

## ***MOND'Alim 2030: the governance and regulation of food system globalization***

The globalization of food systems has entered a new phase, one that the *MOND'Alim 2030* foresight analysis study led by the Centre for Studies and Strategic Foresight (CEP) has set out to describe. Governance processes are changing swiftly and while multilateral rules continue to structure food systems, it is a framework that is encountering more and more competition. Current regulations are tending to bring about convergence between agricultural policies and normative food standards, but their coordination is limited in some cases. At a time when private initiatives are increasingly numerous, action by governments is being reinforced in several domains. The present note explains and describes these core trends.

In the absence of a world government, globalization is underpinned by rules, initiatives, institutions and mechanisms at various levels which, while not necessarily mutually consistent, do form a regulation and governance matrix for food systems. Intended to operate over the long term, that matrix has seen major fundamental changes in recent years, as well as great uncertainties as to the future. That is why the *MOND'Alim 2030* foresight analysis has devoted one of its chapters to the identification of trends in the areas of governance and regulation.

Understood to refer to all the resources enabling individuals and institutions to manage their common affairs, “governance” can be seen to be a very useful concept at global level for the description of the planetary system of institutions, standards, regulations and public or private decision processes. Where the concept of “regulation” is concerned, as applied to the global space, this refers to the necessity of managing the risks accompanying globalization.

At a time when agriculture and food are central to the planetary challenges that call for global responses, international agreements and rules are increasingly being called into question. What modes of governance are on the horizon for food systems? Involving which actors and at what scales?

Multilateral rules continue to underpin the structure of food systems, but they are more and more subject to challenge and circumvention (1). Although convergence between agricultural policies is real, convergence between normative food standards is an issue for the years to come (2). In addition to the fragmentation of global public governance, the role of private-sector actors is increasing (3). The desire to preserve the “global public goods” associated with food systems could lead to a strengthening of regulations in various domains (4).

### **1. Food systems: growing challenges and competition for multilateral rules**

#### **1.1. The predominance of trade rules**

Global governance of food systems is made up of a wide variety of international institutions and legal regimes set up in the second half of the 20<sup>th</sup> century: United Nations agencies charged with food security (FAO, UNDP), financial bodies supporting the restructuring of agricultural economies (World Bank), agencies for the harmonization of sanitary standards (*Codex Alimentarius*) and agreements whose purpose is to protect global public goods (climate, biodiversity). This means that one often poorly understood aspect of globalization is that an agricultural supply chain, even one

that is very local and apparently subject to little international exposure, is in fact influenced by international institutions and standards. For example, the environmental law applicable to French farmers and growers derives to a large extent from transposition of EU directives which themselves relate to commitments entered into under international agreements.

International trade rules play a predominant part in this set of legal regimes. Set up on the margins of the United Nations system in 1947 in order to control trade in goods and services, GATT – later WTO – rules are the only ones to be based on a dispute settlement body (DSB) with powers to apply penalties. Where food systems are concerned, the 1995 Agreement on Agriculture made agricultural products subject for the first time to a common goal of trade liberalization, leading to twenty years of profound change: tariff protections were reduced, international agricultural trade expanded and the policies with the worst distortionary effects on global markets were reformed<sup>1</sup>. In addition, a good number of the DSB's flagship rulings have involved food products.

1. OECD, 2015, *Agricultural Policy Monitoring and Evaluation 2015*.

## 1.2. The WTO's place in global governance

The predominance of trade rules in global governance is the subject of debate that could lead to changes. Those rules are increasingly coming up against public policies that go beyond the strictly commercial sphere. In order to expand trade, the need is no longer simply to control recourse to tariff-based protection. It is also necessary to control public policies (sanitary, environmental, social) capable of impacting international trade. However, those policies, which are increasingly prioritized on the international agenda, pursue goals that in some cases run counter to the openness to trade favoured by the WTO since the Uruguay Round. In the area of climate change mitigation, for example, numerous questions have arisen as to the compatibility of instruments such as the carbon tax (whose effectiveness depends on application to imports) with WTO principles, which discourage governments from doing this (Box 1).

It is possible therefore that a new balance could come about in international priorities and standards in the period to 2030, in line with a range of possible scenarios. In order to reconcile more effectively openness to trade and adherence to environmental and social commitments, it is argued in some quarters that the application of existing international agreements should be tightened using mechanisms similar to the WTO's Dispute Settlement Board. Others, adopting a less multilateral, and more realistic, approach consider that it is the responsibility of the European Union and the United States to impose their high standards for imported products<sup>2</sup>.

### Box 1: Taking the environment into account in trade regulation

The relationship between trade rules, the objective of which is to promote fair competition, and normative standards intended to protect the environment, has been a source of controversy for thirty years. When a country imposes environmental regulations on its producers it is tempted, in order to avoid distorting competition, to impose them also on products from third countries. Such practices are however tightly controlled by WTO rules providing for the use of environmental measures (GATT Article XX), and are permitted only insofar as their purpose is not protectionist. However, this is a distinction that is difficult to make.

According to the principle of national treatment (GATT Article III), every country must apply the same treatment to imported goods as to similar national goods. However, "similarity" is an indeterminate concept and a growing number of disputes relate to whether two products derived from different production methods must be deemed to be "similar". For example,

Still others envisage obtaining international consent to agricultural policies that are both the most effective in terms of climate change and less distortionary<sup>3</sup>. Finally, for some, broader synergies should be promoted between the WTO and the international bodies responsible for environmental and social issues.

### 1.3. Increasing numbers of bilateral and regional agreements

The multilateral framework in place since 1945 was intended to arrive at common goals, define the resources needed to achieve them and institute rules shared by all. But in a multipolar universe, such modes of negotiation are increasingly lengthy and complex and struggle to include concrete changes. The mismatch between a "civilized and consensual" UN governance process<sup>4</sup> and a reality marked by growing rivalry for access to resources is very apparent in negotiations such as the Doha Round or the Climate Change Agreement.

In fact, multilateral food system governance is subject to increasing competition. Evidence of this can be found firstly in the numbers of bilateral and regional agreements, which have been increasing over the last fifteen years (cf. figure 1). In a context in which the sources of growth are to be found mainly in developing regions, the EU and the United States have been racing to sign trade agreements. In addition to the possibility of opening up new markets, such preferential agreements are also a tool for the promotion of certain standards through the inclusion of social and environmental clauses.

More recently, we have seen negotiations for a new kind of plurinational agreement.

is the European Union entitled to impose an obligation whereby imported meat must be produced on farms that abide by its own animal welfare standards?

Historically, the interpretations proposed by DSB judges have favoured the goal of openness of trade to the detriment of environmental regulations. But the conclusions handed down in 2012 by the Appellate Body in the "Tuna-Dolphin II" case have opened a breach in the case law. The court considered that the objective of the United States, i.e. to protect dolphins, could give legitimacy to a discriminatory measure (a label excluding certain fishing methods).

In the future, the climate challenge could result in an international consensus for the definition and authorization of agricultural policy measures that would be both effective in terms of the climate and the environment and have only limited distortionary effects on international markets.

Such "mega-regional" agreements relate to blocs of countries accounting for a large part of global trade, along the lines of the TTIP between the EU and the United States. They are also characterized by their scope and are "deep agreements" whose goal is to reduce non-tariff barriers to trade by seeking possible regulatory convergences. Some observers see in them spaces for building new international trade rules, conferring flagship status on such agreements. In this way, it is said that the TTIP, by bringing the American and European normative systems closer together, these being among the most stringent, will increase their influence in the face of Chinese standards, thereby favouring a top-down form of globalization<sup>5</sup>. However, the main obstacle to their finalization is rejection of these agreements in civil society.

A third way in which multilateral institutions are circumvented is by affirmation of the G20 as an operational body for concerted action and economic management. The G20 comprises the 20 leading powers representing approximately 85% of the world's GDP and two-thirds of its population; it entered the food domain for the first time in the wake of the 2007-2008 crisis

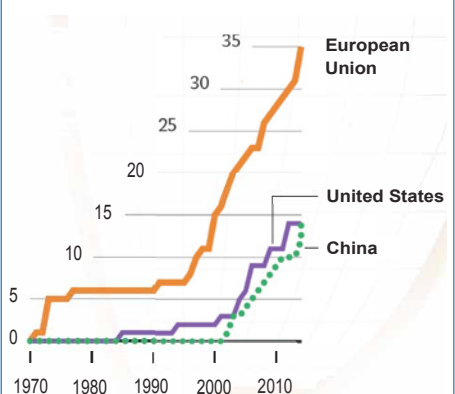
2. De Schutter O., 2015, *Trade in the service of sustainable development. Linking trade to labour rights and environmental standards*, Bloomsbury.

3. Blandford D., 2014, "International trade disciplines and policy measures to address climate change mitigation and adaptation in agriculture", *Tackling agriculture in the post-Bali context*, ICTSD.

4. Aykut S., Dahan A., 2015, *Gouverner le climat ? 20 ans de négociations internationales*, Presses de Sciences Po.

5. Fabry E., 2014, "Le TTIP à l'avant-garde du régime commercial international du XXI<sup>e</sup> siècle ?", *Tribune, Notre Europe - Institut Jacques Delors*.

Figure 1: Numbers of regional trade agreements, 1970-2015



Source: Regional Trade Agreement Information System (RTA-IS), <http://rtais.wto.org>

(cf. figure 2). Although it has demonstrated its reactive capacity, making significant strides forward in 2011 in the area of market transparency for example, the Agriculture G20's legitimacy is contested, particularly in developing countries, which denounce it as a form of "directorate".

In spite of these trends, the multilateral system could be reinvigorated in the period to 2030. Due to its inclusive nature, it does in fact continue to be the only body with a form of legitimacy, and this proves to be necessary for driving effective cooperation in a multipolar world<sup>6</sup>. COP21 has shown that multilateral logics could adopt innovative forms of participation for the various stakeholders and at the same time effectively coexist with parallel initiatives. Where trade rules are concerned, despite the growing challenges to the open trade dynamic, the bedrock of the WTO rules retains its structural importance. In the face of the threats of protectionist isolationism, they enjoy a high level of recognition due to the legal stability they provide, which makes any general undermining of them improbable in the period to 2030.

6. Badie B., 2011, *La diplomatie de connivence. Les dérives oligarchiques du système international*, Paris, La Découverte.

## 2. Convergence between agricultural policies and food standards

### 2.1. Convergence of levels of agricultural support, but inadequate coordination mechanisms

Growing interdependence between economies is leading in turn to greater interdependence between agricultural and food policies. For that reason, WTO member countries have introduced collective disciplines aimed at controlling support for agriculture in order to limit their prejudicial effects for other countries. Three types of measures were in this way covered by the 1995 Agreement on Agriculture: direct support, export competition and market access.

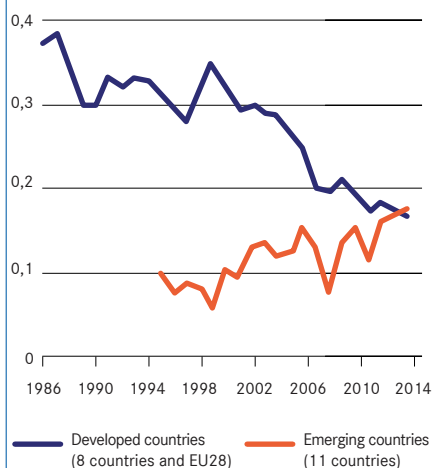
Due to the effect of these WTO disciplines, the instruments judged to be the least virtuous have largely disappeared and overall support has declined in OECD countries despite the divergence between Europe and the United States in the agricultural policy options adopted from the 2000s. At the same time, in the OECD it can be seen that there is increasing use of instruments focused on innovation and sustainability, these being considered less prejudicial to third countries. Conversely, the opposite trend is observed in emerging countries since support for agriculture has progressed strongly since the early 2000s (cf. figure 3). Less constrained by WTO

disciplines, they have made extensive use of instruments such as price guarantees.

The 2008 crisis and countries' uncooperative reactions to which it led have generated an awareness of the necessity of closer policy

Figure 3: Converging levels of support for agriculture

Agricultural support, as calculated by the OECD, is defined as the annual monetary value of gross transfers to agriculture from consumers and taxpayers arising from government policies that support agriculture, regardless of their objectives and economic impact.



Source: Debar, Douillet, graphic updated by the CEP based on OECD data

Figure 2: The G20 and FAO – two intergovernmental governance bodies for global food security

The Agriculture G20 has played a prominent role since the 2007-2008 crisis by driving a number of initiatives and demonstrating an ability to react. However, this informal forum does not enjoy the same legitimacy as the CFS, which is an emanation of the United Nations, therefore representing all countries, which since its reform in 2009 has opened up markedly to civil society. Over the period to 2030 the coexistence of these two bodies should make it possible to organize expertise, leadership and legitimacy roles.

BODY CONTRIBUTING TO FOOD SECURITY GOVERNANCE	Agriculture G20	Committee on World Food Security (CFS)
MEMBER COUNTRIES	20 + invitees	193 United Nations member countries
PARTICIPATION BY OTHER ACTORS	Limited Intergovernmental forum, club of member states + forums (GEF)	Structured Consultative group with five categories of participant
OPERATION	Rotating presidency Agenda defined by the presidency	Permanent secretariat Collegial definition of agenda
STATUS	Informal forum	Accountable to the UN General Assembly and the FAO Conference
STATUS OF EU AND FRANCE	EU: a member in its own right France: a full member, free expression of views and voting	EU: expression of views on behalf of EU Member States France: prior consultation with Member States
PRODUCTION/USE OF EXPERTISE	No expertise on its own account Makes use of various UN agencies and the OECD	Has own expertise Makes use of international research in the HLPE
CORE TASKS/ROLE	Acts as a crisis management entity Political driving role	International platform open to all stakeholders working to ensure food security
PRODUCTIONS	Political declarations, set up of certain instruments of cooperation	Voluntary guidelines, frameworks for action, HLPE reports on the state of knowledge
EXAMPLES OF OUTPUT	AMIS and RRF (2009). Call for reductions in loss and waste. Action plan for food security and sustainable food systems (2015)	HLPE report on "Price volatility and food security" (2011). Voluntary Guidelines on the Responsible Governance of Tenure of Land (2012), Principles on Responsible Agricultural Investments (2014)

\* Other UN bodies, civil society organizations and NGOs, international agricultural research institutions, international and regional financial institutions, private-sector associations and charities.

Source: after FAO; <http://www.fao.org/cfs/home/about/en/>  
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coordination. That episode also revealed how little enthusiasm there is in emerging countries for the imposition of collective rules, with regard for example to buffer stocks intended to stabilize prices in the event of a crisis.

## 2.2. Regional integration processes contributing to agricultural policy convergence

Whereas regional integration processes follow various models, the convergence of agricultural policies is in some cases the crucial component. Where the European Union is concerned, the Common Agricultural Policy (CAP) has been one of the most successful expressions of supranationality. For many years this unprecedented experiment in the pooling of a sectoral policy played a role as a laboratory for the political and economic integration of different states.

The CAP was founded from the outset on the principles of a single market, Community preference and financial solidarity. It is underpinned by common funds whose purpose is to modernize agriculture and develop rural areas. As the Union has been enlarged to include countries with agricultural sectors at very different levels of development, the European model has been based on the convergence principle. The aim is to provide long-term support to new Member States to facilitate their adjustment to EU rules.

Alongside the affirmation of the common market, convergence between European agricultural policies has been driven by shared governance tools such as market management tools, EU funding and statistical approaches. The Community nature of sanitary, environmental

and commercialization standards for food products is not only a powerful driver for integration, but also an important lever for international influence, given that the EU is one of the world's biggest food markets<sup>7</sup>. Complicated as its management is, with 28 Member States and an obligation to respond to ever more challenges, the CAP will need to change over time. It must reconcile the need to adapt to the specific regional features of the EU with the necessity of a collective response to the challenges posed by globalization.

While the European model has no equivalent anywhere, other regional integration dynamics have been given renewed impetus since the 1990s (cf. figure 4). These are highly diverse in both their intentions and their detailed arrangements, and they are constrained by the current context of openness to trade. They are based on opening up markets and closer cooperation in certain domains and rarely on regional preference, convergence or transfers of competency.

Regionalization programmes in Asia result in a degree of economic integration but continue to be limited to a logic of intergovernmental type with no transfer of sovereignty. Regional agrifood value chains prosper in this context, but the Avian Influenza crisis has revealed inadequacies in governance.

On the American continent, NAFTA and Mercosur are constructed on a model that is also focused on the elimination of customs barriers for agricultural products. However, these regional dynamics are challenged by the competing desire of the major countries in the region to position themselves on global markets. Political integration is more marked in the case of Central American countries with the regional

parliamentary assembly's vote in 2008 to adopt a common agricultural policy.

It is on the African continent that regional integration processes are currently most dynamic. For example, ECOWAS has put a common agricultural policy in place with the aim of improving agricultural productivity, introducing an intra-community trade regime and harmonizing the external trade regime. These African policies are inspired by the CAP experiment and the principles of subsidiarity, complementarity and solidarity, but they are more focused on insertion into international markets.

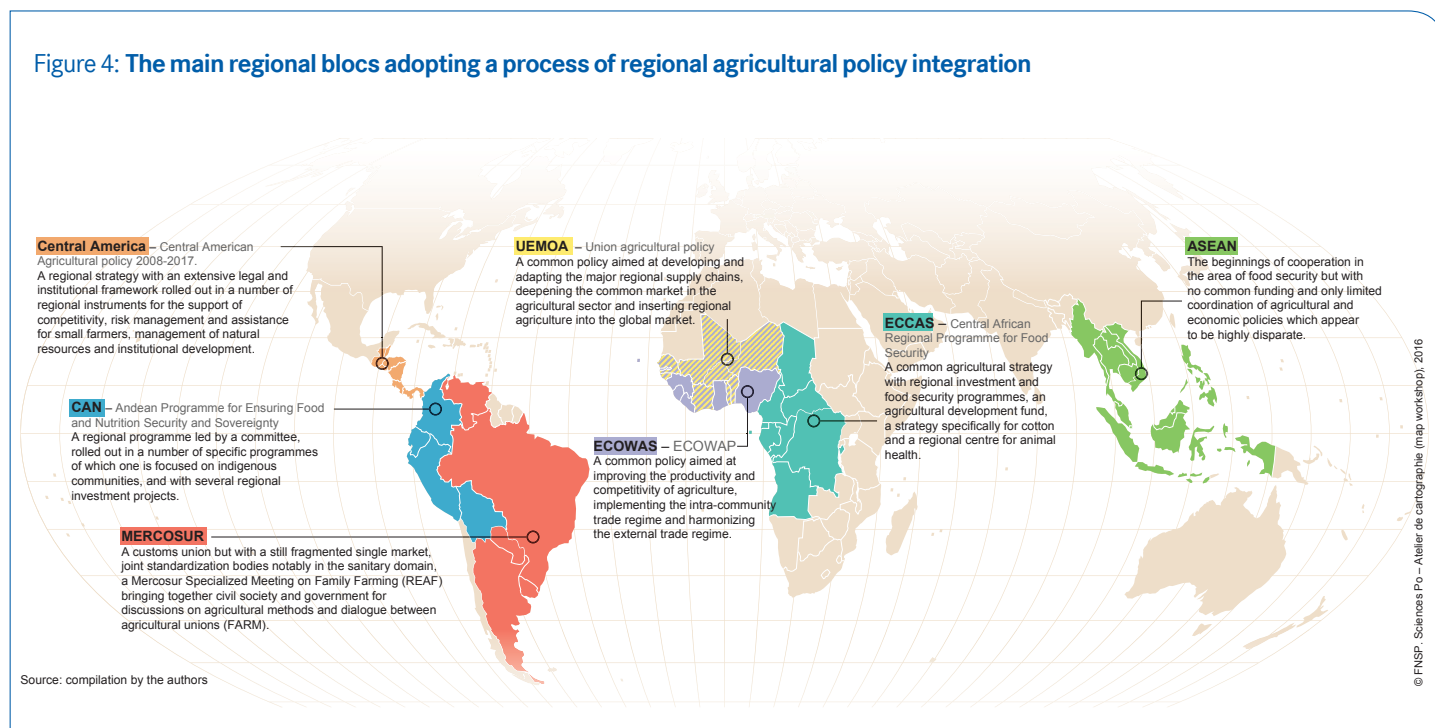
## 2.3. Normative convergence, key to future trade agreements

A deepening of economic integration brings differing cultural and legal systems up against each other. "Collective preferences" (health, environment, animal welfare, etc.) to which the general public frequently attach importance, are increasingly exposed to globalization<sup>8</sup>. Given that customs tariffs have been sharply reduced since the 1990s, the main barriers to trade are now to be found in technical, sanitary, social and environmental regulations. The upshot of this is growing tension between countries' desire to protect their collective preferences and their wish to obtain access to third-country markets. The issue now is how to distinguish between legitimate non-tariff measures and measures that are protectionist in intention.

7. Laïdi Z., 2008, *La norme sans la force*, Presses de Sciences Po.

8. Lamy P., 2014, "L'organisation mondiale du commerce. Nouveaux enjeux, nouveaux défis", *En temps réel*.

Figure 4: The main regional blocs adopting a process of regional agricultural policy integration





The reduction of non-tariff obstacles to trade is increasingly being conducted through bilateral and regional agreements. For example, all free trade agreements entered into by the EU now contain a “sustainable development” chapter the intention of which is to promote application of international agreements and certain standards.

The objective of the latest generation of agreements – of so-called “mega-regional” type<sup>9</sup> – is to go one stage further in normative convergence. The aim is to reduce the costs of trade by limiting regulatory barriers while at the same time taking care to guarantee countries’ respective rights to determine their own policies. For this, agreements of a different kind are needed, given that in order to reduce divergence between sanitary or technical standards, the role played by standardization bodies will be greater than that of diplomats or negotiators<sup>10</sup>.

This process of normative convergence is leading to the emergence of resistance and fears of loss of sovereignty in the countries concerned. It is for that reason that a distinction is gradually being made between technical regulations, which can be brought closer together, and standards that stem from societal choices that are not such as to be called into question<sup>11</sup>. However, behind these considerations long-term strategic issues are also in play. This is so because a form of TTIP leading to convergence between certain standards in two major economic blocs, the EU and the United States, could lead the rest of the world to align with those standards rather than with those, less demanding, of the new trade power, China.

All in all, by 2030 it appears unlikely that a new compromise on WTO disciplines could arise. Conversely, it is likely that regional cooperation programmes, exchanges of good practice and policy comparisons will develop, these contributing if not to coordination at least to a closing of gaps between policies for growing market integration. In the area of agricultural support, although the instruments used are diverse, the trend is towards convergence between the main global actors. Nevertheless, looking out to the 2030 horizon, continuation of rising levels of support in emerging countries could result in new imbalances.

### 3. More fragmented, hybrid global governance associating non-state actors

#### 3.1. Increasing partnership between public and private actors

International action is more and more often the outcome of co-construction by public and non-public actors. Whereas as long ago as 2002 the Johannesburg Conference was encouraging new forms of intervention involving NGOs, local government, public-sector partners and private enterprise, a feature of the last decade has been a rapid expansion in international initiatives arising on the margins of institutional frameworks.

These developments are visible in a range of domains. Where development cooperation is concerned, the “New Alliance for Food Security and Nutrition”, launched in 2012 by the G8 illustrates this change in direction in that it sets out to support African family farming through

action by international private-sector groups. In the context of climate change mitigation there emerged in 2015, alongside the UN negotiations, the “Global Alliance for Climate-Smart Agriculture” (GACSA), the purpose of which was to bring together governments, private companies and civil society organizations. There are other initiatives of the same type on sustainable livestock farming and nutrition-related issues.

This trend testifies as much to the expanding influence of non-state actors as to the necessity of reinventing more effective and reactive governance mechanisms. However, some initiatives of this type encounter challenges to their legitimacy and are suspected of serving the economic interests of private-sector groups, for example by promoting legislative changes in developing countries in the area of land tenure or intellectual property.

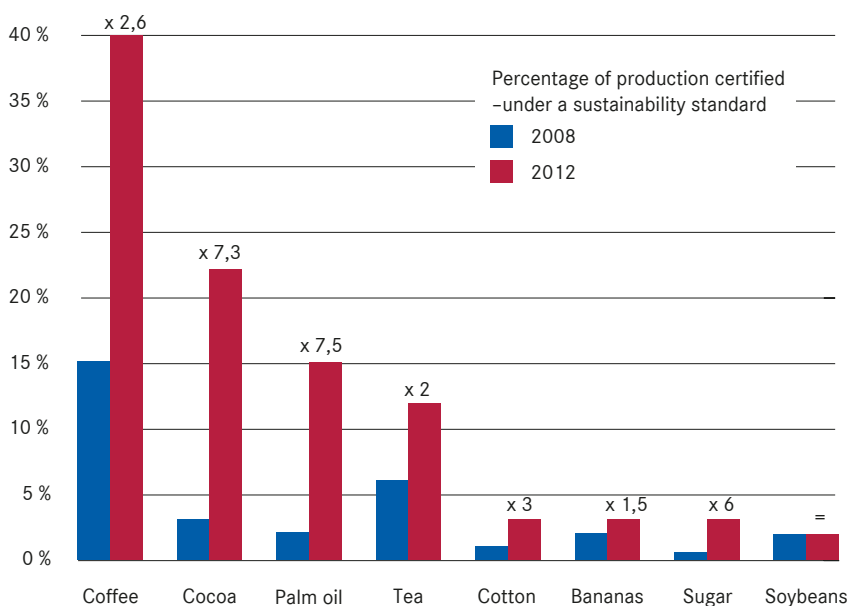
#### 3.2. The increasing importance of private standards

As the bar has been raised on traceability, agrifood and retail distribution multinationals have been increasingly seeking to secure and to control supply chains that are global in scope. Private standards have therefore gradually become generally applied and some, such as GlobalGAP, have made their mark on international markets. They are now integral to the contractual obligations of companies active at all points along the chain.

In the 1990s, such private standards largely concerned food sanitary security. More recently, their rapidly rising importance has been seen in the area of product sustainability (cf. figure 5). With the implementation of corporate social responsibility (CSR) strategies, the need has become apparent for businesses to demonstrate compliance with the principles of sustainable development with respect to the raw materials they use. Such standards are more than a tool for product differentiation, they are a response to the need to address a growing reputational risk due to the expectations of society and the vigilance of certain NGOs, regarding deforestation, for example.

Various global coalitions have emerged since the 2000s with the aim of harmonizing such private standards. These comprise major private-sector actors in the agrifood, retail distribution and international agricultural trade sectors, along with global NGOs. Where product sustainability is concerned, specific

Figure 5: Rapid expansion of private-sector sustainability standards for certain commodities



Source: IISD, 2014

9. This includes the TTIP and TPP, proposed agreements in abeyance since the arrival of Donald Trump in the White House.

10. Fabry E., 2014, “Le TTIP à l’avant-garde du régime commercial international du XX<sup>e</sup> siècle?”, *Tribune, Notre Europe* – Institut Jacques Delors.

11. European Commission, 2015, *TTIP and regulation: an overview*.

platforms have been set up for a number of commodities such as palm oil, soybeans, cocoa and beef. Countries such as the Netherlands and Switzerland actively support these mechanisms, while at the same time keeping their distance from their actual operation in order to encourage a private-sector dynamic they see as more effective.

The rising importance of such private global standards may generate virtuous changes in supply chains, but it also holds major challenges. Firstly, those standards modify relative negotiating powers in global value chains. Given the diversity of producers, methods and production areas, sustainability standards lead to a standardization, or even a “commoditization” of initially differentiated products and practices<sup>12</sup>. This is conducive to the capture of value by the downstream portion of the chain, whereas upstream there will be effects involving the eviction of the most vulnerable producers due to high compliance costs<sup>13</sup>. Such private standards are also new barriers to entry that can be imposed as conditions for access to certain markets. The WTO sees them as among the principal challenges to global governance in the future<sup>14</sup>.

### 3.3. The desire of governments for more effective regulation of global corporations

The financial crises of 2007–09 revealed the inadequacies of insufficiently regulated globalization. This provided a new political impetus in the G20, the OECD and the FAO for tighter control over the activities of multinational corporations (tax, financial markets). Several initiatives produced by this dynamic relate to food systems.

The increase in agricultural price volatility was explained in part by the financialization of commodity markets and their sudden,

unexpected penetration by new global actors. Seeking ways to diversify their asset portfolios, these investors contributed to a correlation between agricultural commodity markets and other macroeconomic asset classes, exposing them to fluctuations unrelated to their fundamentals. In response, the regulation of markets for derivatives linked to commodities was significantly tightened. Following recommendations from G20 finance ministers and central bank governors, issued in 2011, the EU notably adopted a new regime imposing transparency and limits on positions.

The rapid expansion of large-scale land acquisitions in developing countries also led the international community to control the activities of transnational investors. In 2011, the “Principles on Responsible Agricultural Investments” were adopted with the intention of protecting the rights of rural communities and promoting socially and ecologically responsible investments. Those principles were strengthened in 2014 in the FAO Committee on World Food Security (CFS) and supplemented by the Voluntary Guidelines on the Responsible Governance of Tenure of Land. Although in the category of soft law, these texts provide a reference for developing countries, enabling them to reinforce their legal frameworks in this domain.

Corporate social and environmental responsibility is also an increasingly important item on the international agenda. Both the OECD and the United Nations have adopted guidelines in this domain intended for multinational corporations (cf. figure 6). In 2015, the OECD adopted “Guidance for Responsible Agricultural Supply Chains” to propose a framework for corporate commitment to a continuous process of identification of the risks of adverse impacts linked to their activities. In the medium term, the international legal liability of multinational companies could become an issue that

undergoes further developments, as indicated by the preparation at the United Nations of a convention on the liability of transnational corporations and other business enterprises with respect to human rights.

In this fragmented governance landscape, the future appears to be one in which these new emerging arenas and the historical international organizations coexist. As for the latter, they are obliged to change in the direction of greater openness to non-state actors. This is shown by the ambitious governance reform process in the FAO’s Committee on World Food Security, beginning in 2009, which has assigned an unprecedented role to economic and social actors in the negotiation process.

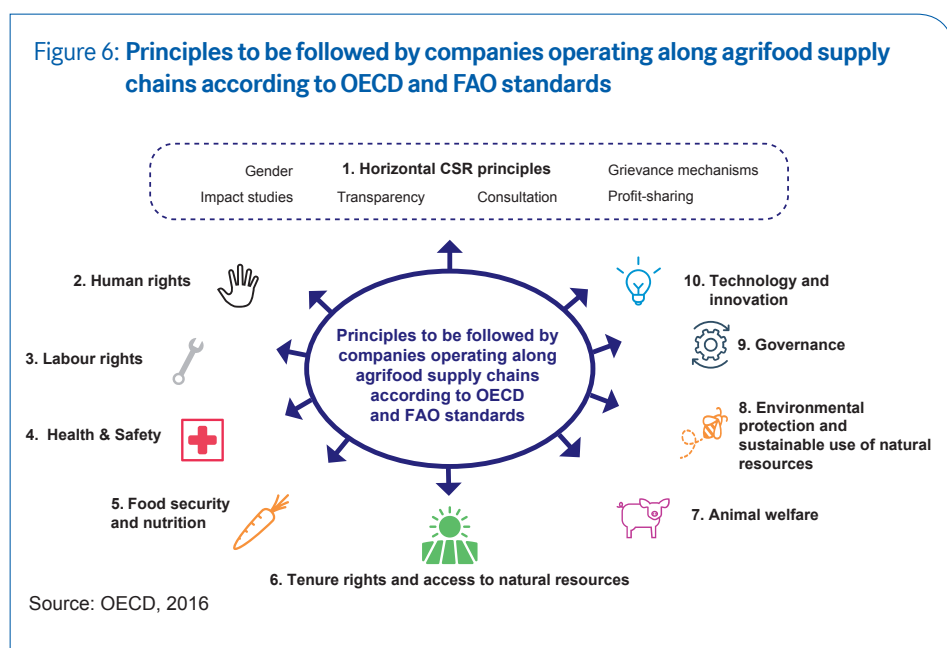
## 4. Global public goods serving multilateral action?

### 4.1. A universal framework of sustainable development goals

The idea of “global public goods” became current in international forums in the late 1990s against the backdrop of systemic crises and flagging intergovernmental cooperation. Whereas in economics “public goods” refers to a precisely defined concept (non-rival, non-excludable goods), in the international arena it has been broadened to describe goods that have particular importance for the planetary community and which require collective action on a multilateral basis<sup>15</sup>. Identification of global public goods as varied as biodiversity, control of communicable diseases and combating hunger reinforces the notion whereby globalization must go hand in hand with enhanced public action at global or regional level.

The Sustainable Development Goals (SDG) form an unprecedented roadmap for the shared management of global public goods. Adopted by the 193 Member States of the United Nations, the SDGs are the outcome of a collaborative approach instigated by African and Latin American countries. They break with the North-South logic that has prevailed historically in the context of development aid and they apply to all countries. The novel aspect is also to be found in an integrated approach to the various challenges: goals for preservation of the environment and the reduction of inequality go hand in hand with poverty reduction goals.

Figure 6: Principles to be followed by companies operating along agrifood supply chains according to OECD and FAO standards



12. Daviron B., Vagneron I., 2011, “From commoditisation to de-commoditisation... and back again: discussing the role of sustainability standards for agricultural products”, *Development policy review*, 29(1), 91-113.

13. Fulponi L., 2006, “Private voluntary standards in the food system: The perspective of major food retailers in OECD countries”, *Food policy*, 31(3), 241-253.

14. WTO, 2012, *World Trade Report 2012. Trade and public policies: A closer look at non-tariff measures in the 21st century*.

15. International Task Force on Global Public Goods (ITFGPG), 2006, *Meeting global challenges: international cooperation in the national interest*.

A number of uncertainties remain at this stage with regard to the operational character of this global governance process in development programmes and national policies. Given their large number, there will undoubtedly be competition between these goals. Moreover, the scheme is based on the desire of each country to use the goals when building its own agenda. Nevertheless, this new global framework could encourage greater coherence between countries' policies. This should notably be the case for agriculture and food, these being horizontal issues in the SDGs, with the FAO identifying eight goals of direct relevance to food systems out of the seventeen.

#### 4.2. Assertion of an international right to food

The international right to food, like most UN economic, social and cultural rights, had little effect during the Cold War years. After being mentioned in the 1948 Universal Declaration of Human Rights, it was in 1976 that it was introduced in the International Covenant on Economic, Social and Cultural Rights (ICESCR). This provided for a “fundamental right of everyone to be free from hunger” but not for the means to ensure its enforcement.

However, significant changes have been under way since the 2000s. The appointment in 2000 of a Special United Nations Rapporteur on the right to food helped promote this cause on the international stage. The Right to Food Guidelines adopted by the FAO in 2006 later provided detailed indications as to the way in which governments should implement this

right. Finally, in 2009, an Optional Protocol was added to the ICESCR introducing control mechanisms for these rights, for example by allowing for the possibility of conducting enquiries. Since 2013, the year in which the protocol came into force, individuals considering that they have been subject to violations of the right to food but cannot obtain redress at national level have been able to submit their complaint to UN bodies.

As the right to food slowly beds in, global policy on food security, largely based on economic instruments, has equipped itself with a legal instrument complementary to and founded upon human rights. Despite the fact that its legal scope of action remains limited, this right may play a more significant role in countries insofar as their governments' inaction on food security is given greater visibility and a growing number of countries have included it in their constitutions (cf. figure 7).

#### 4.3. Geographical indications and the preservation of local diversity

Legal protection of geographical indications is one instance of a domain in which international cooperation is necessary if local food systems are to have the means to cope with globalization.

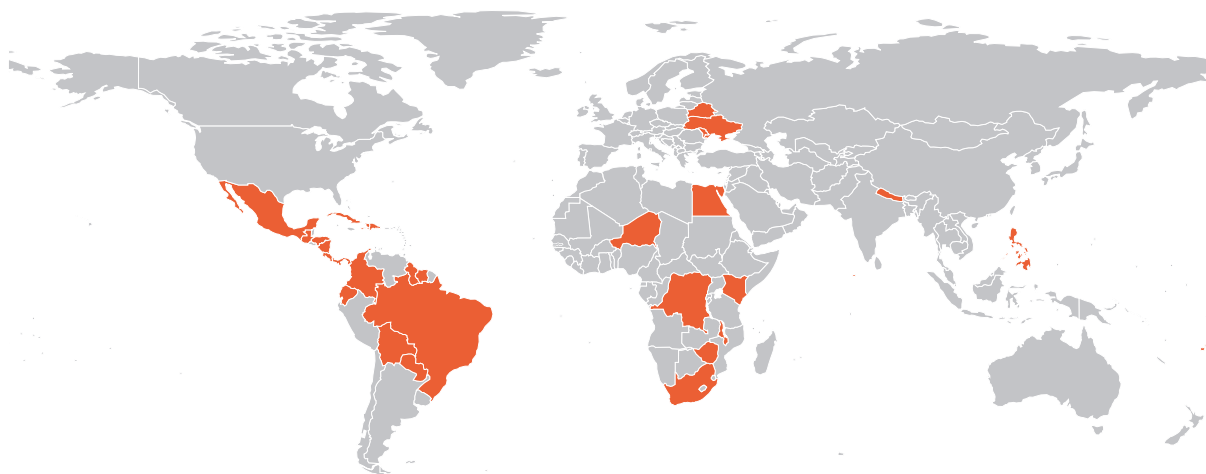
Beginning in the early 20<sup>th</sup> century, several countries have instituted systems of legal protection for designations of origin or indications of provenance. Such geographical indications guarantee for the consumer the existence of a link between a product, its geographical area of origin and, in many cases, the production methods and particular

region-specific characteristics desired by consumers. Perceived as quality signs, they confer a valuable competitive advantage on producers in the relevant area, enabling them to differentiate themselves, preserve their heritage and develop their local region. These specific rights relate to high value-added products traded internationally, and which are as such exposed to illicit imitation, misappropriation and misuse. That is why international cooperation was seen to be necessary in this context very early on, as is shown by international agreements.

The TRIPS agreement which came into force in 1995, along with the creation of the WTO, marks a change in the globalization of intellectual property law. Negotiation of the chapter in the agreement concerning geographical indications proved particularly arduous. The outcome was a compromise between divergent legal traditions and economic interests which traditionally place European and North American countries in opposing camps. While the definition of “geographical indications” in the TRIPS agreement is now accepted, the level of protection provided continues to be a subject of controversy between WTO members. Given the agreement's flexibility of application, it has not put an end to the diversity of protection regimes<sup>16</sup>.

16. Kalinda F. X., 2010, *La protection des indications géographiques et son intérêt pour les pays en développement*, Doctoral thesis.

Figure 7: Countries having explicitly included the right to sufficient food in their constitution



Protection of human rights in the constitution is the strongest form of protection since the constitution represents a country's highest or most fundamental law. Although there are various ways of protecting the right to sufficient food, the FAO considers that explicit constitutional protection is one of the strongest gestures a country can make in its progress towards realization of adherence to this law. Recent years have seen a large increase in the number of countries adopting provisions of this kind.

Source: Faolex (data as of October 2015)

There currently exist nearly 10,000 geographical indications (GIs) in the world and the concept is increasingly successful, especially in developing countries<sup>17</sup> (cf. figure 8). Most of those countries opposed GI protection during the TRIPS negotiation, but they have recently become aware of the value of such schemes for their own regions. This dissemination led to the signing in 2015 of an Act in the World Intellectual Property Organization to update the international arrangement for registration of designations of origin, known as the “Lisbon Arrangement”. This trend is likely to continue in the future and could confirm a development conducive to the expansion of GIs.

The main challenge now is the extension of strengthened legal protection, currently covering wines and spirits, to include all geographical indications. The nature of future agreements between the EU and the United States and China is consequently a crucial factor for the period to 2030.

Despite the crisis in multilateralism, collective action can be seen to be necessary in order to address many of the challenges

relating to food systems. In domains such as sustainable development, the right to food and protection of designations of origin, multilateral instruments and international law could see further developments in coming years.

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In 2030, the international arenas of food system governance will be noticeably different from those at the beginning of the century. Although multilateral processes laying claim to universality will still be the only guarantee of a form of legitimacy and effectiveness, they will be increasingly obliged to coexist with other formats. Global governance will not only be more decentralized and fragmented, but it will also be more hybrid due to the rising influence of non-state actors. Growing interdependence will make issues of normative convergence increasingly a source of not only of cooperation but also tension. Trade rules could become less structurally important than in the past, while new areas for collective regulation will develop in order to respond more effectively to challenges such as climate change and rural employment.

There are areas of uncertainty throughout the present foresight analysis. Fears associated with globalization, temptations for national isolation and geopolitical tensions all fuel mistrust of

the actors and institutions that embody efforts for international cooperation and collective governance. Moreover, the trends identified above could be modified, depending on the roles played by China, the United States and the European Union in global governance over the period to 2030.

Foresight analysis is forward vision designed to assist decision-making, and this leads us, in conclusion, to formulate recommendations for public action. France’s external food policy will be obliged to adapt to an increasing number of governance loci and actors by developing the country’s capacity for broadening alliances and synergies between French actors. The image of food excellence, both sanitary and gastronomic, and the country’s core strength in the sciences, are all key advantages in globalization which must be put to good use. Furthermore, international power increasingly involves the targeted deployment of standards-related influence in conjunction with private actors. Lastly, the European Union continues to be the crucial level for action within globalization, grasping its opportunities while protecting against some of its effects.

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17. International trade centre (ITC), 2009, *Guide to geographical indications: linking products and their origins*, Geneva.

Figure 8: The growing success of geographical indications

