



"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010

THE RELATIONSHIP BETWEEN THE RIGHT TO FOOD AND THE TRADE OF AGRICULTURAL PRODUCTS – REFLECTIONS AFTER THE FOOD CRISIS *

Miguel Ángel MARTÍN LÓPEZ,
Profesor Asociado de Derecho Internacional Público.
Universidad de Sevilla

1. The debility of the right to food has been made plainly manifest in the food crisis through which we are living and, adding to already extremely high figures, it has led to famine and food insecurity for hundreds of millions of additional people the world over¹.

Logically now is the time for the international community to draw lessons from this crisis and reinforce and make this right more operative. Nevertheless, it has not been until now that this idea has begun to be recognized. That is how Ban Ki Moon, Secretary General of the United Nations, expressed it in the closing ceremony of the high level meeting on global food security (Madrid, January 27, 2009)².

Until now, neither the declaration of the Conference on Global Food Security held in Rome in June 2008 nor the high level United Nations task force team's framework for action³ had paid much attention to it⁴, although, evidently, its contents produce repercussions and

* *The Lascaux program (2009-2014) is linked to the 7th Framework Programme of the European Research Council ("IDEAS"). "Lascaux" is headed by François Collart Dutilleul, Professor of Law at the University of Nantes (France) and Member of the University Institute of France (to know more about Lascaux : <http://www.droit-aliments-terre.eu/>).*

The research leading to these results has received funding from the European Research Council under the European Union's Seventh Framework Programme (FP7/2007-2013) / ERC grant agreement n° 230400.



Le document est mis à disposition selon les termes de la Licence Creative Commons Attribution - Pas d'Utilisation Commerciale - Pas de Modification 2.0 France (CC Attribution-NonCommercial-No Derivative Works 2.0 France License)

¹ As a best introductory text to the food crisis, it is interesting to see the FAO document named Soaring food prices: facts, perspectives, impacts and actions required, Rome, April, 2008, HLC/08/INF/1, used as a reference text in Rome June 2008 FAO conference.

² It is understood as a "third track", joining to the production of food and the smallholder agriculture.

³ Comprehensive framework for action, High-level task force on the global food crisis, July 2008. The Rapporteur on right to food, Olivier de Schutter, points out that this text is not couched in human rights terms and is conceived as a tool to guide policy making at the national level. Thus, the dimension of accountability remains absent.

⁴ Nevertheless, it is interesting to indicate that a group of independent experts claimed the role of the right to food. It remained expressed in the Cordoba Declaration on the Right to Food and Governance of the Global Food and Agriculture System (available at www.cehapp.org). Dr. Nabarro, president of the United Nations High task force, has



**"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010**

condition this right. Only the Council on Human Rights in a succinct but intense resolution has granted it the importance it deserves⁵.

In addition, neither can it go unnoticed that not much time has passed between the passing on September 24, 2004 of the voluntary guidelines for the progressive achievement of the right to food, which constitute an instrument under the FAO's auspices and which are considered to be the most complete elaboration for the implementation of this right, resulting from the consensus worked out among all States over a great span of time.

Therefore, it is necessary to advance in accordance with the premises contained in the aforementioned instrument and to attempt to obtain its greatest application possible, albeit incrementally in terms of conferring upon it an obligatory nature. Similarly, to provide for its defense, it will also be desirable to progress in the prevision of its justiciability by means of recognizing pathways to accede to and to appeal before tribunals or the administration of each country.

And, in particular, one would have to overcome stiff reticence from States not just to limit themselves to entertaining the possibility as stated in the guidelines, but rather to effectively adopt a national strategy for the total achievement of the right to food, which may serve as a framework for coordinated, systematic and continued action in this regard. The current Special Rapporteur for the United Nations for this right, Professor Olivier de Schutter, has already broached these strategies in his report and it would be desirable that he continue doing so to clarify, specify and delineate the route to their attainment⁶.

We believe that the objective must be the establishment of an instrumental channel that allows the State really to do all that is possible in terms of endowing this right with effectiveness, and by so doing move from ideas and theory to reality and concrete rights.

Now then, although with this channel maximum efficacy might be obtained, in and of itself it would not be sufficient. The application of the right to food can become very conditioned by actions that come from outside the States, and over which they have no control. They lack the capacity to control them. To a large measure, that which is occurring in the present food crisis is proof of it, primordially, on account of the dependence of the international markets and the trading of agricultural products.

2. It appears that the price of basic food items is falling in the international markets, particularly at the Chicago Mercantile Exchange, which is the most influential in the establishment of agricultural prices. So, for example, at this exchange the price of wheat and

declared that this declaration should be kept in mind in the following developments (Note for the file, Ngos consultation on the global food crisis, 19th December 2008, Palais des Nations, Geneva).

⁵ Resolution 9/6, *Human Rights Council, follow up to the seventh special session of the Human Rights Council on the negative impact of the worsening of the world food crisis on the realization of the right to food for all.*

⁶ A/HRC/9/23, 8 september 2008, *Report of the Special Rapporteur on the right to food, Olivier de Schutter. Building resilience: a human rights framework for world food and nutrition security, Human Rights Council.*



**"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010**

corn has fallen more than 60% with regard to the most volatile moments of increases last year. However, how can these drastic variations be explained?

For that it is undoubtedly determinate to observe how the sharp rises in prices have been managed, primordially to establish if there has been speculation or not, and every indication is pointing in that direction. This exchange has seen the arrival of new institutional investors and investment funds⁷ that, according to popular opinion, are seeking profitability after the failure of the subprime mortgages. The absence of other sources of quick earnings also has been an influence. The agricultural market appears attractive and, what is more, it has been receiving publicity as source of a means of guaranteed earnings. Naturally, there are more reasons that have influenced these expectations of earnings on the part of investors, like biodiesel⁸, which is considered to be a very promising substitute for expensive petroleum.

Timidly, the working papers from the aforementioned summit in Rome have recognized that this speculation has occurred. In addition, the framework for action for the crisis from the United Nations has done so, although without foreseeing means of controlling the excesses in the establishment of prices. Simply, it has managed to indicate that further investigation is necessary in order to see this factor's influence, and that the adoption of appropriate regulatory measures for this practice could be necessary. From our perspective, we believe that speculation that propels rising prices in basic foods, beyond that which reasonably occurs in the exercise of a free exchange, violates the right to food. It is a logical juridical consequence, although, until the present time, this affirmation has not been articulated.

3. On the other hand, it cannot escape our attention that the crisis has had a greater impact on the various forty-nine countries that are net importers of food. This exterior trade dependence makes them logically more vulnerable. Let's give as an example the case of the countries that comprise Sub-Saharan Africa, which for the agricultural campaign 2007-2008 had a combined gross cereal deficit of more than 913,000 metric tons, and have had to be importers⁹.

Given this kind of situation, it is interesting to ask oneself which conforms best to the right to food: encourage and protect the production of food in each country or have international commerce supply this necessities?

There are those who defend the latter. Which is the case for Mr. Pascal Lamy, Director of the World Trade Organization, who expressly affirmed that trade is the only viable way of stopping the problems related to rising prices.

⁷ *HLC/08/INF/1*, op. cit., p. 7.

⁸ Naturally, Biofuels are another components of the crisis and is a question of considerable complexity, that need a monographic attention. On the relation with the right to food, it is interesting to see Eide, Asbjorn: *The right to food and the impact of liquid biofuels (agrofuels)*, The right to food studies, Food and Agricultura Organization of the United Nations, Rome, 2008.

⁹ *Comité permanent Inter-états de lutte contre la sécheresse dans le Sahel, Centre regional Agrymet, rapport annuel 2007, p. 10*. Mauritania and Senegal are the countries with the greater dependence and the lowest rate or production.



**"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010**

Although the Rome Conference in June 2008 does recognize the need for increased production, it also provides a defense of the liberalization of agricultural trade, explicitly establishing in its declaration that it is a desirable step towards securing global food security¹⁰.

Also included is the cited framework for action from the United Nation's working group, which defends this principle as well; however, it has begun to be more measured in its response. With certain preoccupation and sense of responsibility, it indicates that in this food crisis the liberalization of the agricultural market is crucial. This can generate considerable risks and, when facing such a decision, safeguards to ensure social protection and the production of small-scale food producers are crucial¹¹.

This preoccupation also is present in the Lesotho Communication, a text that took shape after a meeting of underdeveloped countries, which suffered the full consequences of the food crisis, in order to grapple with the influence that the World Trade Organization's norms can have¹². The text makes it absolutely clear that the national strategies for development are the most important part of finding solutions to the food crisis. Trade is only a minimal and not so important part of the solution¹³.

Putting it lightly, what is becoming patently clear in the recent crisis is that the relation between trade and the right to food is controversial. Consequently, it is important to ask ourselves, what should the juridical relation be between international trade and the right to food? As a response, we can estimate that this relation has to be based on three basic postulates that arise from the necessity that the trade practices, like any other activity, must be subjected to the right to food.

So, firstly, we can consider that trade is an element that must provide and contribute positively towards the progressive realization of the right to food. Furthermore and secondly, neither can impediments be placed on nor can the achievement of this goal be affected negatively. Thirdly, above all, the heart of this right cannot be debilitated nor infringed, which, as is evident, in the case of its violation would require that it be defended due to immediate obligations and direct responsibility¹⁴.

It would be necessary to see the influence of trade in each concrete instance. It would then be interesting to analyze in the situations characterized by the absence of food security what role trade plays, observing the causal relations, be they direct or not. In this sense, resorting to

¹⁰ Literally, the Declaration states that "we encourage the international community to continue its efforts in liberalizing international trade in agriculture by reducing trade barriers and market distorting policies. Addressing these measures will give farmers, particularly in developing countries, new opportunities to sell their products on world markets and support their efforts to increase productivity and production".

¹¹ *Comprehensive framework...*, op.cit., p. 2

¹² *G/AG/GEN/77; WT/COMTD/68, WT/COMTD/LDC/14, Communication from Lesotho on behalf of the LDC group. Report on the conference on the Wto rules and the food crisis in the LDCS.*

¹³ *Ibidem*, p. 7.

¹⁴ *E/C.12/1999/5, 12 may 1999, The right to adequate food (art 11), general comments, Committee on Economic, Social and Cultural rights.*



**"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010**

impact evaluation on this right is interesting, which is an instrument that has been recommended by Special Rapporteur de Schutter in his last report, which was dedicated precisely to trade¹⁵.

4. However, globally, of greatest importance is that this relation trade-right to food is gathered expressly in the texts and normatively driven international declarations that must continue showing and clarifying such a relation.

In fact, already the International Covenant on economic, social and cultural rights, as contained in article eleven, was worrying about this question, be it generically and loosely, expressly establishing that it ought to guarantee an equitable distribution of global food resources in relation to their needs, keeping in mind the problems that are raised as much as in the countries that import or export food products.

In the voluntary guidelines for the right to food, specifically in the third section, there is a bit more general regulation of this relation, though not as developed. Along general lines, the guidelines appear to be primordially favorable to free agricultural commerce and they criticize the known market distortions. Likewise, they also make a passing and insubstantial reference to having States take into account the needs of developing countries and their food security.

Without a doubt, it would be necessary to elaborate and provide more concrete regulation, revising the voluntary guidelines that were alluded to in the third section. What is more, we believe that this is the weakest part of the guidelines and that it could be the subject of widening and improvement.

Likewise, undoubtedly the protection of the right to food ought to be included in the World Trade Organization's rules on the trade of agricultural products. It is common knowledge that the negotiations regarding that sector of trade are advancing slowly, though it now has a modalities project for agriculture that reflects in certain parts the States' consensus and it will form the basis for the final text¹⁶.

5. However, it is interesting to see concrete commercial aspects and practices and evaluate what their relation to the right to food needs to be. We could begin with the restrictive export practices, which have been very much present in this crisis. Certainly, some States have put limitations on their agricultural exports, which, given the aforementioned dependence, has generated food shortages and prices increases in numerous countries, that being one of the causes that has aggravated the crisis.

¹⁵ A/HRC/10/5/Add. 2, 4 february 2009, *Report of the Special Rapporteur on the right to food, Olivier de Schutter, addendum, Misión to the World Trade Organization (25 june 2008), advance edited versión, Human Rights Council.*

¹⁶ TN/AG/W/4/Rev. 4, 6 december 2008, *Revised Draft Modalities for Agriculture, World Trade Organization, Committee on Agriculture, special session.*



**"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010**

Naturally, those restrictions that have those effects must be suppressed. The declaration from the Rome Summit, in fact, expresses its preoccupation in this regard and it calls for a reduction of these practices. Indeed, we could argue, although it has not been said, that the limitations must be imposed by the right to food, if and when they are fructiferous.

Furthermore, these restrictive practices are having another perverse effect. Their presence is being used by some States and companies as a justification for other practices that are surfacing, like the purchasing of land, generally speaking, in the form of very large expanses in developing countries in order to guarantee their food supply¹⁷. Vigilance over this practice, which stems from the crisis, must be maintained. What occurred recently in Madagascar is testament to that need¹⁸ and, undoubtedly, given the right set of circumstances these situations could be contrary to the principal of permanent sovereignty that States have over their natural resources, which runs contrary to not depriving a people of their own means of subsistence and, logically, their right to food¹⁹.

Nonetheless, we have to keep in mind that not all the restrictive export practices are prejudicial. They shall be fully in compliance with the right to food if they are carried out by States with a population in need of food and that is suffering from hunger²⁰. It is comprehensible that a State will prevent food from leaving its territory and reserve it for its own famished population. That is how the less developed countries have defended such a reaction in the Lesotho press release; the United Nations' framework for action also justifies this stance and we believe that that is reasonable if the restrictions are directed accurately towards correcting these necessities.

Upon encountering situations such as these, the aforementioned framework for action makes a pronounced distinction between food security and alimentary self-sufficiency²¹. Therefore, it is contemplated that there can be States in which there is the latter, i.e., production; all the while, food security is not achieved whenever the food is exported or, as we may think, it is distributed inadequately. Conversely, instances of the opposite occurring can be found: There is insufficient production but there is food security in the State, which it obtains thanks to international trade and its timely provisioning of it.

As is, the framework of action informs us, implicitly, that trade is positive for a country's food security and the achievement of the right to food. Naturally, it makes no sense to adopt a

¹⁷ To title of example, Saudi Arabia has bought in Indonesia an extension of seventy-six thousand square kilometers (the half of the extension of Catalonia) or Arabian Emirates Union thirteen thousand square kilometers in Sudan

¹⁸ There, in concrete in the region of Atsinamara, the government, without the knowledge of the population and of the local authorities, was going to rent for ninety-nine years to the south korean business Daewo Logistic a million three hundred thousand hectares for cultivation of palm and corn, what, finally, has remained aborted by the popular opposition.

¹⁹ This rule is established in the first article of the two international covenants on human rights.

²⁰ Although one must keep in mind also that the prohibitions of export many times cause an increment of the exports by contraband. Thus some specialists of the Internacional Food Policiy Research Institute they indicate it (Global food crisis. Monitoring and assessing impact to inform policy responses, *Internacional Food Policy Research*, october 2008).

²¹ *Comprehensive framework...*, *op. cit.*, p. 15.



**"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010**

completely contrarian position towards commerce and, occasionally, it can be beneficial to facilitate this right²². Now then, that which is most reasonable is for the State to be able to provision food stocks autonomously and not have to depend on trade. Setting out on the path towards this objective is that which conforms best to the right to food. It also ought to be compiled in and made manifest explicitly in the international texts and declarations, which is not currently the case.

Without a doubt, the declaration makes this affirmation in good faith. Nevertheless, it is difficult to imagine that for the small-scale farmers in developing countries this access to international markets is a priority and the best solution to the situation. It ought to, in any case, improve the access to local markets. The situation of these small-scale farmers is very precarious and it is now, at least, when the international community has begun to be aware of this vulnerable situation. As the statistics are showing, this sector constitutes a third of the global population, and, globally, of that third seventy percent suffer from hunger.

Faced with such a situation, that which is most desirable is for the right to food to protect them. In the environment of international trade, the implication should be that this regulation be favorable to them, protecting their production against competition from the exterior. The agricultural regimen now in negotiation, as we have indicated previously, ought to be sensitive to it.

6. Until now, notwithstanding whatever minor achievements there may be, the truth is that this regimen has not been very beneficial for them and, in general, for food security²³. For example, in fact restrictions were being established to not permit the States to maintain food stocks to that end, which has been criticized in the United Nations documents on the crisis²⁴. The modalities project on agriculture remediates this situation and, what is more, it permits States to acquire from poor food producers in order to be subsidized based on reasons of food security²⁵.

²² Food Sovereignty cannot be understood as opposed completely to the commerce. As the former rapporteur special on the right to food, prof. Ziegler, said well "the concept of food sovereignty is not antitrade but rather is against the priority given to exports and against the dumping of imported subsidized food in local markets which destroys local farmer livelihoods" (*A/HRC/7/5, 10 Report of the special rapporteur on the right to food, Jean Ziegler, January 2008*).

²³ See, as a brief literature, PHILLIPS, Wendy: *Food Security: a first step toward a more fair trade*, ed. World Vision, Canada, 2000; MURPHY, Sophia: *Food security and the WTO*, ed. Scottish Catholic International Aid Fund, Glasgow, 2001; DIAZ-BONILLA, Eugenio, THOMAS, Marcella, ROBINSON, Sherman: *Trade liberalization, Wto and food security*, ed. International Food Policy Research Institute, TMD Discussion Paper n° 82, Washington, 2002.

²⁴ The Comprehensive framework of United Nations actions defends to reduce restrictions on use of stocks to support humanitarian needs and international trade in periods of significant market turmoil. This benefits all countries through reduced price volatility (*Comprehensive framework..., op. cit.*, p. 20).

²⁵ *TN/AG/N/4/Rev. 4...op. cit.*, p. 42.



**"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010**

Another interesting contribution from this modalities project to the situation of the small-scale farmers in developing countries is the regulation planned in the annex b²⁶, dedicated to revising the regimen of the so called "green box". Expressly, in said annex it allows the developing States to dedicate funds and budget in order to develop loan programs for nutritional food security, subsistence and development of the rural sector

Before setting into motion actions of this type it is necessary in these States to make the weak agrarian sector productive and sustainable. What is more, real world experience demonstrates that the results usually are positive. Consider the example of Malawi, where in a single year a voucher program for fertilizers and seeds that were made available for small-scale farmers has led to a two-fold increase in agricultural productivity in a single campaign²⁷.

That is logical, given that until now, a large portion of the developing States have not been able to fall back on this form of support. The available structural adjustment plans for those countries from the International Monetary Fund and the World Bank used to deny or exclude this public support from the agricultural sector. The previously mentioned Lesotho Declaration, in fact, expressly makes mention of them and the biases that they have created²⁸.

It is difficult to deny, therefore, that these situations have effects and consequences on the right to food. It would be, on account of that, of greatest interest to analyze how they have influenced these structural adjustment plans in the zones and places where food insecurity exists. To that end, one could see clearly through the aforementioned impact evaluations that relation, which could make plainly evident the concurrence of infringements of the right to food, which, as far as we stand, could entail international responsibility and the obligation on the part of the previously mentioned international financial organizations to make amends²⁹.

On the other hand, in the current version of the previously mentioned modalities project another more expressly pointed reference to protecting food security can be found. This is the case of the recognized capability of the States to consider some products as special³⁰. That implies that on said products a special higher tariff can be applied, consequently protecting internal production.

Naturally, all of these references made, expressly based on food security, are positive. However, it is always preferable and desirable in said regimen that a complete and profound

²⁶ *TN/AG/N/4/Rev. 4...op. cit.*, p. 42.

²⁷ In the campaign 2006/2007, *Inforrapid*, UNDP, 2008 july, p. 3.

²⁸ *G/AG/GEN/77*, p. 3.

²⁹ As it is known, the International Law Commission is studying the international responsibility of international organizations.

³⁰ Concretely, the paragraph 129 establishes that "developing country Members shall be entitled to self-designate Special Products guided by indicators³⁰ based on the criteria of food security, livelihood security and rural development. There shall be 12 per cent of tariff lines available for self-designation as Special Products. Up to 5 per cent of lines may have no cut. The overall average cut shall, in any case, be 11 percent". In italics, it is indicated net that "a number of developing country Members have expressed reservations concerning the numbers specified in this paragraph, noting also that this may be affected by what is decided in other areas of the text" (*TN/AG/N/4/Rev. 4...op. cit.*, p. 25).



**"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010**

regulation concretely dedicated to protecting small-scale farmers in developing countries be established. There exist numerous measures that could be incorporated into said regulation. So, for example, it would be convenient to concede to the States the possibility of modifying with total flexibility the tariffs in function with the necessities that food security imposes³¹.

7. In this regulation, attention to multinational food companies should be paid, as well. They are relatively few in number, but they control a considerable part of the global food market and exert considerable influence. In addition, apparently, they emerged from the crisis in fine financial shape and they posted profits along with their corresponding increases in prices.

It is neither rational nor reasonable for this situation to occur nor that it be maintained. We believe that, in fact, even the very food industry, at its heart, is conscious of that. In this sense, the slogan of the most recent World Business Summit held in Munich in June 18-20, 2008 by the principal companies of this sector, during the food crisis, reflected it in a very eloquent way: Building profit with responsibility³².

To allude to responsibility really amounts to a good intention. Nevertheless, it would be an exercise in unwarranted optimism to hope that this summit had created a well elaborated and complete doctrine of it³³. In fact, food security in developing countries and the crisis of rising prices was merely superficially broached.

Logically, the right to food should have the responsibility of adjusting and regulating the behavior of the multinational food companies and exert itself in ensuring that its actions do not exceedingly jeopardize or harm the small-scale farmers in developing countries.

The Special Rapporteur on this right, Olivier de Schutter, in this last report dedicated to trade, has already focused his attention on the food industry. In the report, he already has pointed out that, in the mid to long term, it is going to be necessary for international law to adopt rules regarding antitrust and unfair competition law in order to avoid an excessive concentration of the market in the hands of a few and to impede abusive trade practices from those in a dominant position³⁴.

Naturally, we can already imagine that it will be a slow process and that it will require considerable time to secure this regulation. The clarification of the obligations that ought to correspond concretely to the businesses so as to not damage the right to food also will need ample reflection. It is, undoubtedly, a line of investigation of greatest interest.

³¹ Thus, the already above mentioned Communication of Lesotho defends it and the very interesting International Assessment of Agriculture knowledge, science and technology for development (IAASTD, Executive summary of the síntesis report, p. 19).

³² *52nd World Food Business Summit, executive summary, Growth and Sustainability. Building profit with responsibility.*

³³ In some interventions was considered normal and justified the ascent of prices of the food.

³⁴ A/HRC/10/5/add.2, *op. cit.*, p. 22.



**"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010**

From our point of view, we believe that a point of departure for it would be to have companies include the right to food in the traceability of their products. This is the technical term used by the sector and it means knowing the entire journey taken in the creation of the product from the very beginning as a raw material. Consequently, they will have to be vigilant that this right is present in all the links of the chain, primordially in the initial ones, guaranteeing adequate remuneration for the producer and preventing intermediaries from profiting excessively.

8. Finally, what cannot be lost from sight is that all the prodding and efforts made to reinforce the right to food would be for naught unless the institutional system of the international community is reformed and made more efficient and effective.

Certainly, the harsh lashing meted out by the crisis has given rise to numerous voices that clearly show the weaknesses and insufficiencies of the existing international system³⁵. In a sense, there are interesting analyses that are showing the lack of coordination and the necessity of coherence between the four different international institutions dedicated to agriculture, like the FAO, the World Food Program, the International Agricultural Development Fund and the Consultative Group on International Agriculture Research. Already the former Special Rapporteur Jean Ziegler pointed out the schizophrenia embodied in the clear disaccord regarding action from the financial organizations, the World Bank and the International Monetary Fund, with regard to the rest of the agencies from the United Nations, and that it harms the right to food³⁶.

The status quo is being unmasked and light is being cast on its incapacity for sustainability. Hence the fact that various proposals for change and institutional reform are appearing, like, for example, the so called "new deal" for food championed by the World Bank or the global partnership that France has defended³⁷. Equally, the FAO itself has announced the necessity of moving towards a new international agricultural order, advocated by its director-general, Mr. Jacques Diouf. Let us hope that the initial impetus does not wane over time and that it bears fruit in the form of results.

That which is most desirable, from our point of view, ought to be the restoration of a complete and credible international strategy for the complete attainment of the right to food³⁸. It would have the same finality as the national strategies alluded to, and in it the entire system of institutions and international organizations have to be committed, involved and acting in unison. Indeed, it should function as a conduit for action that endeavors to maximize the use of resources and achievement of the objectives.

³⁵ See *Message for Madrid. All roads maps lead to Rome*, ETC Communiqué, n° 101, January 2009.

³⁶ *A/HRC/10/5/Add. 2...op. cit., p. 14.*

³⁷ In the above-mentioned Cordoba Declaration on the right to food is indicated, like caution, that all the initiatives should have to the United Nations as responsible for the coordination.

³⁸ It is also indicated in the Lesotho Communication. In this communication is declared explicitly that to assure that coherence is necessary to structure all those organizations around a common politics in matter of agriculture (G/AG/GEN/77, p. 8).



**"De la terre à l'aliment, des valeurs aux règles"
Rencontres Lascaux - 28 & 29 juin 2010**

Naturally, the aspects of the international trade of agricultural products, as we have been observing, are crucial. Because of them, in this strategy and in the reform initiatives they have to be taken into account as well as foresee the necessary participation of the institutions linked to it, like the United Nations Conference on Trade and Development (UNCTAD) and the World Trade Organization. In the latter, thanks to the recent intervention of Special Rapporteur Olivier de Schutter, for the first time the relation between food security and the right to food with trade is being broached³⁹.

³⁹ They as declared some States in the WTO. This intervention took place last July 2, where it exposed the reports before cited. Also, it is necessary to mention that some States showed it reluctances to possible limitations to free trade principle.