



Task Force 04

**TRADE AND INVESTMENT FOR SUSTAINABLE AND INCLUSIVE GROWTH**

## **From Food Security vs Food Safety to Sustainable Food Systems in International Trade Law and Governance**

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**TF04**



## Abstract

Food insecurity has taken centre stage due to a growing global population, changing weather patterns, regional conflicts and a rising tide of domestic policies. Yet, the relationship between food safety and food security remains underexplored. Operationalising the concept of sustainable food systems (SFS) politically and legally offers a way forward. SFS has been discussed within the United Nations and the Group of 20 (G20).

The G20 motto under the recently concluded Indian presidency ‘One Land, One Family, One Future’, and the focus on ‘Building a Just World and a Sustainable Planet’ under the current Brazilian presidency highlight the importance given to sustainable development in this forum. Agriculture and food security appeared on the G20 agenda for the first time at the 2009 Pittsburgh Summit and has been addressed at subsequent summits. Under the 2022 Indonesian Presidency, ministers agreed to prioritize the development of resilient and sustainable agri-food systems and supply chains.

The global food crisis was a key issue at the 12<sup>th</sup> Ministerial Conference of the WTO (MC12), especially in the Sanitary and Phytosanitary Declaration for the Twelfth WTO Ministerial Conference: Responding to Modern SPS Challenges (SPS Declaration). The MC12 SPS Declaration committed WTO Members to “explore how the implementation and application of the SPS Agreement can support” certain identified themes, specifically the facilitation of “global food security and more sustainable food systems” (World Trade Organization, 2022).

SFS is an area that has not been addressed in WTO law. In addition to the relative novelty of the concept in the WTO, WTO law might present one of the biggest obstacles to genuine SFS implementation. This policy brief fills this important lacuna and informs the discussion on SFS within the WTO and the G20, addressing two issues.

An analysis of how SFS can be aligned with international trade rules, by addressing the tension between food safety and food security, along with potential pathways for the Brazilian G20 presidency to combine and streamline the efforts at achieving SFS while maintaining a high level of food safety.

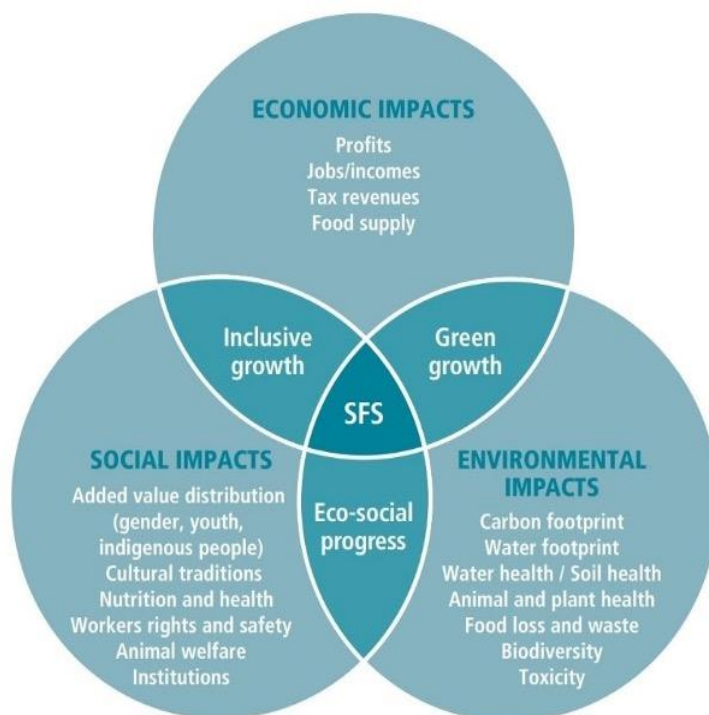
An assessment of the implications of the development towards SFS for agro-food exporting and importing countries, especially developing countries.

The policy brief recommends balancing the need to increase the availability of sustainably harvested and produced food ensuring food security as well as the need to empower developing countries through development and financial assistance, including knowledge sharing.

**Keywords:** food security, sustainable food systems, G20, WTO, developing countries

## Diagnosis of the Issue<sup>1</sup>

Amidst the challenges posed by a growing global population, climate change and other environmental concerns that threaten food production, SFS and food security have taken centre stage (Burlingame and Dernini 2019). A discussion on SFS within the G20 and more broadly, is of paramount importance given the high degree of global food insecurity that an increasing proportion of the global population is experiencing. SFS lies at the heart of the United Nations’ Sustainable Development Goals (SDGs) which call for major transformations in agriculture and food systems.



*Source: Sustainable Food Systems Concept and Framework, Food and Agriculture Organisation of the United Nations*

SFS is generally understood to be a multi-faceted and multi-level concept that incorporates the three dimensions of sustainability – the environmental, social and economic dimensions (*see* the diagram above) – on the global, regional and domestic levels.

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<sup>1</sup> The views expressed herein are those of the authors and not of the institutions they are affiliated with.



International organizations like the WTO often adopt a global lens that can be difficult to reconcile with and apply at the local level. While the former strives for universally applicable rules, factors like cultural preservation and social equity may have higher relevance at the local level. SFS is often seen as “context-dependent”, which makes it difficult to accommodate multiple, potentially varying, viewpoints in order to bridge the divide between uniform global rules while maintaining domestic policy space. This makes the discussions surrounding SFS and its linkages with international trade and the WTO particularly challenging.

Ideally, the relationship between SFS and international trade is complimentary. The WTO Agreement, as well as the agreements in its annexure, can accommodate SFS. The Doha Declaration played an important role in setting the context for future discussions on trade and sustainability. Since the creation of the WTO almost three decades ago, the interaction between international trade rules and food systems has increased significantly and has touched upon all aspects of food systems: from growing and harvesting, through distribution to marketing and retail. However, while international trade rules often take the form of binding rules, SFS has so far consisted of largely non-binding recommendations.

Apart from the discussions within various UN agencies and specialized agencies as well as at the WTO, various other plurilateral forums have been discussing SFS over the years, notably among the Group of Twenty (G20).

The G20 economies play a key role in global food production, and thus, their policies significantly impact global food security. The G20 has addressed this issue since the 2009 Pittsburgh Summit, a discussion that has continued in subsequent summits. Under the recent 2022 Indonesian Presidency, Ministers agreed to prioritize the development of resilient and sustainable agri-food systems and supply chains by “enhanc[ing] efforts to

drive forward the sustainable food systems transition along the whole value chain including food production, consumption and food loss and waste” (G20 Indonesia, 2022). Under India’s G20 presidency in 2023, India called on G20 countries to adopt sustainable agriculture in order to address global food security concerns (The Economic Times, 2023). The G20 New Delhi Leaders’ Declaration consolidated the group’s commitment towards accelerating innovations and investment focused on building sustainable and climate resilient agriculture and food systems (G20 New Delhi, 2023).

Previous G20 presidencies have thus laid the groundwork for a breakthrough for greater congruency between international trade rules and SFS. The Brazilian presidency has the opportunity to create a lasting and meaningful framework towards resolving this tension.

## Policy Recommendations

In light of the above, the G20 and the Brazilian G20 presidency should consider enacting the following recommendations.

### **Recommendation 1: Alignment of International Trade Rules with Sustainable Food Systems**

The concept of SFS has recently entered the vocabulary of the WTO. In June 2022, during MC12, WTO Members adopted SPS Declaration (World Trade Organization, 2022). This was a response to the current challenges that significantly impact international trade in food, animals, and plants. Among these challenges are a growing global population, climate change and other environmental concerns that threaten food production, as well as the continual increase in pests and diseases, the threat of microbial resistance, and emerging infectious diseases (World Trade Organization, 2022).

The central question is how to reconcile the tension between promoting food security with the fundamental goal of the SPS Agreement: food safety. While the former is concerned with the necessity for people to have access to food, the latter is concerned with the narrower question of having access to safe food. There are various efforts under way at different international governance levels towards achieving this goal.

The Ministerial Conference instructed the SPS Committee to launch a work programme to “explore how the implementation and application of the SPS Agreement can support” certain identified themes (World Trade Organization, 2022). One of the themes was the facilitation of “global food security and more sustainable food systems” which is to be achieved “through sustainable growth and innovation in agricultural

production and international trade, and through the use of international standards, guidelines, and recommendations” (World Trade Organization, 2022).

Parallel discussions are taking place at the bilateral level. E.g., the EU has led the way through the inclusion of broad chapters on SFS in its preferential trade agreements (PTAs) discussions with its trading partners (European Commission, n.d.). Other countries such as Australia have included more narrowly focused provisions focusing on food security in their PTAs with Japan (Australian Government Department of Foreign Affairs and Trade, 2015), Korea (Australian Government Department of Foreign Affairs and Trade, 2014) and Singapore (Australian Government Department of Foreign Affairs and Trade, 2003).

The Brazilian G20 presidency has the opportunity to combine, consolidate and streamline the efforts at achieving SFS (Government of India Ministry of External Affairs, 2009; Global Agriculture and Food Security Program 2024; Ministry of Foreign Affairs Japan, 2015; Dhar, 2023; Food and Agricultural Organization, 2021). Given that G20 countries represent 85% of global GDP, the G20 can play a crucial role in

- adopting a uniform position towards SFS for purposes of international trade by way of negotiations and genuine implementation at the multilateral, plurilateral and bilateral levels; and
- aligning international trade rules with the concept of SFS.

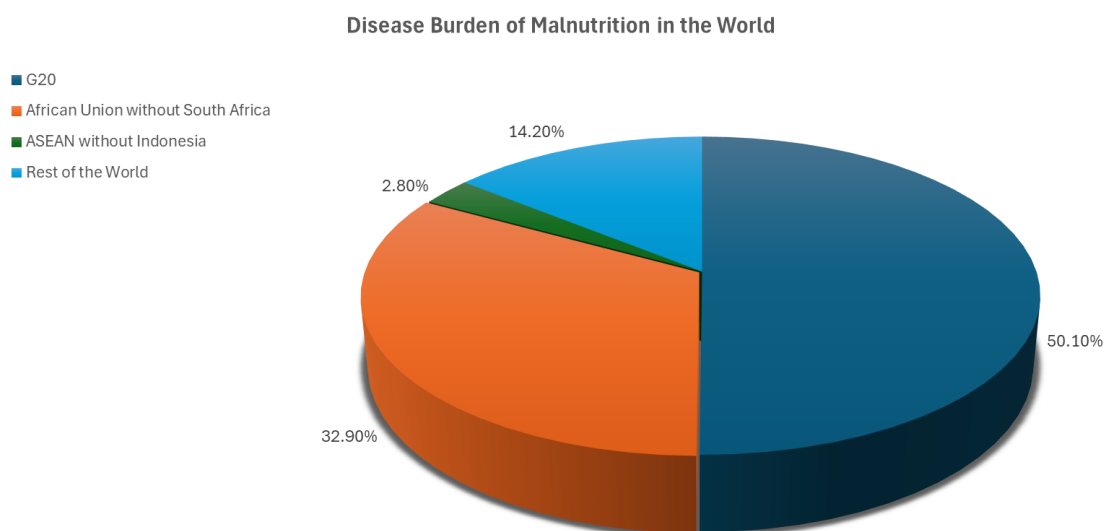
## **Recommendation 2: Increase Availability of Sustainably Harvested and Produced Food**

The move towards SFS is impossible without increased availability of sustainably harvested and produced food. This is made more difficult due to the expected increase in



global population (Food and Agricultural Organization, 2023). More than half of the world’s malnutrition disease burden is borne by G20 countries (Kukreja and Naik, 2023).

The 2013 G20 Leaders’ Declaration recognised “the importance of boosting agricultural productivity, investment and trade to strengthen the global food system to promote economic growth and job creation” (G20 Food Security and Nutrition Framework, 2014). In an increasingly populated world, food production is estimated to be required to increase by 60% to feed 9 billion people by 2050 (G20 Food Security and Nutrition Framework, 2014). Food security concerns therefore pose a serious risk to the increased availability of sustainably harvested and produced foods.



*Source: Reducing Malnutrition Across G20 Countries by Half by 2030, Task Force 6: Accelerating SDGs: Exploring New Pathways to the 2030 Agenda, T20 India, 2023.*

The G20, especially, the Task Force for a Global Alliance Against Hunger and Poverty proposed by Brazil, should lead the world in increasing the availability of sustainably harvested and produced food.

- Embrace cultivation of food items which are traditionally harvested and produced through sustainable means; and
- Integration of environmental, social and economic aspects of sustainability.

### **Recommendation 3: Empowering Developing Countries**

G20 discussions in the past have been significantly informed by various ways of empowering developing countries. During the Pittsburgh Summit in 2009, Ministers called upon the World Bank to develop a multilateral trust fund to scale-up agricultural assistance to low-income countries, which would help in building sustainable agricultural systems (Ministry of External Affairs, India, 2009). In response to this call by G20 leaders, the Global Agriculture and Food Security Programme (GAFSP) was launched in 2010. The GAFSP works “to build resilient and sustainable agriculture and food systems in low-income countries” (Global Agriculture and Food Security Program, 2024).

The Matera Declaration on Food Security, Nutrition and Food Systems (Matera Declaration) endorsed at the 2021 G20 Rome summit, identified that increasing investments in the food and agriculture sector is critical for supporting food security and SFS. The Matera Declaration also noted that the focus of policies related to food security should be on protecting the interests of small and marginal farmers, especially in developing countries. The Matera Declaration is crucial as it aligns with developing countries’ priorities of supporting the well-being of small and medium-scale farmers, promoting local food cultures and recognising agricultural diversity (Hindustan Times, 2021).

The outcome at both the 2014 and 2015 Summits reflects a people-centred approach to food security. While the *Food Security and Nutrition (FSN) Framework*, endorsed by the G20 countries at the 2014 Brisbane Summit, recognises the importance of the

engagement of women, youth and smallholder farmers, Ministers at the 2015 Summit noted the importance of support to smallholder farmers, by means of knowledge-sharing of successful practices and technologies and encouraging their adaptation and adoption in agricultural practices.

The G20 Brazilian presidency should devise a system to provide:

- assistance to low-income countries, including in the form of investments in the food and agriculture sector; and
- knowledge sharing of successful practices and technologies.

## Scenario of Outcomes

In line with the three recommendations developed above, this brief discusses the outcomes, opportunities and challenges of each in turn.

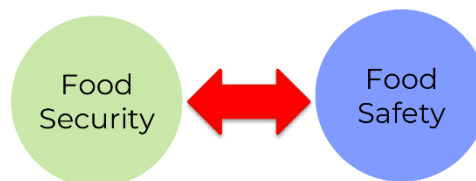
### Recommendation 1: Alignment of International Trade Rules with Sustainable Food Systems Approach

The WTO appears to be struggling with how to give concrete meaning to SFS within the confines of existing WTO rules. While the MC 12 SPS Declaration set out an ambitious objective, it remained undefined and silent on the pathways to achieve greater sustainability in the area of food systems.

Governments have three options at their disposal to resolve the inherent tension between the twin goals of food safety (embodied paradigmatically in the WTO SPS Agreement) and food security (embodied by SFS).

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**Option 1:** Retaining irreconcilable differences between food safety and food security.




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**Option 2:** Peaceful coexistence without overlap between food safety and food security.




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**Option 3:** Genuine contribution of international trade law towards the goal of SFS.





**Option 1:** Retaining irreconcilable differences between these two goals. This would retain the current WTO governance structure with respect to SPS measures largely intact, but would do little to nothing to contribute to the objective laid out in the SPS Declaration and might even prevent pursuing the objective of SFS.

**Option 2:** Peaceful coexistence in which SPS governance and SFS are seen as two spheres that do not overlap. This would be reminiscent of the history of incorporating other non-economic factors into the WTO, such as climate change or public health matters.

**Option 3:** Genuine contribution of international trade law towards the goal of SFS. This would likely require a rethinking of the application of the SPS structure to accommodate the twin goals of food safety and food security. There is likely a long pathway ahead in order for this option to be successful. There will be considerable opposition by incumbent groups which will have to be overcome.

## **Recommendation 2: Increase Availability of Sustainably Harvested and Produced Food**

Given the projected increase in global population which is expected to peak around 9 billion people by 2050, it is imperative to increase food production (G20 Development Working Group, 2014). Doing so in a sustainable fashion will be a considerable challenge. During the 1960s, the Green Revolution focused on a narrow range of crops to achieve higher yields to feed a growing population, but in the process used harmful chemicals, high levels of energy and capital. This caused collateral damage such as land degradation, deforestation, depletion of groundwater level as well as a loss of biodiversity.

Achieving higher degrees of food security points towards achieving something akin to another green revolution while balancing the environmental, social, and economic dimensions of SFS.

### **Recommendation 3: Empowering Developing Countries**

G20 countries should consider setting up a system of incentivising knowledge transfer with respect to all three dimensions of SFS. States are unlikely to want to formalise such a system by way of treaty law given the current challenges facing international cooperation. However, current research and policy discussions clearly point in the direction that attaining sustainable food systems can only be achieved through a high degree of cooperation and coordination (Miranda and Dries 2022). This entails providing financial assistance towards achieving sustainable food systems, sharing of intellectual property, training and research to achieve a more widespread adoption of practices that enable the creation of SFS.

This presents a formidable challenge. Solutions to interlocking problems have traditionally been difficult to tackle at the best of times as it requires different domestic and international constituencies to be aligned with one another or at least recognise the need to work towards a common goal. The challenge of tackling climate change is paradigmatic in this regard. While developed and developing countries have made commitments in the Paris Agreement (2015), the current achievements leave much to be desired.

## References

Australian Government Department of Foreign Affairs and Trade. *Korea-Australia Free Trade Agreement*. December 12, 2014. Accessed May 9, 2024.

<https://www.dfat.gov.au/trade/agreements/in-force/kafta/official-documents/Pages/chapter-16-cooperation>.

Australian Government Department of Foreign Affairs and Trade. *Japan-Australia Economic Partnership Agreement*. January 15, 2015. Accessed May 9, 2024.

<https://www.dfat.gov.au/trade/agreements/in-force/jaepa/japan-australia-economic-partnership-agreement>.

Australian Government Department of Foreign Affairs and Trade. *Singapore-Australia Free Trade Agreement: Annex B 1.6: Sustainable Agriculture and Food Systems*. July 28, 2003. Accessed May 9, 2024.

<https://www.dfat.gov.au/countries-and-regions/singapore-australia-green-economy-agreement-annexes/annex-b-16-sustainable-agriculture-and-food-systems>.

Burlingame, Barbara, and Sandro Dernini. *The Challenges of Sustainable Food Systems Where Food Security Meets Sustainability – What Are Countries Doing?* United Kingdom: CAB International, 2019.

European Commission. n.d. “EU Negotiations and Trade Agreements.” Accessed May 8, 2024. [https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/negotiations-and-agreements\\_en](https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/negotiations-and-agreements_en).

Food and Agricultural Organization. “Matera Declaration on Food Security, Nutrition and Food Systems: A Call to Action in the Time of the Covid-19 Pandemic and Beyond.” June 29, 2021. Accessed May 9, 2024. <https://www.fao.org/family-farming/detail/en/c/1414202>.

- Food and Agricultural Organization. *Tracking Progress on Food and Agriculture - Related SDG Indicators 2023*. Rome: FAO, 2023. <https://doi.org/10.4060/cc7088en>.
- G20 Food Security and Nutrition Framework. “G20 Development Working Group Food Security and Nutrition.” 2014. Accessed May 9, 2024. <https://dwgg20.org/app/uploads/2021/09/g20-food-security-and-nutrition-framework.pdf>.
- G20 Indonesia. 2022. “G20 Bali Leaders’ Declaration.” Accessed May 9, 2024. <https://www.g20.in/en/docs/2022/G20%20Bali%20Leaders%27%20Declaration,%2015-16%20November%202022.pdf>.
- Global Agriculture and Food Security Program. 2024. “About.” Accessed May 9, 2024. <https://www.gafspfund.org/>.
- Dharm, Biswajit. “Prioritising Agriculture and Energy at G20.” Heinrich Böll Stiftung, Regional Office New Delhi. March 6, 2023. Accessed May 9, 2024. <https://in.boell.org/en/2023/03/06/prioritising-agriculture-and-energy-g20>.
- Hindustan Times. “G20 for Investment to Ensure Food Security as Part of Covid-19 Emergency Funding.” June 30, 2021. <https://www.hindustantimes.com/india-news/g20-for-investment-to-ensure-food-security-as-part-of-covid-19-emergency-funding-101625071284014.html>.
- Ministry of External Affairs, India. “G20 New Delhi Leaders Declaration.” September 10, 2023. Accessed May 9, 2024. <https://www.mea.gov.in/Images/CPV/G20-New-Delhi-Leaders-Declaration.pdf>.
- Ministry of External Affairs, India. “Pittsburgh Summit Declaration.” September 25, 2009. Accessed May 9, 2024. <https://www.mea.gov.in/Images/pdf/pittsburgh.pdf>.



Ministry of Foreign Affairs Japan. “G20 Action Plan on Food Security and Sustainable Food Systems.” 2015. Accessed May 9, 2024.

<https://www.mofa.go.jp/files/000111212.pdf>.

“Paris Agreement.” Conclusion date: December 12, 2015. *United Nations Treaty Series Online*, registration no. I-54113.

[https://treaties.un.org/pages/AdvanceSearch.aspx?tab=UNTS&clang=\\_en](https://treaties.un.org/pages/AdvanceSearch.aspx?tab=UNTS&clang=_en).

The Economic Times. “India appeals to G20 nations to adopt ‘3S’ formula in agriculture for tackling food security concerns.” February 14, 2023.

<https://economictimes.indiatimes.com/news/economy/agriculture/india-appeals-to-g20-nations-to-adopt-3s-formula-in-agriculture-for-tackling-food-security-concerns/articleshow/97910993.cms>.

Kukreja, Harshit and Shambhavi Naik. “Reducing Malnutrition Across G20 Countries by Half by 2030.” Think20, India. n.d. Accessed May 9, 2024.

<https://t20ind.org/research/reducing-malnutrition-across-g20-countries-by-half-by-2030/>.

World Trade Organization. “Sanitary and Phytosanitary Declaration for the Twelfth WTO Ministerial Conference: Responding to Modern SPS Challenges.” June 22, 2022. Accessed May 9, 2024.

<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN22/27.pdf&Open=True>.



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