

MEMORANDO OPEX N° 173/2012
AUTORÍA: JOSE LUIS VIVERO¹
PARA: OPEX FECHA: 21/05/2012
ASUNTO: A BINDING FOOD TREATY: A POST-MDG PROPOSAL WORTH EXPLORING

Panel: Cooperación al desarrollo

Coordinación: Katty Cascante, Responsable del Área de Cooperación Internacional y Desarrollo de Opex

www.falternativas.org/opex

*"Between the strong and the weak, between the rich and the poor,
it is freedom which oppresses and the law which sets free"*
Henri-Dominique Lacordaire (1802-1861)

"The law stands between food availability and food entitlement"
Amartya Sen

Depósito Legal: M-54881-2008
ISSN: 1989-2845



Director: Nicolás Sartorius
Subdirector: Vicente Palacio

Coordinadores de Área: Mario Esteban (Asia-Pacífico); (Magreb-Oriente Medio); Manuel de la Rocha Vázquez (Economía Internacional y África Subsahariana); Vicente Palacio (Relaciones Transatlánticas); Luis Simón (Seguridad y Defensa); Katty Cascante (Cooperación al desarrollo); Érika M. Rodríguez Pinzón (América Latina).

¹ Fellow of Chair on Hunger and Poverty Studies (Universidad de Córdoba, Spain), OPEX Panel member at Fundación Alternativas and PhD Candidate in Global Food Governance (Université Catholique de Louvain, Belgium).

1.- BACKGROUND

More than half the people in the world eat in ways that damage their health. And so it is right that hunger, malnutrition - due to deficiencies in proteins, minerals and vitamins - and obesity are at the forefront of contemporary debates. At the global scale, hunger persists at very high levels, affecting one in seven people, despite bountiful harvests and soaring profits for the transnational corporations that dominate global food trade. **Hunger is the largest single contributor to mortality worldwide**, causing 35%² of total under-five year old deaths. With millions of people needlessly dying prematurely each year from hunger in a world of ample food supplies³, nobody can dispute the need for institutional arrangements that raise the level of action taken on food security and nutrition-related issues and lead to better coordination among the many actors that are concerned with the multiple dimensions of the problem. **Hunger is definitely high on the global agenda** and what to do to tackle the problem is a constant feature of every Presidential Summit⁴. Sadly, although there is much discussion on the issue and governments repeatedly commit themselves to address the problem, there is a huge gap between the promises that they make and the scale of their subsequent actions.

Put simply, the world is doing badly with hunger reduction, cutting the incidence of malnutrition, and slowing the growth of the obesity epidemic. This suggests a need to bring unconventional and radical perspectives into the debate on possible solutions. This is all the more urgent because food production is increasingly threatened by climate change, globally stagnant crop yields, diminishing water, soil and agro-biodiversity resources, and the current energy and economic crises. In such a scenario, a **legally-binding Food Treaty to end hunger as well as other curable forms of malnutrition seems to be, at least, an option that deserves serious consideration**. Indeed, it might be the only means of ensuring that all people can eat adequately, now and in the future. In most international settings, each nation-state tends to seek to maximize its own benefit - for its citizens, economy or environment - giving only subsidiary attention to achieving the maximum benefit for all, as the tragedy of the commons theory has already proven. So to maximize food security for all and not just for a few, a Food Treaty with redress and sanctioning mechanisms should be seriously examined, **having in mind the post-MDG talks to be initiated in 2013**.

2.- ANALYSIS

2.1.- Major driving forces that justify a negotiation process towards a binding food treaty

More and more, it seems evident the prevailing food system must be reinvented as it has failed to fulfill its basic goals: feeding people in a sustainable manner and avoiding hunger. The three major driving forces to justify new approaches relate to the persistence of high levels of hunger and malnutrition as well as the dramatic

² Black RE et al. (2008). Maternal and child undernutrition: global and regional exposures and health consequences. *The Lancet* 371, 243-260.

³ Today, 7100 children under five have died of malnutrition, or 300 every hour, or 5 every minute or 2.6 million per year. Data from UNICEF (2011). *Levels and trends in child mortality*. UN Inter-agency Group for Child Mortality Estimation, New York.

⁴ G-8 (2001). *Deauville Accountability Report. G-8 Commitments on Health and Food Security: State of delivery*. Paris.

growth in the incidence of overweight and obesity; the depletion of the main energy sources on which our food production system are so heavily based, and the threats to future food production pose by climate change.

a.-Widespread Hunger, Malnutrition and Obesity: The failure of the global food system to feed the world

Despite years of international anti-hunger efforts and rising per capita food availability, the number of hungry people has been growing since 2005. This trend has been boosted by the 2008 and 2011 food price crises that have pushed 153 million people into extreme poverty and hunger⁵. Meanwhile, an estimated **148 million under-five children remain undernourished in developing countries⁶, more than 30%**. Nine out of ten of the 19 million most severely malnourished children remain untreated⁷ as there is no money to save their lives.⁸ And, contrary to common belief, most deaths do not happen in acute emergencies, but occur on a daily basis as a result of chronic hunger in relatively stable countries⁹. On the other side, more than one billion people worldwide are overweight - with a bodily mass index (BMI) >25 - and at least **300 million are obese** - BMI >30. Overweight and obesity cause, worldwide, 2.8 million deaths¹⁰. And last but not least, micronutrient deficiency or **hidden hunger affects to more than half the population of the world¹¹**. The fact that there has been so little headway made in cutting these 3 manifestations of bad nutrition, in spite of the fact that their dangers are well understood, and that quite simple solutions exist, implies a need for new instruments to raise the probability that governments deliver on the many commitments that they have made.

b.-The Depletion Dilemma: The decadence of the fossil fuels that move the food system

Nowadays, the global **food system is highly dependent on oil and gas** for production and trading, and it is consuming resources faster than are naturally replenished¹². Oil and gas are not only sources of agro-chemicals, but enable mechanization of production, processing, transport and out-of-the season availability far away from the production areas. Unfortunately, this system is not sustainable. The world is approaching the sunset of the oil era. **The oil peak will arguably be reached before 2020¹³**, unless oil reserves not yet accessible can be opened up for commercial purposes, and it is forecasted that before 2050 oil will no longer be a commercial source of energy for the world. This declining of oil and gas stocks while the growing population does not cease to demand more food is already

⁵ World Bank (2012). *Global Monitoring Report 2012: Food Prices, Nutrition and the MDGs*. Washington D.C.

⁶ De Onis, M et al. (2011). Prevalence of stunting among pre-school children 1990-2020. *Public Health Nutrition*, Jul 14: 1-7

⁷ ACF-MSF (2009). *One crisis may hide another: food price crisis masked deadly child malnutrition*. Briefing paper. Action Contre la Faim International Network and Médecins Sans Frontières.

⁸ UNICEF (2011). *Levels and trends in child mortality*. UN Inter-agency Group for Child Mortality Estimation, New York.

⁹ Gross, R & P Webb (2006). Wasting time for wasted children: severe child undernutrition must be resolved in non-emergency settings. *The Lancet*, 367: 1209-1211.

¹⁰ WHO (2011). *Global Status Report on Non-communicable Diseases 2010*. World Health Organization, Geneva.

¹¹ De Schutter, O. (2011). *The right to an adequate diet: the agriculture-food-health nexus*. Report presented at the 19th Session of the United Nations Human Rights Council, A/HRC/19/59

¹² IAASTD (2009). *Agriculture at a crossroads: the global report*. Island Press.

¹³ Sorrella, S et al. (2010). Global oil depletion: A review of evidence. *Energy Policy*, Vol. 38, Issue 9: Pages 5290-5295

a huge challenge, because we need to continue eating more food every year. Forecasts show, that if current food consumption and waste trends persist, an increase in food production of 70% over current levels would be required to feed the 9 billion population by 2050¹⁴. And the environment will not make things much easier.

c.-The Threats of Climate Change to Food Production

Climate change is already modifying weather and rainfall patterns. In many vulnerable areas of the Global South, the rise of temperatures, the diminishing rainfall and the impact of extreme weather events are having impacts in food production and food security, particularly for those living from rain-fed agriculture, who account for more than three quarters of food producers¹⁵. **Climate change will contribute to food and water scarcity**, the spread of crop pest and diseases, mass migration and the further weakening of fragile states which in turn may increase the likelihood of global instability. By 2080, **600 million additional people could be at risk of hunger, as a direct result of climate change**¹⁶. Paradoxically, food production systems are not only expected to be negatively affected by climate change, but also, as now conducted, are a major source of greenhouse gas emissions. This implies that the reliability of future food supplies depends in part on how quickly a shift can be made to truly sustainable production systems and consumer behaviour.

It seems likely that concerns over **climate change** and its consequences for food and nutrition security, health and economic development will become the main **triggers for a re-conceptualization of our nation-state approach** to global food problems.

2.2.- Revamped though toothless food governance architecture since the 2008 food crisis

As a result of the 2008 food crisis, the international community has been trying to develop a set of instruments and institutions to better govern the global food system with greater effectiveness. However, after a flurry of international action - i.e. the UN High-level Task Force on the Global Food Security Crisis, the Global Partnership for Agriculture and Food Security, the reform of the Committee of Food Security or the Global Agriculture and Food Security Fund - **the level of attention has clearly diminished** as food prices fell from the peak situation and countries re-focus their attention on the global economic recession and the current recovery process. Moreover, one cannot forget that during the decade prior to the food crisis, the governmental-led and UN-sponsored programmes to reduce chronic hunger and malnutrition remained seriously under-funded¹⁷ with Overseas Development Assistance (ODA) to agriculture falling from 17% to 4% in 20 years. And, even more shocking, **the aid directed toward agriculture, food, and nutrition, a**

¹⁴ FAO (2009). *Global agriculture towards 2050*. High-level Expert Forum on How to feed the World in 2050. Rome

http://www.fao.org/fileadmin/templates/wsfs/docs/Issues_papers/HLEF2050_Global_Agriculture.pdf

¹⁵ Stern, N (2007). *The Economics of Climate Change*. The Stern Review. Cambridge University Press, Cambridge, UK.

¹⁶ UNDP (2007). *Human Development Report. Fighting climate change*. UNDP, New York, p. 90.

¹⁷ Macdonald, B (2008). *Why have donors committed so few direct investments to eliminate child undernutrition?* Id21 insights. Institute of Development Studies, University of Sussex. <http://www.id21.org/insights/insights73/art07.html>

mere 10 percent of total commitments in 2010¹⁸, has not increased in response to the recent food price spikes or since the Millennium Development Goals (MDG) were agreed in 2000¹⁹. It is rather dispiriting to see how **ODA to nutrition in 2010 represents a negligible 0.3% of total aid** flows despite widespread evidence that improving nutrition is key to meeting several MDGs and to enabling personal incomes to rise..

Moreover, **cohabiting with hungry people is more expensive than remedying their situation**. The World Bank estimates that chronic malnutrition reduces the GDP of developing countries by 3%²⁰ and studies show that adults who were malnourished as children earn at least 20% less than those who were not²¹. The economic cost of having food-insecure people in the U.S. is 167.5 billion USD, above and beyond the 94 billion USD per year cost of government nutrition programs²². Similar estimates have been done for Central American countries, where the cost of hunger is over 6% of gross national income. The solutions are feasible and economically viable. Various estimates have been made of the cost of ending hunger. One recent figure indicates that it would cost about **30 billion USD a year to enable 1 billion people to rise above the hunger threshold**, an amount that would fall each year as more and more families are able to stand on their own feet²³. The cost of eliminating **severe acute malnutrition would be only 3.5 billion USD per year**²⁴. Moreover, the estimated cost to reduce drastically child undernutrition in the 36 countries that harbour 90% of the stunted children and to **prevent more than 1.1 million child deaths annually** is only 11.6 billion USD a year²⁵.

At the 2009 L'Aquila G8 Summit, the G8 countries and five other donors pledged 22 billion USD to support of agriculture and food security initiatives in the next three years, of which 6 billion USD was supposed to be new money. In mid-2011, donors had only disbursed a mere 22% of the pledges²⁶.

It is ethically unacceptable to know that 750 billion USD were used to bailed out the bankrupted private companies and that only 10% of money owned by the ten richest persons in the world would be enough to get rid of hunger²⁷. Ten people versus 1 billion is a rather sharp inequality.

¹⁸ OECD members disbursed 5.6 billion USD to agriculture in developing countries whereas they spent 376 billion USD to support their own agriculture. Cascante, K. (2011). *La escalada de precios de los alimentos: efectos y reacción ante una nueva crisis*. Memo OPEX n°158, Fundación Alternativas.

¹⁹ World Bank (2012). *Global Monitoring Report 2012: Food Prices, Nutrition and the MDGs*. Washington D.C.

²⁰ World Bank (2006). *Repositioning nutrition as central to development. A strategy for large-scale action*. Washington, DC.

²¹ Grantham-McGregor, S et al (2007). Development potential in the first 5 years for children in developing countries. *The Lancet*, 369:60–70

²² Shepard, DS et al. (2011). *Hunger in America. Suffering We All Pay For*. Center for American Progress. http://www.americanprogress.org/issues/2011/10/pdf/hunger_paper.pdf

²³ Trueba, I & A MacMillan (2011). *How to End Hunger in Times of Crises. Let's start now*. Universidad Politécnica Madrid Press. Madrid.

²⁴ ACF-MSF (2009). One crisis may hide another: food price crisis masked deadly child malnutrition. Time to refocus at Madrid Food Summit. Briefing paper. Action Contre la Faim and Médecins Sans Frontieres. Paris.

²⁵ Horton, S et al. (2010). *Scaling Up Nutrition. What Will It Cost?* The World Bank, Washington DC.

²⁶ ONE (2011). *Agriculture accountability. Holding Donors to their L'Aquila Promises*. ONE Campaign, London.

²⁷ <http://www.forbes.com/billionaires>

Regarding political will, recent history suggests that, even with a higher government representation²⁸, existing inter-governmental bodies are unlikely to be successful in ensuring the level of commitment required to trigger action on the scale needed to end hunger. There are three main reasons for this:

- a) Firstly, in spite of the commitments repeatedly made, **only a few governments are strongly motivated to address food security and nutrition issues**. Most prefer to assume that the problems will disappear as a consequence of economic growth²⁹.
- b) Secondly, unscrupulous governments only address **hunger when they see political advantage** in appeasing the demands of angry citizens or to attract international attention to a humanitarian crisis.
- c) Thirdly, the general pattern in existing multilateral institutions dealing with food security and agriculture is for national delegates to assume positions that respond to the short-term interests of their domestic constituencies rather than ones which ensure the greatest good to mankind as a whole (**the tragedy of the commons**). The need to arrive at consensual agreements acceptable to all nations makes it virtually impossible to engage themselves in binding commitments (**the minimum common agreement**).

In the case of food and hunger, the declarations of successive World Food Summits do not commit individual countries to any specific time-bound goals or actions for reducing hunger at a national level or for providing funds towards the costs of hunger eradication in other countries (see **Box 1**).

Box 1: Differences between a Summit Declaration and a legally-binding Treaty or Convention

A Summit Declaration of Heads of States is a statement of good intent approved by general consensus amongst all countries represented at a Summit. The prior process of negotiations is open to all governments and inevitably results in conclusions that are painless even for the most recalcitrant government (i.e. it is a "least common denominator" agreement).

A Convention or Treaty is a legal instrument, recognised under international law, which establishes binding obligations for all signatory states parties, including the obligation to reflect the terms of the agreement in national legislation. In the case of a Convention, signatory countries "internalize" the goal within their own country and make a binding commitment to take the measures necessary to achieve it.

To a certain extent the same is true of the International Covenant on Economic, Social and Cultural Rights (ICESCR). This has been ratified by 160 countries that recognise "the fundamental right of everyone to be free from hunger" amongst many other rights, but the time-scale within which these rights are to be assured is not defined. In spite of some progress by governments towards adopting the concept of the right to food, however, the ICESCR remains a "blunt instrument"

²⁸ Recent efforts to raise the level of government representation at the Committee of Food Security have failed as few ministers and no head of state have so far shown up in its meetings.

²⁹ Sumner, A et al. (2007). *Greater DFID & EC Leadership on Chronic Malnutrition: Opportunities and Constraints*. Institute of Development Studies, University of Sussex.

that is unlikely, alone, to bring about a rapid drop in deaths caused by hunger and malnutrition, though it provides an extremely important legal tool to end hunger.

Therefore, in parallel to adjustments to the existing institutions, priority should also be given to creating a new binding framework within which they can operate with greater effectiveness, as a result of **sharpened time-bound goals, an agreed plan of action and more predictable funding.**

2.3.- A Food Treaty for better coherence and interconnectedness between food, environment, human rights and trade

In this rather gloomy scenario, there are largely three self-contained legal regimes that regulate food security and agriculture at international level, namely international human rights law, international environmental law and international trade law. They work separately, with international trade law taking precedence over the other two to the detriment of small-scale farmers and the environment. The absence of coordination among these regimes and the fact that trade and investment rules are often enforced by sanctions, while human rights obligations are not, gives trade and investment rules the *de facto* advantage. We urgently need a better coherence regarding the three major sets of international law related to hunger and food security³⁰.

A food treaty, to be useful, would give hierarchical priority to human rights and environmental norms over obligations contained in trade and investment agreements, with a good example being the right to food. A Treaty to end deaths related to hunger and malnutrition would strengthen the hand of existing intergovernmental institutions to fulfil their mandates in addressing the various dimensions of food security, defining their obligations with greater clarity and encouraging a fuller integration of their programmes, especially at national levels within developing countries. By putting the rule of law behind the aim of eradicating hunger, the Food Treaty would lend legal support to ongoing global food security and nutrition policies, such as *Scaling Up Nutrition* (SUN), the UN Inter-Agency *Renewed Efforts to End Child Hunger* (UN REACH), *Ending Child Hunger and Undernutrition Initiative* (ECHUI) or *Hunger-Free Latin America and the Caribbean* (ALCSH), and it would complement the Universal Declaration of Human Rights and the ICESCR.

The application of a treaty-based approach to the issue of hunger and malnutrition could be successful not only in **translating “soft” into “hard” (i.e. accountable) commitments** by individual governments, but also in raising the level and **predictability of commitments**, and hence lead to a marked acceleration in relevant actions and achievement of results. Lessons from other legally binding treaties are presented in **Box 2**.

³⁰ CEHAP (2009). A call from the Cordoba Group for coherence and action on food security and climate change. October 2009, Chair on Hunger and Poverty Studies, Cordoba. http://www.uco.es/hambreypobreza/images/2009_call.pdf

Box 2: Lessons learned from other legally-binding international agreements

In fields other than food security, international conventions have been used as instruments within which genuinely interested nations can come together to commit themselves in an explicit and binding manner to work jointly towards the attainment of agreed global goals³¹. These agreements, later on, are translated into national legislation designed to enable each signatory nation to fulfil its commitments. In the food and agriculture domain, there are four binding treaties that can enlighten us on how to fix the goals, steer the processes to reach agreement and track the level of fulfilment.

a.- The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) was approved in 2001 and entered into force on 29 June 2004, being signed so far by 125 member states and ratified by 56³².

b.- The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is an international treaty governing the movements of living modified organisms that provides international rules and procedures on liability and redress for damage to biodiversity resulting from living modified organisms.

c.- The already expired Food Aid Convention, a post-II World War agreement between food aid supplying countries to guarantee an agreed minimum amount of food assistance each year³³. A major flaw is that recipient countries were not included in this convention.

d.- The International Covenant on Economic, Social and Cultural Rights is a binding treaty that does include recognition of the right to food. It does not, however, include time-bound goals or any provision for funding commitments that can be monitored. The recent approval of an Operational Protocol, creating a mechanism for handling complaints of violations, will greatly strengthen its effectiveness³⁴.

³¹ Amongst the best known are the Geneva Convention on the Treatment of Prisoners of War, the Ottawa Convention on the prohibition of anti-personnel mines and the Rio Convention on Biological Diversity and its additional protocols, such as the Montreal Protocol on substances that deplete the ozone layer and the Cartagena Protocol on Biosafety. The Ottawa Treaty is a milestone in the history of multilateralism, as by first time hundreds of NGOs, UN agencies and Red Cross movement introduced a legally-binding topic in the international agenda. Cameron, MA (1999). Global civil society and the Ottawa Process: Lessons from the movement to ban anti-personnel mines. Canadian Foreign Policy Journal, vol. 7-1: 85-102

³² Esquinas-Alcazar, JT et al. (2011). A treaty to fight hunger: past negotiations, present situation and future challenges. In Frison, C. et al. (eds.). *Plant genetic resources and food security. Stakeholder perspectives on the International Treaty on Plant Genetic Resources for Food and Agriculture*. Earthscan, London.

³³ A number of NGOs are pressing for a revision of the FAC and the transfer of its secretariat from the London-based International Grains Council to a UN agency. The FAC could easily be covered by a Protocol to the proposed Food Treaty.

³⁴ Villan-Duran, C (2009). *El nuevo Protocolo Facultativo del PIDESC*. In Vivero, JL & X Erazo, eds. (2009). *Derecho a la Alimentación, Políticas Públicas e Instituciones contra el Hambre*. LOM Editores, Santiago, Chile.

Some lessons learned that can be drawn from the history of these processes shows that:

a.- The process itself raises the level of public knowledge of the issues being addressed.

b.- A relatively small number of governments may sign up to a convention at early stage, but once ratified by the required number, more nations progressively become signatories (i.e. the ITPGRFA).

c.- The fact that the governance of each convention is provided only by signatories means that the types of actions for which commitments are made are on a higher plane than if they were defined through negotiations involving all governments in a decision-making role.

2.4.- Why should Governments support a Food Treaty?

1.- **The huge perils of inaction about food issues** are now evident to all governments, namely, huge loss of human potential, food riots, mounting budgets for food imports, high dependence of staple foods produced in other countries, land grabbing and loss of food sovereignty among others.

2.- **Reduced migration towards developed countries** as food secure households tend to stay in their countries, lower incentives for poverty-fuelled terrorism linked to economic exclusion and food deprivation³⁵, and mitigation of national civil unrest³⁶.

3.- **The great economic benefits to be gained from reducing hunger and malnutrition** should be a major argument in a market-dominated world. Getting rid of hunger is a worthy investment.

4.- **The evident failure of business-as-usual approaches to hunger reduction:** the world produces more food than required to feed everyone appropriately³⁷, but there 925 million hungry people, and that figure is expected to keep on rising due to the economic crisis.

5.- Increasing evidence that **well designed national programmes anchored in appropriate legal and institutional frameworks can work** - i.e. Brazil, Thailand, Ghana and Peru this decade, and Europe and Japan after the second World War.

6.- Recognition of **benefits of shifting from “soft” to “hard” legally binding reciprocal commitments to achieve major global objectives.** Perceptions of the benefits of hard commitments for dealing effectively with global issues were evident during the last climate conference, where the Durban Platform for Enhanced Action was established. This platform, including all the Kyoto Protocol

³⁵ Pinstrup-Andersen, P & S Shimokawa (2008). Do poverty and poor health and nutrition increase the risk of armed conflict onset? *Food Policy* vol. 33, issue 6: 513–520

³⁶ Holt-Giménez, E & R Patel (2009). *Food Rebellions: Crisis and the Hunger for Justice*. Fahamu Books, UK

³⁷ Around 30% of total food produced is wasted without feeding anyone. This amounts 1.3 billion tonnes of food per year.

signatories plus the US, aims to bring both developed and developing countries together in a legally binding treaty between 2015 and 2020³⁸. Additionally, there is another initiative to elaborate a binding Framework Convention on Global Health³⁹. These political endeavours are a proof that previous non-binding agreements have been toothless in moving global challenging issues in the positive direction. **The post-MDG Consensus can be that of the binding agreements to address global imbalances.**

7.- Growing public consciousness of human rights and especially of the fundamental **right to be free from hunger, strongly associated to the right to life.**

3.- RECOMMENDATIONS

1. Retain the World Food Summit and MDG halving targets for 2015, but, in addition, to set a **clear goal to eradicate hunger** no later than 2025.
2. Develop a **legally-binding Food Treaty** to enable those governments and institutions that subscribe to the goal of eradicating hunger to register their financial and technical commitments to time-bound actions and to be held accountable for delivery and results.
3. Organise an **International Campaign** to demand anti-hunger actions by governments, and request them to formally commit themselves to eradicating hunger through the Food Treaty. This campaign would be launched under one "banner" and a joint leadership, and it would combine different anti-hunger initiatives, as those recently launched by important NGOs⁴⁰.

3.1.- The goal must be to eradicate hunger and malnutrition no later than 2025

The intermediate target of halving the proportion of hungry people by 2015 has distracted attention from the ultimate goal of eradicating hunger, to the extent that this tends to be forgotten. It is vital to do everything possible to achieve the 2015 target on the road to eradication by 2025, but the 2015 target has all the weaknesses of any half-measure: it fails to inspire a sense of urgency and unity and, even if achieved, it effectively condemns the "other half" to continued hunger and premature death. Nothing short of an absolute goal of eradicating hunger and malnutrition throughout the world, and reflecting this in national goals, within a relatively short period will galvanize the necessary public support, political commitment, creativity and action⁴¹. The strongest argument is that is now technically possible and financially affordable.

³⁸ UNFCCC (2011). Establishment of an Ad Hoc Working Group on the Durban Platform for Enhanced Action. CP.17FCCC/CP/2011/L.10 <http://unfccc.int/resource/docs/2011/cop17/eng/l10.pdf>

³⁹ Gostin LO et al. (2011). The Joint Action and Learning Initiative: Towards a Global Agreement on National and Global Responsibilities for Health. *PLoS Med* 8(5): e1001031. doi: 10.1371/journal.pmed.1001031

⁴⁰ Oxfam (Grow Campaign), ActionAid (Hunger Free Campaign), Concern International (Unheard Voices), Save the Children (Everyone Campaign).

⁴¹ President Lula mobilized Brazil by adopting a "zero hunger" goal for his national food security programme, and thereby imbued it with a sense of urgency that caught popular imagination and led to the rapid creation of institutions and laws.

3.2.- To broker a Food Treaty as an international instrument to increase accountability

Those governments and institutions that are willing to enter into long-term commitments to end hunger and other forms of malnutrition that cause premature death shall elaborate, negotiate and sign an international Treaty that would provide **a legally binding framework for inter-country cooperation and mutual accountability** at national and international level, defining the responsibilities of governments, UN agencies and civil society.

The Food Treaty would aim to establish enforceable international law guaranteeing the right to be free from hunger and it **should trigger the issuance of food security and nutrition laws**, similar to the laws approved by 7 countries in Latin America⁴². A preliminary draft of a possible Treaty has already been proposed in 2011⁴³, and it can be downloaded from the web. This draft, however, should be considered as an academic exercise so as to help countries launch the necessary debate. Some proposed features of this treaty are presented in **Box 3**. Judging from the experience of recent conventions, the above process could take as long as 7 years. The process itself, however, will from the outset generate awareness, commitment and institutional support.

Box 3: Some features and elements of this Treaty

a.- *The focus of any convention should be on “eradication” rather than “halving” hunger.*

b.- *The goal should be achieved **no later than 2025**, because we have already the means and knowledge to do it, and the treaty needs to set up a feasible timeframe that does not delay the goal beyond the time over which it should be possible to retain political commitment.*

c.- *The Food Treaty should cover **both hunger as well as other manifestations of malnutrition, including over-consumption, leading to overweight and obesity**, that are contributing to premature death⁴⁴.*

d.- *The provisions of the Food Treaty should be set up in such a way that they **act in the long-term global interest**.*

e.- *The treaty must provide for the self-imposition by all governments that are motivated to participate of **binding and monitorable long-term commitments**.*

⁴² Vivero, JL (2010). *El enfoque legal contra el hambre: el derecho a la alimentación y las leyes de seguridad alimentaria*. En X Erazo et al, eds. Exigibilidad y realización de derechos sociales. Pp 163-188. Editorial LOM, Santiago, Chile.

⁴³ MacMillan, A & JL Vivero (2011). *The governance of hunger. Innovative proposals to make the right to be free from hunger a reality*. In: Martín-López, MA & JL Vivero, eds. New challenges to the Right to Food. CEHAP, Cordoba and Editorial Huygens, Barcelona. <http://foodnutgov.ning.com/forum/topics/a-binding-food-treaty-where>

⁴⁴ One issue is whether the Convention should cover both under-nutrition and the food consumption and habits that are leading to a rapidly growing incidence of obesity and related life-threatening diseases in both developed and developing countries. This consideration should be raised during early discussions of the Food Treaty amongst interested parties.

f.- **Link the commitments of developing country parties** to embark on defined comprehensive long-term programmes to end hunger no later than 2025 **with commitments by donor countries** to assist in funding their programmes and in providing technical cooperation services in a predictable manner ⁴⁵. In any case, the donor and the recipient country should deposit the pledge at the International Register of Commitments against Hunger, a unit established in the Secretariat of the Treaty ⁴⁶.

g.- The agreements included in the Treaty should incorporate provisions whereby **countries abide by decisions taken by the Conference of the Parties** to improve governance and accountability.

h.- Whereas the signatories of the Treaty would be nations, **the governance arrangements should be broadened** to engage the UN system, civil society organizations, the private sector, philanthropic foundations, academia and religious establishments. Small-scale and large-scale food producers and consumers shall be given an appropriate decision-making space.

i.-The **secretariat of the Treaty** could be hosted by an existing UN agency or, better still, by the Committee on World Food Security (CFS). However, other possibilities could also be considered, such as a consortium of UN agencies or any other suitable institution that may emerge from current debates at CFS, G-8, G-20, G-77, Rio+20 or the UN General Assembly.

j.- The Food Treaty shall have **a double accountability system**, being operating at national and international level. The international mechanism could be based on a **peer-review process** similar to the Human Rights Council's Universal Periodic Review, OECD or the New Partnership for Africa's Development. The national accountability system could be led by the Ombudsman's Office or any other Human Rights institution.

k.- Support the creation and implementation at national and global levels of **real-time systems for monitoring delivery on commitments and progress** towards the goal adopted by the Treaty.

l.- Offer a forum where **countries could agree on strategies to be adopted in international negotiations** that may have a significant effect on hunger and malnutrition, especially those related to food trading, regulation of market speculation, land grabbing, global food stocks and research for small-scale farming.

m.- Bring the failure by any state party to honour its commitments to the attention of the Conference of the Parties (or the Claim and Redress Committee), and put in place **procedures to remedy the situation**.

⁴⁵ Funds could be channelled directly to requesting countries or through a multilateral fund operated by an existing multilateral financing institution.

⁴⁶ A register-like process has been launched within the G-8, under the L'Aquila Food Security Initiative (AFSI), to monitor the delivery of public and private financial investments by donors, in partnership with OECD.

3.3.- To start the process with (1) a series of meetings by a respected group of experts, (2) initial debates within the “coalition of the willing” and (3) an accompanying civil society campaign

1.- During the initial stages of the Treaty of Plant Genetic Resources for Food and Agriculture (TPGRFA), the Keystone Center, a U.S. think tank, hosted and funded several meetings with leaders and well-reputed specialists in agriculture, environment and rural development, so as to propose main guidelines, intermediate goals and a draft initial document that many years later would be approved. A similar approach could be proposed in this case: **a series of meetings with highly-respected and strongly-committed “food security” people** could be arranged so as to analyse the idea, draft the structure, goals and provisions that could be part of a Treaty, and liaise with a broader network of key players so as to pulse further the idea and have preliminary outcomes peer-reviewed.

2.- After that process, or in parallel if so considered, preliminary talks would be initiated by a **“coalition of the willing”** formed by countries, international institutions, private entities and civil society organisations that are really committed to end hunger and are willing to abide themselves to an international convention that establishes goals and objectives.

3.- Finally, the process leading to the creation of an international Food Treaty should ideally be accompanied by a well-orchestrated **international campaign**, led by NGOs/CSOs, aimed at reinforcing citizen support for urgent large-scale action against hunger and malnutrition. The immediate objective of the campaign could be to call on governments to negotiate and subsequently sign the Food Treaty, as well as to ensure that their governments deliver on their World Food Summit and Millenium Summit commitments to halve the number of hungry people between 1990 and 2015.

The campaign would raise public awareness and understanding on hunger and its solutions and it should be **based on existing movements/campaigns, networks and initiatives**, fostering partnerships, based on a common commitment to hunger eradication, while respecting the autonomy and special focus of different campaigns at national level. As a suggestion, the anti-hunger campaigners and institutions should draw ideas from the successful multi-agency campaigns that are so frequent in the biodiversity domain, achieving concrete results in preserving animals and plants⁴⁷. Why not a similar campaign to preserve stunted and wasted human beings?

3.4.- Capitalise on Spain’s leading role against hunger at global level: quality versus quantity

The world crisis is hitting Spain, its finances and its citizens very hard and we all know that in time of turbulences development is easily considered as a non-priority political issue, therefore subject to drastic budget curtails - 75% in 2012-. However, **Spain should look beyond the short-term scenario and capitalise the investment** done so far in the international development arena, politically and financially speaking, **keep leading the movement against hunger**. Spain’s Director Plan for Cooperation 2009-2012 had a goal to disburse 10% for ODA to food security, amounting 1,500 million euro. This goal was already surpassed in

⁴⁷ The Alliance for Zero Extinction (<http://www.zeroextinction.org>) is a good example.

2010 with 1,966 million euro disbursed⁴⁸. Spain has become the third major donor to FAO, the first donor to the GAFSP and the eight global donor to the UN system, leading anti-hunger political initiatives within the CFS at FAO, the G-8, the G-20 or the European Union.

1.- Spain shall **live up to the verbal and written commitments** made on food security and nutrition, despite the drastic reduction in the ODA budget for 2012 (75%), as we may lose in one fiscal year the prominent position acquired after many years of efforts and huge investments.

2.- Spain shall **improve the quality and relative weights of its ODA to agriculture, food security and nutrition**, allocating less funds to humanitarian food assistance - almost equal to rural development - and **more weight to nutrition**, a meagre 2.6% of 2010 food security allocations and a negligible 0.57% of total ODA that year. If good nutrition is a pre-condition to development and anti-poverty programmes, Spain should provide more funds to nutrition interventions to save lives and prevent chronic malnutrition.

3.- Spain has fully endorsed the incorporation of the human rights approach to development and the right to food is the underlying framework of the National Strategy to Fight Hunger⁴⁹. Considering the high relevance traditionally given to human rights and the international legal framework in the Spanish foreign policy⁵⁰, Spain could maintain its leadership in the fight against hunger by **endorsing and promoting the transition from soft legal commitments to eradicate hunger to hard binding agreements**. In that sense, a binding Food treaty, jointly with other hard-law agreements regarding climate change, financial transactions or major health problems, could form the post-MDG compact to be negotiated in the years to come. Spain is in a privileged position to play **a pivotal role in that sense, with no need to have a huge investment** in terms of budget allocations the coming years.

4.- Spain shall capitalise the **expertise of food security specialists that are working abroad and in the academia and national NGOs** so as to nurture the debate against hunger and the elaboration of the 2012-2015 Plan of Action, where food security should remain as one of the highlighted features of the Spanish cooperation for development.

4.- ETHICAL EPILOGUE: Preventing hunger-related deaths is a moral imperative

The existing flaws in global governance of the world's food production are well-acknowledged. From energy, forests to food security, water and desertification, global governance has repeatedly fallen short when it comes to proactive and swift responses to risk, even in the face of worst case scenarios. In that sense, developing a binding international Food Treaty to address hunger and food security shall be given due consideration in international fora and civil society campaigns.

⁴⁸ Baselga-Bayo, P & G Ferrero de Loma-Ossorio (2012). *La política multilateral española para la seguridad alimentaria: aprendizajes, resultados y retos para el futuro*. Memo OPEX n°168. Fundación Alternativas, Madrid.

⁴⁹ <http://www.maec.es/SiteCollectionDocuments/Cooperaci%C3%B3n%20espa%C3%B1ola/Publicaciones/DES%20Lucha%20contra%20el%20Hambre.pdf>

⁵⁰ As an example, the support to the ITPGRFA in terms of political support, funds and technical leadership is worth mentioning, as well as the recent support provided to initiatives advocating for the right to food, either in FAO, UNHCR or the UN Special Rapporteur of the Right to Food.

And it shall be considered as a moral imperative as well. Preventing death from hunger and malnutrition through enabling all human beings to eat adequately would be a huge moral victory for those who believe in a more just and equitable global society. It would add credibility to the processes of globalization and it would also release a huge amount of latent human energy and creativity for the benefit of mankind.

Last but not least, **the fight against hunger must also recall the Fraternity between human beings**, a concept that stemmed from the French Revolution triad but it was quickly surpassed by their companions, Liberty and Equality⁵¹, both of them considered as the political, philosophical and ethical foundations of the neoliberal economy and democratic societies. Fraternity, understood as solidarity between states, societies and human beings, implies a sense of civic friendship, cosmopolitanism, reciprocity and social solidarity that are so much needed in those times of growing self-interest, isolationism and private rights. The Food Treaty could be instrumental in that goal.

⁵¹ Rawls, J (1999) *A theory of justice*. Harvard University Press.

Memorandos Opex de reciente publicación

- 172/2012: **Las consecuencias del cambio político en Francia para la Unión Europea y para España.** FUNDACIÓN ALTERNATIVAS - CONSEJO DE ASUNTOS EUROPEOS
- 171/2012: **Efectos de la inversión extranjera en tierras agrícolas: recomendaciones.** Érika Rodríguez Pinzón
- 170/2012: **España y la reforma del sistema Naciones Unidas para el desarrollo: cómo rentabilizar el esfuerzo ante los recortes.** Carmen Sánchez Miranda Gallego
- 169/2012: **La cooperación multilateral española en materia de educación.** Alberto Begué Aguado
- 168/2012: **La política multilateral española para la seguridad alimentaria: aprendizajes, resultados y retos para el futuro.** Pilar Baselga Bayo, Gabriel Ferrero y de Loma-Osorio
- 167/2012: **La encrucijada Siria: militarización o internacionalización.** Ignacio Álvarez-Ossorio Alvariño
- 166/2012: **La cooperación financiera en la ayuda multilateral de la política española de cooperación al desarrollo.** Alfredo Macías
- 165/2011: **El impacto de la primavera árabe en África Subsahariana.** Jesús García-Luengos
- 164/2011: **Elecciones en Egipto: ¿gana la democracia?** Marcos Suárez Sipmann
- 163/2011: **La Cumbre de Durban: un impulso necesario en la crisis del sistema de cooperación global.** Jesús Quintana
- 162/2011: **Cuestiones sobre Sudán a la luz de la ola democrática árabe.** Eva Pilar Francés Bruno
- 161/2011: **La UE ante la Cumbre del G-20 de Cannes. Perspectivas y propuestas.** Gonzalo Caballero Míguez
- 160/2011: **Perú revisitado: la segunda vuelta de las elecciones.** David Scott Palmer y Hugo Montoya Chávez
- 159/2011: **"Schengen: Algo más que política migratoria".** Alfonso Egea De Haro
- 158/2011: **"La escalada de precios de los alimentos: efectos y reacción ante una nueva crisis".** Katty Cascante
- 157/2011: **"Spain, the EU and West Africa: Challenges and Opportunities".** Alex Vines, Manuel López Blanco; edited by Luis Simón.
- 156/2011: **"El "Pacto por el Euro" y sus implicaciones políticas: recomendaciones para el gobierno español".** Varios Autores
- 155/2011: **"The crisis in Libya: Spanish and European options".** Luis Simón y James Rogers
- 154/2011: **"Cómo adaptar las agendas iberoamericana y euroamericana en educación: las metas 2021 tras la cumbre de Mar del Plata".** Érika Rodríguez Pinzón, Fernando Rueda Koster
- 153/2011: **"La Revolución democrática árabe: el nuevo rol de la Unión Europea".** Ignacio Álvarez-Ossorio