emissions.²³ With current practices, agriculture will only increase as a source of emissions due to the demand for more food and shifting diets. Developing countries will graduate millions of people into the middle class, resulting in greater demand for more animal protein. For example, the World Resources Institute estimates calories from beef and mutton in Asia to increase 138% by 2050. Meat production requires more resource inputs and is a major source of methane, a particularly noxious greenhouse gas (GHG). The FAO has estimated that greater demand for food could cause GHG emissions to rise 30% by 2050 in the absence of effective reduction strategies.²⁴

An important role for legal practitioners in facilitating food security in the face of climate change is through

14. World Food Summit, *supra* note 6.

15. U.N. FAO, THE STATE OF FOOD INSECURITY IN THE WORLD 2001 (2001), available at <http://www.fao.org/docrep/003/y1500e/y1500e00.htm>.

16. NATIONAL FARM TO SCHOOL NETWORK & VERMONT LAW SCHOOL’S CENTER FOR AGRICULTURE AND FOOD SYSTEMS, STATE FARM TO SCHOOL LEGISLATIVE SURVEY 2002-2014 (March 2015), available at <http://www.farmtoschool.org/Resources/F2S-Survey-2014.pdf>.

17. U.N. FAO, GLOBAL AGRICULTURE TOWARDS 2050: HIGH LEVEL EXPERT FORUM—HOW TO FEED THE WORLD IN 2050 (2009), available at http://www.fao.org/fileadmin/templates/wsfs/docs/Issues_papers/HLEF2050_Global_Agriculture.pdf.

18. U.N. FAO, INT’L FUND FOR AGRIC. DEV., AND WORLD FOOD PROGRAMME, THE STATE OF FOOD INSECURITY IN THE WORLD: STRENGTHENING THE ENABLING ENVIRONMENT FOR FOOD SECURITY AND NUTRITION 8 (2014), available at <http://www.fao.org/3/a-i4030e.pdf>.

19. *Id.* at 9.

20. Janet Ranganathan, *The Global Food Challenge Explained in 18 Graphics*, WORLD RES. INST. (2013), <http://www.wri.org/blog/2013/12/global-food-challenge-explained-18-graphics>.

21. ORG. FOR ECON. CO-OPERATION AND DEV. AND PBL NETHERLANDS ENV’T/L ASSESSMENT AGENCY, OECD ENVIRONMENTAL OUTLOOK TO 2050: THE CONSEQUENCES OF INACTION (2012), available at <http://www.oecd.org/env/indicators-modelling-outlooks/49846090.pdf>.

22. Jason M. Beddow et al., *The Shifting Patterns of Agricultural Productivity*, CHOICES: THE MAGAZINE OF FOOD, FARM, AND RESOURCE ISSUES (2010), available at <http://www.choicesmagazine.org/magazine/article.php?article=95>.

23. WORLD RES. INST., CREATING A SUSTAINABLE FOOD FUTURE: A MENU OF SOLUTIONS TO SUSTAINABLY FEED MORE THAN 9 BILLION PEOPLE BY 2050 12 (2013-2014), available at http://www.wri.org/sites/default/files/wri13_report_4c_wri_online.pdf.

24. U.N. FAO, *Agriculture’s Greenhouse Gas Emissions on the Rise*, Apr. 11, 2014, <http://www.fao.org/news/story/en/item/216137/icode/>.

advocacy that builds food system resilience.²⁵ On the domestic front, one key area that deserves critical focus is the U.S. Congress' perennial farm bill; more specifically, the bill's crop insurance program. In the 2014 farm bill, crop insurance displaced direct commodity payments as America's farm safety net.²⁶ Although farmers' receipt of that benefit is tied to their satisfying minimum conservation standards for soil erosion and wetlands protection, the taxpayers' underwriting of approximately 60% of the cost of crop insurance without further environmental standards arguably encourages risky plant-

ing practices vulnerable to extreme weather events and changing climate.

We have our work cut out for us. There is no silver bullet to achieving global food security. Simply reducing food waste or improving distribution will not eradicate hunger. Rather, a suite of strategies must be employed that are tailored to realities on the ground. Like most complex issues of our time, food security is not reducible to linear problem solving. Thus, addressing food insecurity requires a transdisciplinary effort in which the legal community has a key role as problem solver and facilitator.

25. See Nicole M. Civita, *Resilience: The Food Policy Imperative for a Volatile Future*, 45 ELR 10663 (July 2015).

26. See, e.g., National Crop Insurance Services, *About Crop Insurance*, <http://www.cropinsuranceinamerica.org/just-the-facts/how-does-the-2014-farm-bill-change-crop-insurance/#.VWN0-ymRafR> (last visited May 25, 2015).