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## To cite this version:

Catherine Laroche-Dupraz, Angèle Postolle. Can the concept of “food sovereignty” justify increasing agricultural protection in developing countries?. [University works] auto-saisine. 2010, 20 p. hal-01462539

**HAL Id: hal-01462539**

**https://hal.science/hal-01462539v1**

Submitted on 6 Jun 2020

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AgFoodTrade

New Issues in Agricultural, Food & Bioenergy Trade

# Can the concept of "food sovereignty" justify increasing agricultural protection in developing countries?

**Catherine Laroche Dupraz (*Agrocampus-Ouest, INRA)* and Angèle Postolle (*ESA Angers, CIRAD-INRA*).**

## Working Paper 2010-07

AGFOODTRADE (*New Issues in Agricultural, Food and Bioenergy Trade*) is a Collaborative Project financed by the European Commission within its VII Research Framework. Information about the Project, the partners involved and its outputs can be found at www.agfoodtrade.eu .

# Can the concept of "food sovereignty" justify increasing agricultural protection in developing countries?

**Laroche Dupraz C.[1,2], Postolle A. [3,4].**

[1]

**Keywords**: food sovereignty, developing countries, protection, agricultural policy, WTO negotiations

**Abstract**

The food crisis has challenged the political legitimacy and economic efficiency of the deregulation and liberalization of international agricultural trade. In the second half of the 20th century, "food security" was put forward as the grounds for the implementation of modern protectionist agricultural policies in developed countries. In response to falling, unstable agricultural prices on world markets, price support mechanisms became the main European agricultural policy tool, generating high tariffs. The protection of agricultural markets was reassessed by the Uruguay Round of the GATT international trade negotiations (1986-1994), resulting in binding commitments to reduce domestic support measures suspected of impacting world prices. The ongoing Doha Development Agenda round of agricultural negotiations still aim to discipline and reduce the protection WTO members obtain through trade policies and domestic support measures in the agricultural sector. However, a certain number of NGOs and civil society representatives have developed the concept of "food sovereignty" to defend the idea that developing countries should have the right to protect their domestic markets from imports of food products when these imports compete with domestic production and consequently threaten their agricultural sector. At the same time, food sovereignty campaigners suspect that WTO rules and the ongoing negotiations will make this goal unattainable.

Few studies have tried to understand the concept of food sovereignty and the basis on which it is built, as seen by its supporters. Another aspect of the issue is which economic instruments it requires. The purpose of this paper is to look at whether the introduction of the "food sovereignty" concept into the WTO negotiations would enable developing countries to better protect their smallholder agriculture against agricultural imports. We believe that the focus of this study may be of importance in explaining some key points of discord at the WTO.

We base our analysis on recent WTO negotiations to compare the concept of food sovereignty, as developed by NGOs, with the economic instruments contained in draft WTO agreements concerning developing countries. Our starting hypothesis is that the concept of

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The authors are grateful for financial support received from the AgFoodTrade project "New Issues in Agricultural, Food and Bio-energy Trade (AGFOODTRADE)" Small and Medium-scale Focused Research Project, Grant Agreement no. 212036, funded by the European Commission. The views expressed in this paper are those of the authors alone, and should not be taken to represent the views of any of the European Commission.

food sovereignty could be a political tool and could provide economic instruments to boost the necessary protection of agriculture in developing countries. The particularity of our approach is to combine a factual historical-economic analysis of food security with a cognitive analysis – developed by political scientists – of the concept of food sovereignty.

Firstly, from a historical point of view, we focus on how the concept of "food security" was used as grounds to build modern agricultural and trade policies and how, in some cases (CAP), it led to the creation of protectionist instruments or, at the other end of the scale, trade liberalisation. The second part of our paper studies food sovereignty from the point of view of its emergence and in relation to WTO negotiations. We base our analysis on founding texts on food sovereignty written by a few NGOs and identify a number of definitions. We then conduct a cognitive analysis of the concept from the point of view of the frame of reference underlying the public policies. The aim of this approach is to construct the food sovereignty campaigners' mental maps, which draw on the different levels of perception of the world (such as images of the agricultural world and the societal role of trade). The third part of our paper subsequently looks into the extent to which it is possible for developing countries to protect themselves against agricultural imports, while respecting current international trade law. For instance Special and Differential Treatment (S&D) entitles them to a lower and slower reduction in their tariffs than developed countries. In addition, special arrangements are often discussed to cope with their potential vulnerability to trade liberalisation. Under the ongoing WTO talks, developing countries can, for instance, negotiate "special products" that benefit from a less stringent application of tariff reductions than regular agricultural products. We then argue that some technical arrangements made at the WTO already tie in with the concept of food sovereignty, even if the term is not actually mentioned in the draft agreements. This begs the question as to the possibility of the official introduction of the concept as it stands and its potential effects on the terms of the multilateral agreements for the developing countries. We show that whereas this concept may clarify some of the developing countries' needs, its implementation would not extensively change the outcome of the negotiations because many developing countries already have tools available to protect their smallholder agriculture.

These results provide some insight into the interactions between trade policies and world hunger. Nevertheless, outside of the WTO negotiations or in a departure from its rules, other international agreements (bilateral trade agreements, funding conditions dictated by international organisations, etc…) may add more rules against protection from imports into developing countries. They suggest a broader hypothesis for further research into the effects of other international agreements on food sovereignty.

# Le concept de souveraineté alimentaire constitue-t-il un outil politique utile pour les PED dans le cadre des négociations commerciales internationales agricoles ?

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**Mots-clé**: souveraineté alimentaire, PED, protection, politique agricole, négociations agricoles

**Résumé:**

L'assurance de la sécurité alimentaire a motivé la mise en place de politiques agricoles protectionnistes modernes des pays développés pendant la deuxième moitié du XXème siècle. Jusqu'à la fin des années 1980, l'érosion et l'instabilité des prix agricoles sur les marchés internationaux a justifié le maintien du soutien des prix comme outil principal de la politique agricole européenne notamment, nécessitant de recourir à des droits de douane élevés pour protéger l'agriculture des importations des pays tiers. La protection élevée des marchés agricoles, soupçonnée précisément d'avoir un impact négatif sur les prix des marchés internationaux et leur stabilité, a été remise en cause par les négociations commerciales internationales du GATT à l'Uruguay Round (1986-1994) qui s'est conclu par des engagements de réduction des protections aux frontières et du soutien interne à l'agriculture. Depuis l'accord agricole de l'Uruguay Round, les négociations commerciales internationales à l'OMC dans le cadre du Doha Development Agenda suivent cette ligne.

Un certain nombre d'ONG et de représentants de la société civile développent le concept de « souveraineté alimentaire » pour défendre l'idée que les pays en développement doivent avoir le droit de se protéger des importations des pays tiers de produits alimentaires, dès lors que ces importations concurrencent et risquent de déstabiliser des filières de production locales. A cet égard, certaines organisations telles que Via Campesina, accusent les règles actuelles de l'OMC de rendre cet objectif inatteignable.

Cette contribution vise à se pencher précisément sur le concept de souveraineté alimentaire, ses fondements idéologiques et les instruments économiques qu'il suggère. La « souveraineté alimentaire » peut-elle constituer pour les PED, des points de vue politique et économique, un argument convainquant leur donnant la possibilité d'accroitre leur niveau de protection vis-à-vis des importations agricoles ?

D'un point de vue méthode, nous analysons l'émergence du concept de souveraineté alimentaire, afin de comprendre précisément ce que recouvre ce terme, pour ceux qui l'emploient et souhaitent promouvoir le concept, mais aussi afin de saisir les implications économiques de son éventuelle mise en œuvre pour les PED et leurs partenaires commerciaux. L'originalité de notre démarche est d'aborder cette question en associant une approche historique et économique de la sécurité alimentaire à une analyse cognitive de la souveraineté alimentaire. Le contenu du volet agricole des récentes négociations à l'OMC nous fournit un cas pratique d'analyse des interactions entre concept de souveraineté

alimentaire, tel que développé par les ONG, et les textes de projets d'accords issus des négociations politiques relatives au commerce international de produits agricoles concernant les PED. L'introduction effective de la notion de souveraineté alimentaire comme objet de négociation pourrait-elle amener à développer des marges de manœuvre nécessaires à l'élaboration de politiques agricoles protectrices innovantes et soutenables pour les PED ?

Dans une première partie, nous revenons sur le concept de sécurité alimentaire en cherchant à comprendre comment il a été utilisé dans le cadre de la construction de politiques agricoles et commerciales modernes, et la façon dont il a pu se traduire, d'un point de vue économique, par des instruments de politique protecteurs (exemple de la PAC) ou au contraire en faveur d'une plus grande ouverture aux échanges (cas de l'approvisionnement des villes du Sud).

La deuxième partie rappelle le contexte dans lequel a émergé la notion plus récente de « souveraineté alimentaire », en lien avec le premier Sommet Mondial de l'Alimentation (1996) et les négociations commerciales agricoles des pays en développement. Nous procédons à une analyse cognitive du concept en termes de référentiel de politique publique au travers de six textes datant de 1996 à 2009. Nous y distinguons les valeurs politiques et normatives sous-jacentes au concept et identifions les algorithmes politiques dont découlent les choix politiques sous-tendus par la souveraineté alimentaire. Enfin nous isolons les images de la réalité agricole mondiale sur lesquelles s'appuie le concept, en vue d'établir les cartes mentales des défenseurs de la souveraineté alimentaire. Au final, nous montrons qu'alors que la « sécurité » alimentaire amène à justifier aussi bien des politiques protectionnistes qu'une ouverture aux échanges, la « souveraineté » alimentaire implique nécessairement, pour ceux qui utilisent ce terme, des mesures de protection. Par ailleurs, la souveraineté alimentaire introduit sur la scène politique internationale la question des effets des politiques commerciales agricoles sur l'insécurité alimentaire des populations du monde les plus fragiles. Du point de vue des politiques commerciales, les revendications portées par le concept sont d'une part l'élimination de la concurrence déloyale dont les productions agricoles des PED peuvent faire l'objet du fait du soutien pratiqué dans les pays développés, et d'autre part la réaffirmation du droit des PED à mieux protéger leurs marchés des importations des pays tiers.

La troisième partie tente de préciser dans quelle mesure ces revendications sont abordées dans le droit international commercial tel que pratiqué à l'OMC. Dans le volet agricole des négociations commerciales internationales à l'OMC, l'objectif de l'élimination de tout soutien à l'exportation est à l'ordre du jour et les pays en développement bénéficient de traitements particuliers quant à l'application des engagements de libéralisation de leurs marchés. Ainsi le Traitement spécial et différencié (TSD) leur permet par exemple de bénéficier d'engagements de réduction de leur protection tarifaire réduits et étalés sur des périodes plus longues que les pays développés. Par ailleurs, pour les différents volets de négociation, des dispositions particulières sont parfois envisagées spécifiquement pour les pays en développement afin de tenir compte de leur vulnérabilité éventuelle à la libéralisation des marchés agricoles. Par exemple, dans le cadre des négociations actuelles portant sur la protection des importations, les PED peuvent négocier des « produits spéciaux » qui bénéficient d'engagements de réduction de la protection tarifaire moindre que pour les autres produits agricoles.

Au final, il apparait que certains mécanismes négociés à ce jour s'apparentent déjà au concept de souveraineté alimentaire, même si ce terme ne figure pas dans les textes de projet d'accord. Toutefois si ce concept pourrait dans une certaine mesure clarifier les revendications de certains PED à l'OMC, sa mise en œuvre ne bouleverserait pas sensiblement l'issue des négociations multilatérales, les engagements des PED à l'OMC ne se

révélant pas significativement contraignants pour l’élaboration d’une politique de protection des importations.

# Can the concept of "food sovereignty" justify increasing agricultural protection in developing countries?

## Introduction

The promise of food security drove the modern protectionist agricultural policies introduced in the developed countries in the second half of the 20th century. Through to the late 1980s, falling, unstable agricultural prices on the world markets constituted the grounds for the use of price support as a major agricultural policy tool, especially in the European Union, ushering in high tariffs to protect agriculture from imports from third countries. The high level of agricultural market protection, suspected precisely of having a negative impact on world market prices, was challenged by the Uruguay Round of international GATT trade talks (1986-1994). These talks generated commitments to reduce border protection and domestic support to agriculture. Since the Uruguay Round Agreement on Agriculture, international trade negotiations at the WTO in connection with the Doha Development Agenda have built upon this move.

In the 1990s, a certain number of non-governmental organisations (NGOs) and civil society representatives introduced the concept of "food sovereignty" to promote the idea that developing countries should have the right to protect themselves from food imports from third countries when these imports compete with and risk destabilising the local production sectors. In this context, the term "food sovereignty" refers to the global justice and affiliated movements that defend the right of people to feed themselves and consequently the right for nations to develop an agricultural policy in line with the interests of their own population without being a source of dumping for a third country. Some organisations, such as Via Campesina, accuse the current WTO rules of making this goal unattainable.

This paper looks into the concept of food sovereignty, its ideological foundations and the economic instruments it implies. The question put is the following: is the concept of food sovereignty really at odds with the current organisation of the agricultural markets at the WTO? Could this discourse constitute an effective political and economic argument for the developing countries, enabling them to increase their level of protection from agricultural imports, especially vis-à-vis WTO rules?

In terms of method, we analyse the emergence of the food sovereignty discourse to understand exactly what this term means to those who use and champion the concept, but also to grasp the economic implications for developing countries and their trade partners should it be implemented. Our approach is original in that we address this question with a combination of a factual historical-economic analysis of food security and a cognitive analysis of food sovereignty. The content of the agricultural component of the recent negotiations at the WTO provides a case study for analysing the interactions between the concept of food sovereignty, as developed by the NGOs, and the draft agreements resulting from the political negotiations on international trade in agricultural products concerning the developing countries. Could the introduction of the notion of food sovereignty as a negotiating tool free up the room for manoeuvre required to develop innovative and sustainable protectionist agricultural policies for the developing countries?

The first section of this paper looks at the food security concept to understand how it went into the building of modern agricultural and trade policies and how it found economic expression in protectionist policy instruments (such as the CAP) or in greater trade openness (case of the supply of Southern cities).

The second section presents the environment in which the more recent notion of "food sovereignty" emerged, in connection with the first World Food Summit (1996) and the developing countries' agricultural trade negotiations. We conduct a cognitive analysis of the concept based on six texts dating from 1996 to 2009. We define the political and normative values underlying the concept and identify the political algorithms behind food-sovereignty-driven policy choices. Lastly, we determine the images of the agricultural world on which the concept is based in order to construct the food sovereignty campaigners' mental maps.

The third part draws on this work to establish the extent to which it is possible for developing countries to develop their protection from agricultural imports from third countries, considering international trade law and the particular treatment of developing countries in this respect. The technical arrangements made at the WTO are analysed to see whether they are consistent with the food sovereignty concept.

## 1. Food security and the trade component of the agricultural policies

### *1.1. World food security*

The Food and Agriculture Organization of the United Nations (FAO), established following the United Nations Conference on Food and Agriculture in 1943, is tasked with freeing mankind from hunger through multilateral co-operation. The idea on which the FAO has based co-operation among its members from the outset is to rationalise food production and trade for the benefit of producers and consumers by combating price fluctuations, using agricultural surpluses constructively, and organising food aid [Shaw J.D. (2007) pp.3-76].

In 1973-1974, a serious food crisis made the world's countries realise that world food security is a common responsibility of all nations [Shaw J.D. (2007) p.150]. Following the 1974 World Food Conference, the United Nations agreed on an International Undertaking on World Food Security, whose objectives were defined as follows [FAO (1974)]:

> "*Ensuring, to the utmost, the availability at all times of adequate world supplies of basic food stuffs, primarily cereals, so as to avoid acute food shortages in the event of widespread crop failures or national disasters, sustain a steady expansion of production and consumption, and reduce fluctuations in production and prices*."

Given that this resolution was drafted following a dramatic surge in agricultural prices, it addressed food security mainly from the point of view of regulating the world food supply and markets. It committed the countries to co-operating to maintain the availability of adequate stocks (especially of cereals) in the event of a shortage and to contribute to food aid for the populations of developing countries suffering from hunger.

Various other definitions of food security have been formulated since [Padilla (1997)], but the most commonly used is the definition found in the Rome Declaration adopted by the 1996 World Food Summit [FAO (1996)]:

> *"The Rome Declaration on World Food Security and the World Food Summit Plan of Action lay the foundations for diverse paths to a common objective - food security, at the individual, household, national, regional and global levels. Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. In this regard, concerted action at all levels is required. Each nation must adopt a strategy consistent with its resources and capacities to achieve its individual goals and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security."*

These two definitions devised 20 years apart show how the concept of food security evolved and became gradually more complicated over the period. Maxwell [1996] shows that

the concept has seen three major developments since the first World Food Conference in 1974. Whereas the emphasis was initially placed on the availability of adequate national and worldwide food supplies, it was very quickly realised that the existence of these stocks in no way prevented the spread of famine. It was Sen [1980] who triggered the change of paradigm by developing the concept of "entitlement" (the ability to access food), which refers to the quantity of food people can secure through their own production, trade or labour and gifts. This shifted the focus from agricultural production to access to food for households, but also the individuals in the households. Individual access to food depends on the ability to command and access the family's resources; this implies paying particular attention to access to food for women and children. Maxwell identifies a second epistemological break arising from the lessons of the 1984 Ethiopian famine. Populations may choose to restrict their access to food in the short run to ensure their subsistence in the medium or long run, keeping seeds and refraining from sacrificing an animal. The priority here was no longer on access to food, but on the conditions for subsistence to ensure the long-term viability of the household as a production unit (Frankenberger & Goldstein, 1990 in Maxwell, [1996]). Lastly, Maxwell identifies a third change in thinking in the form of a shift, in the early 1990s, from a food security approach based on objective, quantitative indicators to the gradual taking on board of the subjective, qualitative and culturally predetermined perception of food security.

The 1996 definition ultimately dropped the reference to agricultural price fluctuations. Food insecurity was no longer associated with an inadequate supply of foodstuffs worldwide, but with demand solvency problems and distribution problems, i.e. with the logistical organisation of supplies, imports and food aid at all levels: local, national, regional and international. Accordingly, global food security is not solely a matter for international co-operation; each country has a responsibility to organise its population's food security. Different policies may be involved wherever they touch on agricultural production, food processing and distribution, household consumption and trade with third countries, but the general policy is also concerned.

In terms of agricultural and border trade policies, different nations have taken up the "food security" goal with plethora of different national strategies based on contrasting political conceptions.

### *1.2. Food security and agricultural and trade policies in the developed countries: the case of the CAP*

A number of developed countries have put forward supply security objectives to, at least partially, justify their agricultural and border trade policies. The European Common Agricultural Policy (CAP) is just such an example of this. The Treaty of Rome (1957), which defines the aims of a common agricultural policy to be put in place in the European Economic Community under construction, states:

> *"The common agricultural policy shall have as its objectives*: *(a) to increase agricultural productivity by developing technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, particularly labour; (b) to ensure thereby a fair standard of living for the agricultural population, particularly by the increasing of the individual earnings of persons engaged in agriculture; (c) to stabilise markets; (d) to guarantee regular supplies; and (e) to ensure reasonable prices in supplies to consumers."*

Agricultural and border trade policies are designed to further the development of national production so that the country does not need to import food from third countries, in

other words to attain "food self-sufficiency". This notion of food security finds expression in a protectionist border trade policy put in place to restrict imports. The commonly used instrument to achieve this is customs duties (tariff instrument). These duties are applied to imports from third countries to keep prices on the domestic market higher than world prices for the benefit of domestic producers, but at the expense of domestic consumers.

Thus food security became the grounds for a number of modern agricultural policies, in particular the CAP from 1962 to 1992. In the case of the CAP, the farmers' production was guaranteed by an even more effective instrument than mere customs duties. A minimum price, higher than the world price level, was set institutionally every year for each product in the system and this price was guaranteed to producers. This system of guaranteed prices was coupled with border protection adjusted to this price: customs duties on imports were calculated to offset the difference between the European price and the world price (these were known as "variable levies"). So producers benefited not only from a price higher than the world price level, but this price was isolated and therefore safe from world market fluctuations. The paradox is probably that the system was pushed to the extent that surplus production, which found no outlet on the European market, also benefited from this protection via the "export refunds" system. Producers could export their products to the world market, at world market prices, while benefiting from the guaranteed Community price as the difference between the guaranteed price and the world price was "refunded" to them in the form of a subsidy.

This example shows how the self-centred view of food security, combined with border import tariff protection, can secure a better price for domestic producers and therefore foster growth in domestic agricultural production and productivity. In so doing, by reducing demand for imports on the world market (and even by fostering domestic exports and hence increasing the supply on the world market), this policy option has a downward effect on world agricultural prices ("large country" effect) and undermines the markets for farmers from the other countries in the world, especially developing countries.

Driven by such an incentive-based policy, the EU attained self-sufficiency in the late 1970s. The problem then became rather one of managing the surpluses of most of the agricultural products in the 1980s. This situation, in an environment of heightened international competition and falling agricultural prices on the world markets, prompted a reform of the system and the phasing out of guaranteed prices, border protection and export subsidies starting with the 1992 CAP reform and continuing with Agenda 2000 and the 2003 reform. In effect, these instruments had proved too expensive and uncontrollable, and were no longer acceptable to the EU's trade partners[2].

### *1.3. Food security in the developing countries: a different connotation*

The developing countries' populations are regularly harder hit by food shortages than the developed countries. Yet they have not put in place similar agricultural support policies to the developed countries' protectionist models. Neither would it be fair to think that the strategies set up to combat food insecurity are based solely on international trade openness.

[2] Other developed countries elsewhere in the world have also developed protectionist policies based on food security (case of Japan). At the same time, others have taken the opposite direction to achieve food security and introduced a trade openness policy to, in line with classical theory, benefit from comparative advantages (e.g. Australia). Still other nations have not based their agricultural policies on food security, but have made it the subject of a separate policy (e.g. the United States).

Padilla [1997] looks at the history of food in African towns and cities. Following the severe food crisis in 1973-1974, most of the African nations resolved to introduce multi-sector "food planning" to guarantee national food security via the development of self-sufficiency. In practice, agricultural production planning ultimately concerned cash crops only. Food planning did not happen and urban supplies relied mainly on imports and food aid. Consequently, specific food policies developed. Governments often introduced subsidies for food purchases so that urban consumers could eat for a reasonable price. These food policies fostered consumption irrespective of the origin of the production with the result that they did not necessary benefit domestic farmers, since they also helped to develop food imports.

A.O. Krueger *et al.* [1988] estimate the impact on agriculture of the general and sector policies put in place by 18 developing countries in different geographic regions over the 1975-1984 period. The direct effect is measured by the difference between the producer price and the border price adjusted for transport, storage, distribution and other marketing costs. The indirect effect comprises the impact of fiscal policies and industrial protection policies on the exchange rate and hence on the price of agricultural products relative to the price of other products. The authors find that, in almost all cases, the direct effects together are equivalent to a tax on exportable products (approximately 11% on average) and a subsidy for imports (approximately 20% on average). The indirect effects also tax agriculture (approximately 27%) and dominate the direct effects, even when these direct effects are directed towards helping the domestic agricultural sector. In the Berg report [World Bank, 1981], the nominal protection coefficients (NPC) calculated for most of the agricultural products exported from Sub-Saharan Africa (cocoa, coffee, groundnuts, cotton, sesame, tea, tobacco, maize and wheat) from 1971 to 1980 are found to be less than 1, revealing that these export crops were also taxed over the period studied. Araujo Bonjean & Chambas [1999] confirm that significant tax pressure continued to weigh on African agriculture, particularly export crops, in the 1990s, mainly for fiscal reasons. The agricultural sector in the developing countries has reportedly been taxed more on the whole than it has been subsidised since the 1970s. This situation has fostered imports from third countries and restricted investment in the sector.

Following the Berg report[3] [World Bank, 1981] and especially the financial crisis that hit many developing countries in the aftermath of the oil countershock in the early 1980s, Matthews and Mahé [1995] mention that the international financial institutions (IFIs: the World Bank and the International Monetary Fund) granted 36 loans to Sub-Saharan Africa

[3] The Berg report [World Bank, 1981] is quoted by a number of authors as being the catalyst for a political turning point that marked the end of the self-sufficiency policies in the developing countries since they were deemed scientifically baseless. This created a window for the developing countries to throw open their doors in a move to develop their export sectors (see, for example, Padilla, [1997]). On reading this report again, the agricultural policy recommendations it implies for the Sub-Saharan African countries appear to be less radical.
The report clearly criticises the inadequacy of African agricultural production given the region's demographic growth. It points up the increase in the African countries' dependency on food imports, observing the replacement of traditional food production (millet, sorghum, and root and tuber vegetables) with imported rice and wheat since 1981 in connection with urbanisation. The lack of investment in agriculture is explained by an inadequate border policy: overvalued local currencies penalise exports and foster imports, discouraging local production.
Although the report effectively recommends developing export crops to cash in on Africa's "obvious" comparative advantages in tea, coffee and cotton production, it considers that the investment needed to develop these crops should have positive repercussions on the simultaneous development of food crops by improving access to efficient techniques, inputs and equipment to improve farming yields. All the same, the World Bank points out that the development of export crops is always preferable to merely maintaining a self-sufficiency strategy. Opening the food marketing channels to the private sector is also one of the recommendations. However, this same report clearly advocates that Sub-Saharan Africa should resume high enough import duties to prevent imported food from replacing local produce and should introduce a price policy in favour of producers, even if it is to the disadvantage of consumers [World Bank, 1981, p. 76].

and 46 loans to other world regions from 1980 to 1987. Of these, 80% and 33% respectively were tied to structural adjustment conditions connected with agricultural policies. The prescribed measures concerned, on the whole, reducing visible discrimination against agriculture and improving economic incentive by restoring true prices. This basically meant reducing input subsidies, dismantling barriers to trade with third countries, and withdrawing the public sector from the production, service, and currency and trade control functions. The idea was for these countries to make the most of their comparative advantages in the food sector and the economy's other sectors. Although the structural adjustment measures may well have helped develop export crops, they do not appear to have helped the traditional small subsistence farmer sector in the slightest [Matthew and Mahé, 1995]. At the same time, urbanisation was gathering pace in the developing countries in Asia, Latin America and Africa.

The "free-market" turning point was actually a gradual process that came about differently in different geographic areas [Padilla, 1997]. For example, North Africa maintained a command economy with controlled low prices to support consumption. The privatisation of its agri-food sector is even now only partial and has run into regulatory and competition problems. In Latin America, rural areas rely on local supplies for their food while urban areas get their supplies from specialised, rationalised mass production hubs via the development of retail channels that are not always competitive. Food policies take the form of consumer subsidies for the disadvantaged populations. In Sub-Saharan Africa, analyses conducted in the early 1990s found growth in specialised periurban agriculture in response to growing demand from the towns and cities. Some "rigidity" in the urban consumption models would have provided domestic agriculture with a certain amount of protection at least on a temporary basis, even though ease of use of certain imported products was inducing a slow shift in urban food habits.

### *1.4. Introduction of an agricultural track in the international trade negotiations: the Uruguay Round Agreement on Agriculture (URAA)*

When the Uruguay Round of the GATT talks was launched in 1986, the agricultural markets and especially the cereals market were in a state of crisis. Agricultural price trends had been depressed for thirty years and the developed countries were stepping up support and subsidies to their agricultural sectors in a move to maintain their export levels. The European CAP, seen by all the EU's partners as excessive in its protection, was condemned by the United States. It was joined in this by the Cairns Group, a coalition of developed and developing countries that do not subsidise their agricultural exports. These countries accused the protectionist policies of having a negative impact on world prices, especially cereals, and argued that world prices would post an upturn if the CAP were dismantled. It was in this climate that agriculture, which by mutual agreement had never really been discussed by previous rounds of the GATT trade talks, was placed on the agenda of the Uruguay negotiations with a view to the sector's gradual liberalisation. Agriculture even became the most heated topic of the negotiations and the one whose resolution was vital to kick start the stalling talks.

The agri-exporting developing countries had high hopes for the liberalisation of the agricultural markets to improve their access to the Northern markets by reducing customs tariffs. They also hoped that an end to the imbalances would prompt an increase in world prices for agricultural products. However, those developing countries that were net importers of agricultural products were apprehensive of just such an increase in prices, which risked adding to the cost of their food supplies [Matthews, 2001].

After seven hard years of talks, the Uruguay negotiations ended in 1994 with a series of compromises including the Uruguay Round Agreement on Agriculture (URAA) [GATT, 1994]. The URAA took the form of an undertaking by all the contracting parties to the GATT to reduce direct supports to agricultural production (classed in the "amber box") by 20%, export subsidies by 15% and import tariffs by an average 36% over the 1995-2000 period. The developing countries benefit from Special and Differential Treatment (S&D), i.e. lower levels of commitments than the other contracting parties and longer timeframes to meet these commitments. It was during the URAA implementation period that the term "food sovereignty" appeared.

## 2. The emergence of the food sovereignty concept

### *2.1. The origins of food sovereignty and its definitions*

The concept of food sovereignty emerged politically in the 1990s in connection with the international debates on the World Food Summit (WFS) aiming to reduce world hunger and then the Millennium Development Goals (MDGs). The notion of food sovereignty made its public début on the international stage in margin of the 1996 World Food Summit held by the FAO in Rome, when it appeared in the NGO Forum's final political statement: *"International law must guarantee the right to food, ensuring that food sovereignty takes precedence over macro-economic policies and trade liberalization."* The concept is clearly introduced here as a new way of guaranteeing food security to peoples, in a break with the path taken by the Uruguay Round, which opened up the international trade talks on market liberalisation to agriculture. Since, every WFS features a parallel NGO/CSO Forum for Food Sovereignty.

The concept was devised by Via Campesina. It has since been taken up and honed by global justice campaigners in different networks, such as More and Better[4], and various forums such as the World Social Forum, the World Forum on Food Sovereignty (Cuba, 2001, and Mali, 2007) and the NGO/CSO forums alongside the WFS in 1996, 2002 and 2009. Among the foremost campaigners of these networks and world forums is a hard core of organisations made up of Via Campesina, the Network of Farmers' and Agricultural Producers' Organisations of West Africa (ROPPA), the International Federation of Agricultural Producers (IFAP) and the World Forum of Fish Harvesters and Fishworkers (WFF). Alongside the farmer organisations are gathered social movements and civil society organisations with the common purpose of promoting food sovereignty. Co-operation among the movements promoting the food sovereignty concept is encouraged by the FAO, which has diligently engaged in dialogue with the non-governmental organisations and civil society to define concrete measures to implement food sovereignty. This has stimulated a process of compromise and ideas conglomeration among engaged NGOs.

The definitions analysed are very similar even though they are evolving to some extent and being honed as work goes on. This unity of views appears to be symptomatic of the civil society globalisation process, since this collective work rallies stakeholders from the world's main continents. For example, the World Forum on Food Sovereignty was attended by nearly 400 people from 60 countries representing over 200 organisations in Cuba in September 2001, and by 600 delegates at the Nyeleni Forum in Mali in 2007. Food sovereignty hence looks to

[4] More and Better is an independent campaign comprising social movements, civil society and NGOs from over 50 countries and a core of unified national campaigns. The More and Better campaign grew out of a movement to increase the quantity and quality of support to agriculture, rural development and food to eradicate hunger and poverty. See http://www.moreandbetter.org/.

be as much a standard raised by global justice campaigners in response to a free-market interpretation of food security as the expression of new agrarian radicalism.

We have analysed six benchmark texts on food sovereignty from 1996 to 2009: the 1996 Via Campesina statement, four statements from the NGO/CSO Forum to the FAO (1996, 2002, 2005 and 2009) and a declaration from the World Forum on Food Sovereignty (Nyeleni, 2007). This analysis finds that food sovereignty is defined as:

- *"A right…"* (1996) *"of states"* (1996), but also *"of peoples"* and *"communities"* (2002) and subsequently exclusively *"of peoples"* (2007). This shift in terminology reflects a gradual transition from allusion to national sovereignty to allusion to popular sovereignty. So this right becomes binding on governments vis-à-vis their own populations, but also vis-à-vis the populations of third countries. It therefore comes down to a human rights approach.

- *"To maintain and develop [their] own capacity to produce [their] basic foods* [VC/WFS, 1996] and hence, *"to define their own agricultural, labor, fishing, food and land policies"* [NGO/WFS, 2002]. This would appear to be incompatible with the development of food policies centred on a strong dependency on imports.

- *"Which are ecologically, socially, economically and culturally appropriate to their unique circumstances"* (maintaining agricultural and cultural diversity and sustainability) [NGO/WFS, 2002]. Food sovereignty refers, like food security, to the people's access to food, but attaches more importance to social and environmental production conditions. The "sustainable food security" goal infers that nations need to preserve a certain amount of agricultural and food autonomy.

Food sovereignty is also defined indirectly by its promoters:
- *"Food sovereignty does not negate trade, but rather, it promotes the formulation of trade policies and practices that serve the rights of peoples to safe, healthy and ecologically sustainable production"* [NGO/WFS, 2005]

- *"Food sovereignty is not a proposal for a sector reform, aiming to benefit only food producers be they farmers or fisherfolk."* [Nyeleni, 2007].

The food sovereignty movements also seem to want to prevent their ideological and industrial marginalisation: the concept is devised, firstly, as being compatible with globalisation – even though it implies the subordination of trade policies to the rights of peoples to food sovereignty – and, secondly, as a proposal that meets the needs of societies as a whole.

Interest in food sovereignty is growing in institutional circles. Olivier De Schutter, the UN Human Rights Council's Special Rapporteur on the Right to Food, like his predecessor, Jean Ziegler, before him placed the emphasis on policy principles based on food sovereignty in his first report on the right to food:[5]
*"International trade in agricultural products […] will contribute to the realization of the right to food only if two conditions are fulfilled. First, Governments should have the policy flexibility both to protect their agricultural producers whose livelihoods may be threatened by import surges or repressed prices and to allow for a sufficient degree of diversity in various types of production. Second, smallholder farmers from developing countries — who constitute the majority of the hungry people on the planet — must not be marginalized as a result of the development of global supply chains, and they must be either better integrated in those chains […]or allowed to prosper by relying on local and regional markets, which must be insulated from the damaging effects of global trade liberalization. More than any other sector of*

[5] Reference A/63/278: The Right to Food, interim report of the Special Rapporteur on the Right to Food presented to the UN General Assembly on 21 October 2008.

*production, agriculture provides a source of livelihood as well as sustenance for the world's poor. It must therefore enjoy a special status in the world trading system."*

Some governments are in turn starting to show an interest in this concept. For example, when French President Jacques Chirac visited a number of French-speaking African countries in February 2005, he called for a reorientation of agricultural development along the lines of food sovereignty. For him, this implied that agriculture should receive special treatment in the globalisation debate, local traditions should be respected, and that the development level of each country should be taken into account. A number of countries, including Mali [2005 Agricultural Policy Act] and Brazil, have made moves to introduce this principle into their legislation. Nevertheless, even though the principle has prompted a lot of interest, food sovereignty still clearly remains an alternative political principle defined, developed and advocated by the NGOs and CSOs. It is finding it hard to gain currency in the other epistemic communities. What are the bases of the food sovereignty doctrine?

### *2.2. Food Sovereignty : frame of reference, values and standards*

The cognitivist school of international political economy studies the circulation of ideas that leads governments to change their economic diplomacy preferences and behaviour [Kébabdjian, 1999]**.** The ideas considered here are the representations that a society builds to understand and act on the real world such as it perceives it, in other words the representation of problems, their consequences and feasible solutions to solve them. These elements go to make up the *frame of reference*[6] for a public policy [Muller, 2006]. This raises the following questions: Where do the ideas behind the food sovereignty concept come from? What perception of the place and role of agricultural trade in the economy and society does it correspond to? What are the main problems to be solved and the possible solutions?

The definition of an international system for world agricultural trade depends largely on the perception of the main risk and the place assigned agriculture in the different nations and especially in the developing economies. Policy choices will differ greatly depending on whether agriculture is represented as being essentially an external competitiveness tool, a means to combat unemployment and the rural exodus, or as an instrument in the fight against malnutrition. In the first case, cash farming and restructuring are encouraged irrespective of the social cost. In the second case, the purpose is to save the maximum number of agricultural jobs, including in non-competitive production. In the third case, the focus is on food agriculture. The policy solution to reduce malnutrition will also differ enormously depending on whether the priority is on supplying urban populations, known to rally quickly against governments seen as "starvers", or on the dearth of small farmers. In the first case, the emphasis is on a steady, low-price supply to the urban populations, even if it means opting for imports if not dumping. In the second case, the emphasis is on stable, remunerative prices for peasant farmers.

The frame of reference for a policy is both "*a cognitive process forming the basis for a diagnosis [...] and a prescriptive process for taking action*". As a construction of meanings, it is made up of four levels of perceptions of the world in the form of values, standards, algorithms and images [Muller, 2006]. Combined, these different levels of perception go to make up the players' mental maps. In a comprehensive approach, we set out here to reconstruct how food sovereignty campaigners perceive their activities and their ideas.

[6] The frame of reference for a public policy, being made up as it is of fundamental beliefs and standards used to make choices, corresponds first and foremost to a certain view of the place and role of the given sector in society.

Algorithms provide elements of causal interpretation of the problems to be solved and the solutions to be implemented in an action theory. We are interested in the political algorithms that reveal the perception of the main problems to be solved and their causes. In this doctrine, the cause of the ills that food sovereignty proposes to remedy is clearly identified as neoliberal globalisation: *"This political will has also opened the doors to the unbridled monopolization and concentration of resources and productive processes in the hands of a few giant corporations. The imposition of intensive, externally dependent models of production has destroyed the environments and livelihoods of our communities. Furthermore, it has created food insecurity and has put the focus on short-term productivity gains."* [NGO/WFS, 2002]. Export policies come in for particularly sharp criticism. They generate dumping, prompting food dependency, non-competitiveness of local farmers and, ultimately, an increase in food insecurity: *"Export-oriented policies have resulted in [...] dumping"* [The State of Food and Agriculture 2005, FAO] and *"Subsidized exports, artificially low prices, constant dumping, and even some food aid programmes are increasing food insecurity and making people dependent on food they are unable to produce."* [NGO/WFS, 1996]
Secondly, images are representations that are spontaneously meaningful in that they are implicit vehicles for values, norms and even algorithms. They are decisive in the frames of reference since they are constituent elements of the representation of reality. Food sovereignty campaigners hence convey a two-sided picture of agriculture. On one side, there is the politically and economically highly influential intensive farming: *"Industrialized agriculture, intensive animal husbandry methods, and overfishing are destroying traditional farming,"* [NGO/WFS,1996] and *"The larger parts of important agricultural and fisheries subsidies in rich countries are subsidies for corporate agri-industry, traders, retailers and a minority of the largest producers."* [NGO/FAO, 2005]. On the other side is found a marginalisation of the world's small farmers who make up the bulk of the population suffering from chronic malnutrition: *"80 percent of the most food-insecure people in the world as smallholder farmers, rural landless, pastoralists, fishers and forest-dependent men and women, thus acknowledging that current policies have failed in addressing the real causes of hunger."* [NGO/FAO, 2005]. The food sovereignty campaigners are quick to point out, in the most recent texts, the inescapable link between these marginalised peasant farmers and the most vulnerable urban populations. A preparatory document for the 2009 NGO/CSO Forum argued that as much urban as rural populations, in particular the most disadvantaged, are subject to the same global and local marginalisation forces that violate their right to food. The emphasis here is on periurban agriculture, presented as being central to the food security of the populations as a whole: *"This food production provides household food security for those small farmers and contributes to the food security of the cities they live in."* [NGO/WFS, 2009].

Values are fundamental representations of what is good or bad. They have to be respected in the handling of these problems. The analysis of the abovementioned texts on food sovereignty points up four main values associated with the concept. As of 1996, the texts' preambles all refer to the *right to food* as a fundamental value and driving force behind their authors' commitment. This indicates that the ideological foundation of food sovereignty is no longer based solely on an agrarian world view or a nation-based purpose of strategic independence, but increasingly on a concern to eliminate hunger in the world by defending the people's right to food. This is consistent with the fact that the concept first appeared on the political scene at the first World Food Summit. Bear in mind as well the strategic aspect of this position, which secures substantial support for the peasant farmer organisations from non-agricultural and urban civil society. This position was strengthened at the 2009 NGO/CSO Forum parallel to the WFS. The event's preparatory documents spoke a great deal of the *right to the city*, which

includes a right to urban infrastructures for all and a right to agricultural land in urban areas. The documents also explicitly refer to the players involved in developing this concept:

*"While food sovereignty is often associated with rural social movements, it is no less relevant or critical to urban movements, who are grappling with their own set of pressing challenges related to food and agriculture, such as disparities in food access and food quality."* [NGO/WFS, 2009]

A third value frequently identified in the texts promoting food sovereignty is the concept of *sustainable development*, especially its environmental, social and political aspects, with which is associated *respect for indigenous cultures* in terms of both farming practices (animal breeds and plant varieties associated with certain regions and populations) and food practices. This last rallying principle ties in with a movement to protect biodiversity and a movement to resist the world's Westernisation by protecting local cultures. Although there is relative agreement over the notions of the right to food and sustainable development, we posit that the values upheld by the right to the city and respect for indigenous cultures are more marginal and probably championed by more radical movements with Marxist tendencies. However, this hypothesis calls for further investigation.

Standards are the last ingredient in a frame of reference for a policy. They define the deviations between the perceived reality and the desired reality. They differ from values in that they define the principles for action that make up a political doctrine. We have identified the five main political perceptions or recommendations associated with food sovereignty such as it is formulated:

i) World trade rules must be subordinate to the principles of sustainable development as viewed from a local standpoint, since "*Global trade must not be afforded primacy over local and national developmental, social, environmental and cultural goals."* [NGO/FAO, 2005]

ii) In social matters, the emphasis is placed on food security: "*National and local governments and States have the prime responsibility to ensure food security […] International law must guarantee the right to food, ensuring that food sovereignty takes precedence over macro-economic policies and trade liberalization."* [NGO/WFS-1996]

iii) Sustainable development, in this model, implies promoting food and family agriculture in a *"a shift away from [...] intensive [...] production models [...] to prioritise production for domestic consumption and food self-sufficiency."* [VC/WFS, 1996]

iv) The food sovereignty campaigners also insist on the need for participatory democracy: small farmers have to be involved in public policymaking.

v) Lastly, they take an interventionist view of the State since, *"Agricultural markets need strong state intervention,"* and they urge governments and the international community to make, *"Public investment in support of the productive activities of families, and communities, geared toward empowerment, local control and production of food for people and local markets*," placing here the emphasis on agriculture's multifunctional nature. [NGO/WFS, 2002].

Food sovereignty is an idea that is gaining currency with the support of different epistemic communities whose own representations are in step with it, especially those of the peasant farmer organisations, the civil society organisations working to eradicate malnutrition, and the global justice organisations as a whole. Its main asset seems to be that it has managed to encapsulate sector-based interests (the interests of the marginalised peasant farmers), global society issues (malnutrition) and an alternative vision of economic and cultural globalisation. It could be speculated that its main handicap is found in its critical view of globalised agri-

business. The mainstream agricultural trade organisations and leading lobbies, with their well-established political clout, cannot be expected to convey to the public authorities this taking of issue with their sector or to accept new hindrances to the development of their businesses.

### *2.3. Food sovereignty instrumentation in terms of agricultural trade policy*

Food sovereignty implies a set of reform needs concerning various public policies: agrarian reforms, a shift away from intensive farming and export supports to food agriculture, price regulation, consultations with farmers and, above all, in terms of the focus of this paper, local market protection. In 2005, food sovereignty campaigners drew up clear-cut market recommendations:

*"Market policies should be designed in order to:*

- *ensure adequate remunerative prices for all farmers and fishers;*
- *exercise the rights to protect domestic markets from imports at low prices;*

Note that these two points have a lot in common with the CAP before the reforms of 1992, 2000 and 2003.

- *regulate production on the internal market in order to avoid the creation of surpluses;*
- *abolish all direct and indirect export supports; and*
- *phase out domestic production subsidies that promote unsustainable agriculture, inequitable land tenure patterns and destructive fishing practices; and support integrated agrarian reform programmes, including sustainable farming and fishing practices."* [NGO/FAO, 2005]

2007 saw the most explicit definition of food sovereignty to date as regards trade practices and policies:

*"Food sovereignty is the right of peoples to define their own food and agriculture policies, to protect and regulate domestic agricultural production and trade so as to attain their objectives of sustainable development, to determine in what measure they want to be autonomous and to limit the dumping of products on their markets.* » [Nyeleni, 2007].

The 2007 definition clearly recommends guidelines for national trade policies: i) protect agricultural trade, and hence have the right to levy customs duties on imports of agricultural produce, ii) limit dumping, i.e. improve the competitiveness of exports and withdraw export subsidies. Food sovereignty is thus formulated by the peasant organisations and civil society organisations as a response to the dismantling of customs tariffs and domestic support policies initiated in the agricultural sector by the Uruguay Round Agreement on Agriculture, which were seen as a threat to the survival of agriculture in the Southern countries.

At the same time, several cases of "unfair" trading were condemned by these same NGO/CSOs (Oxfam France campaigns – Agir Ici "PAC, FAO, OMC: la faim justifie les moyens !" [2001], "Chicken exports: Europe plucks Africa!" [2004] and "Pour un commerce plus juste: Faites du bruit jusqu'à Hong Kong !" [2005]. In their information and action campaigns against the ills of this type of competition, the CSOs unanimously condemned Northern countries' agricultural export subsidies. They argued that they disrupt the Southern countries' food crops, resulting in the food dependency of states, malnutrition and the vulnerability of peasant farmers to the volatility of world prices for the leading cereals. By the

same token, the food sovereignty campaigners are in favour of the developing countries being able to protect their domestic markets from imports and limiting Northern country agricultural subsidies the time it takes to ensure their own agricultural development, including at the expense of bilateral and multilateral agreements.

With the launch of the Doha Development Agenda, the NGOs managed to get in on the debate and make their demands known to the public. For example, Oxfam International took an international petition, the "Big Noise", to Hong Kong with over 17 million signatures. It called for the WTO conference to lay down trade rules favourable to Southern countries, especially in the agricultural sector. Along with other organisations in its delegation, it worked hard on lobbying the different delegations attending the conference. The NGO/CSOs argue that there are two ostensibly antagonistic views of the development of the developing countries: theirs, which considers that the developing countries' development calls for an exception to the trade liberalisation rules, and the WTO's, which focuses in principle on the development of the developing countries via trade liberalisation. This begs the question as to whether, in practice, the treatment of developing countries at the WTO does not already meet these demands.

## 3. Is food sovereignty incompatible with WTO rules?

Following the review of the current state of play with WTO negotiations on the subject, we turn to an appraisal of the developing countries' room for manoeuvre in consideration of this legislation.

### *3.1. The Doha Development Agenda round of agricultural negotiations*

As its name suggests, the Doha Development Agenda launched in 2001 was presented as the round of trade talks focusing on the development of the Southern countries, and this is regularly restated.[7] Although the scope of the talks covers a number of sectors, agriculture is a core focus of the negotiations in that this sector holds an important place in the economies of the developing countries. Agricultural talks were launched on the three tracks of the 1994 Uruguay Round Agreement on Agriculture: market access, export competition and domestic support to agriculture.[8] An analysis of the negotiations on the first two points – market access and export competition – sheds light on the compatibility of the demands made with regard to food sovereignty and the international trade legislation liable to emerge from the agricultural talks at the WTO.

#### *3.1.1. Export competition*

The case of export competition is, in principle, the most straightforward. In 2005, the EU as the number one source of export subsidies, undertook to phase out all use of these practices by 2013 provided that a comprehensive agreement on agriculture could be found and disciplines introduced on all other export-subsidising practices (export credits and state trading enterprises). The revised draft modalities dated July 2008[9] provide for the elimination of export subsidies by the end of 2013.

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[7] *"The General Council rededicates and recommits Members to fulfilling the development dimension of the Doha Development Agenda, which places the needs and interests of developing and least-developed countries at the heart of the Doha Work Programme."* Decision adopted by the WTO General Council on 1 August 2004.

[8] "(…) *without prejudging the outcome of the negotiations we commit ourselves to comprehensive negotiations aimed at: substantial improvements in market access; reductions of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade-distorting domestic support."* Doha Ministerial Declaration, 14 November 2001, Art. 13.

[9] The most recent at the time of writing this paper.

Cotton is not a foodstuff. Nevertheless, the example of its treatment at the WTO demonstrates the convergence between the aims of the WTO processes and the food sovereignty campaigners' demands concerning export competition. In 2004, four African countries – Benin, Burkina Faso, Mali and Chad – stated a case that the high level of domestic support to the cotton sector in the developed countries, especially in the United States, constituted unfair trading on an international scale, much like export subsidies. The WTO responded to this petition by setting up a Sub-Committee on Cotton tasked with addressing the particular case of cotton within the negotiations. The July 2008 revised draft modalities consequently proposed special arrangements to improve competition on the cotton market while reducing the possibilities of domestic support in this sector for the developed countries[10]. In parallel to the negotiations, and without awaiting their completion, the United States were taken to task under the dispute settlement mechanism by a panel set up following a complaint filed by Brazil in September 2002. One of the panel's conclusions [WT0, 2004], confirmed by the appellate body ([WTO, 2005], is that, in addition to the export credit guarantees, certain forms of domestic support granted to cotton producers in the United States constituted real export subsidies and effectively distorted trade on the international cotton market. Following these rulings, the United States is bound to bring its legislation into line with the panel's conclusions.

The case of cotton is a good illustration of the fact that, far from putting a brake on the cause of the developing countries, the WTO negotiations and dispute settlement procedures are in tune with the export competition claims filed with regard to the food sovereignty concept. So it is paradoxical to find that the NGOs welcome the stalling of the agricultural talks, as a failure could reduce the developed countries' export subsidy withdrawal commitments to nothing.

### *3.1.2. Market access and special and differential treatment*

Taking up the practice initiated by the Uruguay Round, the agricultural negotiations provide for the developing countries to benefit from special and differential treatment (S&D). This consists of applying lower levels of tariff reduction commitments to the developing countries than to the developed countries, with longer time periods to implement them. It also entitles the developing countries to exclude "special" products from their reduction commitments when these products play a particular role in the country's national economy. Note that a product's importance to "food security" is given as a valid reason to class a product in the "special" category. Similarly, under S&D, the developing countries, unlike the developed countries, continue to be covered by the special safeguard measure whereby they are entitled to raise their duties in the event of a sharp drop in prices or a significant increase in quantities imported. Box 1 presents the outlines of the agricultural negotiations on market access.

The application of S&D reveals the importance of the developing country classification at the WTO, which grants separate rights to each category. In general, there is no specific list drawn up of "developing countries". This classification is based on the countries' own declarations of their "developing" status. The United Nations draws up an annual list of "least developed countries" (LDCs), defined as the world's poorest countries on the basis of a range of criteria. "Small vulnerable economies" (SVEs) are a new category of

[10] Specific commitment to reduce the base OTDS (Overall Trade-Distorting Domestic Support) for cotton by more than the base OTDS reduction commitments for the other products; limitation of the use of the blue box (permitted supports linked to production) for cotton; and reduction of the timeframe for the implementation of the commitments to reduce support in this sector (WTO, 2008; TN/AG/W/4/Rev.3)

countries introduced by the Doha Round. SVEs are defined as countries that, for the 1999-2004 period, did not have more than i) a 0.16% share of world goods trade; ii) a 0.10% share of world NAMA; iii) a 0.40% share of world trade in agricultural products. Nevertheless, these criteria and the list of eligible countries are still on the negotiating table.

**Box 2: July 2008 revised draft modalities – Market Access and Special and Differential Treatment (S&D)**

The "market access" component of the July 2008 revised draft modalities provides for:

1. A tiered formula for the reduction of bound tariffs* by annual instalments over a five-year period in keeping with the following scale**:

| Initial ad valorem tariff (AVT) tiers (%) | | Tariff reduction commitment |
|---|---|---|
| AVT > 75 | → | [66-73]% |
| 50 < AVT < 75 | → | 64% |
| 20 < AVT < 50 | → | 57% |
| AVT < 20 | → | 50% |

*Reduction of at least 54% on average*

Countries may define a small number of **"sensitive" products** to which they apply lower cuts offset by an increase in the minimum volume of imports allowed in at a lower quota.

Under Special and Differential Treatment, developing countries are entitled to a softer formula spread over eight years:

| Initial ad valorem tariff (AVT) tiers (%) | | Tariff reduction commitment |
|---|---|---|
| AVT > 130 | → | 2/3 of [66-73]% |
| 80 < AVT < 130 | → | 2/3 of 64% |
| 30 < AVT < 80 | → | 2/3 of 57% |
| AVT < 30 | → | 2/3 of 50% |

*- Final reduction of 36% on average*
*- Possible moderation of up to 10% for small vulnerable economies (SVEs)*

Developing countries may define a small number of "special" products (deemed necessary to maintain food security, livelihood security and rural development). These products are entitled to exemption from the reduction commitment or the reduced reduction commitment.

Least developed countries are not required to reduce their bound tariffs.

2. The special agricultural safeguard (i.e. the application of an additional tariff in the event of a sharp drop in world prices) must be either eliminated or reduced to a maximum 1.5% of the tariff lines.

Under Special and Differential Treatment, a special safeguard mechanism (SSM) will entitle developing countries to trigger the application of an additional temporary tariff (+25%, +40%, + 50%) in the event of:
- An increase in imports above the base level (respectively > 110%, > 155%, > 135%);
- A drop in the import price at the border to below the trigger price (i.e. 85% of the average price over the last three years).

Nevertheless, the pre-Doha bound tariff may be exceeded by more than 15% or 20% for SVEs and 40% for LDCs.

* The bound tariff is the maximum applicable rate of duty authorised, as informed to the WTO. The duty actually applied to each product must be lower than or equal to the bound tariff.

** The figures in square brackets mean that the talks have agreed on a bracket, but have not yet agreed on an actual final figure.

***Source: WTO (2008)***

At first glance, even though there is no actual mention of the term "food sovereignty" in the draft modalities, some of the S&D technical provisions come close, at least in theory, to the demands made on the basis of the concept. They entitle the developing countries to keep their bound tariffs at levels subject to lower or zero reduction commitments and give them the right to temporarily apply special safeguard measures in the event of market disruption to prevent abnormal increases in imported quantities.

Yet does this mean that the developing countries can, under the international trade regulations, sustainably raise their tariffs on agricultural products in order to develop a protectionist import policy?

### *3.2. Increasing import protection for the developing countries: what room for manoeuvre is there at the WTO?*

**Table 1: Difference between bound tariffs and applied rates in 115 WTO member developing and transition countries in 2007**

| | Mean **ad valorem bound tariff** | Mean **ad valorem applied rate** | Number of countries with bound tariffs higher than the applied rates |
|---|---|---|---|
| **Non-agricultural products** | **32%** | **10%** | **97** |
| **Agricultural products** | **60%** | **15%** | **106** |
| - Animal products | 63% | 18% | 107 |
| - Dairy products | 58% | 18% | 106 |
| - Cereals and preparations | 60% | 15% | 108 |

Sources: Authors' calculations based on data collected for 115 WTO member developing and transition countries, using the United Nations definition.[11] Bound tariffs: taken from WTO data published in the 2008 tariff profiles; applied rates taken from the WTO Integrated Data Base.[12]

In 2007, all the developing countries, save nine countries (Vietnam, China, Macau and Hong Kong, Mongolia, Macedonia, Cyprus, Cape Verde, and Albania) were found to have bound agricultural tariffs way above their applied rates. In other words, the developing countries already have a great deal of room for manoeuvre under the WTO regulations, i.e. without exceeding the ceiling defined by the bound tariff, to step up their protection from imports from third countries. Note that the applied agricultural rates were generally lower on average than those practised by the developed countries.

Bound agricultural tariffs stand at 60% on average. Under S&D, the July 2008 revised draft modalities for agriculture provide for a reduction of two-thirds of 57% for tariffs at between 30% and 80% (see Box 2). Application of the rate of reduction would therefore give rise to an average bound tariff of around 37%, which is still more than twice as high as the average applied rates in 2007 (15%). Obviously, this average finding does not take into account the case of certain products in some countries that may be more specifically targeted by a level of applied protection close to the bound level, and may therefore lose this leeway following the application of the rates of reduction. Nevertheless, a study of recent tariff data at a more detailed level of agricultural products suggests that these cases remain few and far between.

### *3.3 Food sovereignty as a subject of WTO negotiations – what benefits for the developing countries?*

We seek here to evaluate how developing countries might benefit from the introduction of the food sovereignty concept into the negotiations and what the effects of this might be on the terms of any agreement found.

The opening up of the developing countries' markets to imports (sometimes in the name of food security) saw the beginning of competition between local production and imported products. The NGOs have condemned a number of cases of "unfair" trading. A good example of this is the Agir Ici campaign [2004], which targeted imports of frozen cuts of chicken competing with local chicken production and their impact exacerbated by the fact that

[11] "Classification of Economies", UNCTAD Handbook of Statistics 2008, pp 26-28.
[12] iaf.wto.org (authorised users only).

low-price imports into the developing countries may have been subsidised for export in the country of origin. In their information and action campaigns against the ills of this type of competition, the NGOs often advocate curbing export subsidies and allowing the developing countries to apply suitable tariff barriers to protect themselves against imports that destroy their domestic economies, so that they can maintain their agricultural productive tool.

In the widely publicised chicken case, the use of the concept appears to have, in a way, covered all of the points championed on this agenda: withdrawal of the Northern countries' export subsidies and the need to protect the Southern countries' borders from this unfair trading. It could be noted here that the work by the NGO forums and campaigns to inform public opinion and civil society of the harm caused by unfair trading probably helped speed up the member countries' commitments in this area in Hong Kong. At the end of the day, in this particular case, there is nothing in the international legislation or the WTO agricultural negotiations to prevent this agenda from being fulfilled. The chicken importer countries have the leeway to raise their effective level of import protection.

Why do the developing countries not use this room for manoeuvre? A number of reasons can be put forward. Putting together S&D dossiers is probably technically high complicated and few developing countries have the expertise. Secondly, in a certain number of African countries, agri-food importers and exporters are (over-)represented in the narrow corridors of power and it is in their own economic interest to continue with trade liberalisation. Moreover, the developing countries are subject to other constraints alongside the WTO (and sometimes even in a departure from its rules): other international trade agreements (bilateral and regional) and international institutions' funding award terms can impose restrictive set-ups on developing countries when it comes to protectionist import policies. In addition, a significant increase in the level of agricultural import levies would inevitably result in a loss of consumer welfare, with associated political risks especially for urban areas. This loss needs to be compared, case by case, with the gains expected from the operation for the local producers and the public budget.

**Conclusion**

Many analyses conclude that the agricultural trade liberalisation targeted by the international agricultural trade talks should have positive effects on the developing countries, especially in terms of access to the Northern countries' markets due to a decrease in import duties.[13] In addition, the developed countries are expected to agree at the Doha Round to significantly reduce their domestic and export support practices deemed to constitute unfair practices. Yet the developing countries are concerned that a sweeping trade liberalisation movement may force them to open their own import markets and that they may not be competitive enough to resist the increase in international competition.

The example of the roots of the European CAP shows that food security may be used as the grounds for a protectionist agricultural policy. In the developing countries, where the issues of food availability and accessibility to the people are nonetheless felt that much more keenly, the question is not put in these terms. The concept of food sovereignty emerged in the 1990s, promoted by civil society representatives campaigning for new rights for the developing countries to implement their own food policy. It is expressed, with regard to international agricultural trade, by two main recommendations: i) a more level playing field created by dismantling the developed countries' export subsidies, and ii) the right for developing countries to protect themselves more from imports from third countries. Yet these recommendations only appear to be able to be put into practice at supranational level, as if the

[13] At least for the developing countries unlikely to suffer too great a dent in their preferences.

political project surrounding food sovereignty were merely a question of establishing a regional common agricultural policy without dumping on the international markets. For example, in 2005, the peasant farmer organisations successfully lobbied for the ECOWAS agricultural policy, ECOWAP, to be based on the principle of the region's food sovereignty [Gallezot, 2006]. This was paradoxical at a time when the EU's CAP had been dismantled following the introduction of agriculture into the WTO/GATT trade talks. It also posed the problem of how to finance the project. Should it be supported by international funds, as would seem to suggest recent communications from certain organisations [World Bank, 2007; Diouf, 2009]? Or should it be advocated that the public budgets (national or regional) and/or the consumers in these nations pick up the tab?

The arguments for food sovereignty regularly point the finger at the WTO: they allege that the stated aims of the Doha round of negotiations, launched in 2001 to liberalise agricultural trade by reducing tariff barriers, and the international trade rules block the implementation of food sovereignty policies in the developing countries. The analysis of the content of the Doha Development Agenda round of agricultural negotiations shows that they are directed at improving export competition and that the proposed compromises are not a significant constraint on the development of an import protection policy for most of the developing countries. The S&D mechanism enables developing countries to increase their effective level of protection from agricultural imports, since the authorised ceilings are currently way above the applied tariff rates. In other words, food sovereignty does not appear to be incompatible with the agricultural negotiations underway at the WTO. Yet although there is no antinomy, the WTO's response remains incomplete: there is a consensus regarding the competition/dumping track and there is no inconsistency with import protection. Yet the developing countries have to respect the bound tariff. Accordingly, although they technically have the possibility to ramp up their effective levels of protection, they do not have the right to raise them above the maximum authorised customs duty ceiling. So sovereignty becomes a bit of a moot point in this area.[14]

A haze surrounds the suitable instrumentation for and status of food sovereignty in the negotiations. With world agricultural prices depressed from 1960 to 2000, import protection appeared as a way for developing countries to expand their domestic production sheltered from too large a drop in prices. In this light, it could be posited that the emergence of the food sovereignty concept in the late 1990s has helped to clarify certain developing countries' petitions to the WTO for the right to better import protection and a ban on rich countries' export subsidies. In 2000, the trend started to shift on the world markets. World demand rose more sharply than supply and the downward trend in agricultural prices slowed from 2000 to 2007. Nevertheless, world agricultural prices continue to be seen as paying too little to agricultural producers in the developing countries (see the position of the associations in 2003 expressed in Cancun).

Yet in 2007-2008, agricultural prices suddenly spiralled, triggering hunger riots in a number of developing countries in 2008. The developing countries responded in different ways to this situation, but many chose, at least as a short-term emergency measure, to develop imports, reduce exports to ensure supplies to the cities [FAO, 2009], and even apply an export tax. Yet, unlike customs duties, this trade regulating instrument benefits domestic consumers and not producers. If the upward trend in agricultural prices were to firm up, could this instrument form one of the tools recommended for food sovereignty? Could the concept of

[14] Aside from if the nations manage to really establish free trade areas with common customs tariffs (CCTs) for imports from third countries, in which case Article XXVI of the GATT allows for the CCT to be raised above the previous customs duties, provided that the area's trade partners are consulted beforehand and take part in the negotiations.

food sovereignty take in a broader agenda than just export competition and developing country import protection?

The NGO/CSOs argue that the analysis of the environment surrounding the 2007-2008 food crisis proves the risk for the developing country populations of depending on the world markets for their food supplies from the point of view of product price and availability. From a long-run standpoint, food sovereignty remains the prerequisite for the right to food and these organisations continue to advocate the regulation of local agricultural markets via both import protection and the ramping up of domestic support to promote the development of domestic production [Flament, J, Parmentier, S and Van Der Steen D., 2009].

The underlying question is whether it is really in the interests of the developing countries, or at least some of them, to develop their protection from imports of certain agricultural products. This calls for an evaluation of whether the expected gains for the producers and the public budget, the effects in the shape of less dependence on imports in times of crisis and the knock-on effects of agricultural development for the other economic sectors are enough to justify the losses in terms of consumer welfare and political consequences vis-à-vis the nations' trade and financial partners. There is probably no wholesale answer to this question. The case of each country or group of countries would have to be studied, considering such factors as its economic, demographic and agricultural situation. Food sovereignty is not an end in itself. However, following the 2007-2008 crisis, the key issue seems to be the right to food, found in all the texts on food sovereignty, if not poverty reduction. This issue is likely to fundamentally change the concept of food security and its expressions in terms of policy proposals. These questions will form the subject of subsequent research.

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