

Solving Food Crises: Partial Decommmodification of Food

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Introduction

Food is more commodified than ever. This situation creates several predicaments. The worst is that people face difficulties in accessing food. In other words, the most unfavourable cost is that people's right to food is violated. Solving this requires a paradigm shift from food as a commodity approach to partial de-commodification of food. Accordingly, a balance may be struck between the market and ensuring the availability and accessibility of food from a human rights perspective. Such a position can be

achieved by adopting food as a common approach and endorsing this approach through international law.

This paper discusses how international law help de-commodify food, exploring the three potential routes, namely via more inclusiveness of minorities, changing rules around food financialisation, and supporting sustainable policies. The author then advocates a more effective legislation around international trade, international investment, international fishery regimes, and human rights.



(Mohammed Dhaysane - Anadolu Agency)

Food in the 21st Century: More Commodified Than Ever

Food has several dimensions. Above all, it is a public good. At the same time, it is a tradeable good. Economic and political realities of the day determine prevailing and usually exclusionary dimensions of food. Consequently, throughout history, food swung at the spectrum between being less or more of a commodity. Food used to have more cultural and public good dimensions and less of a commodity dimension. Farmers used to produce food to feed their families and communities, not for profit. Change in politics and the shift to neoliberal order turned this situation upside down. With the long and contentious political and historical process that began with the shift to capitalism, stimulated by British imperialism, and reached its climax with financialisation (Capra & Mattei, 2015; Moore, 2015; Vivero-Pol, 2017a), food started to become more of an object of trade and economic exchange. With time, food's commodity dimension started to prevail, and food's public good and cultural dimensions started to fade away.

Today, food is more commodified than ever. Food's primary goal is not to feed but to bring profits. In a similar vein, the

food system is nothing more than a means of obtaining private value (Vivero-Pol et al., 2018, p. 2). Consequently, food, motivated by market-related concerns instead of communal needs, is produced for the market (De Filippi & Vieira, 2014). Accordingly, communities' needs are less important than market gains.

Moreover, states' role in food production and food systems is now reduced. The shift towards neoliberalism limited states' support to the agriculture sector through subsidies and other means. Similarly, due to the increasingly concentrated power of transnational corporations, states' role in shaping food policies has decreased. Today, governments, governmental institutions, and even the United Nations seem to, at worst, be co-opted by corporate power, or, at best, be powerless to resist them (Barlow, 2001, p. 82). As a result, the market acquired the position that decides on several food-related issues: from the type of foods to be produced to the type of consumers to be served. In short, food is reduced to its tradable dimension, and markets and profitability have become the main determinants of food policies.



(Raşid Necati Aslım- Anadolu Agency)

The Good, The Bad, and The Ugly Faces of Food Commodification

The commodification of food has advantages and disadvantages. On the bright side, the commodification of food enables the production of an abundance of cheap food, better distribution of food, and, accordingly, low- and middle-income families' access to food. However, such advantages mainly benefit middle- and high-income countries, not people living in poorer nations. From this perspective, food as a commodity has far more disadvantages than advantages. The former mostly arise from taking food as a source of profit rather than as an essential human need and a human right. As a result, food becomes accessible to only those who have the financial means to afford it. Additionally, food becomes subject to financialisation and, therefore, speculation. These circumstances lead to price spikes and volatility (Zerbe, 2018, p. 165). For many researchers, speculation was one of the reasons behind the 2007 – 2008 food crisis (Clapp & Isakson, 2018).

In addition, the food as a commodity approach contrasts with the right to adequate food and food security. The latter considers food an essential human need, which builds upon different assumptions and priorities. The friction between the two approaches creates confusion: how can food be both a right and a commodity (Vivero-Pol, 2018, p. 25)? Some authors found it impossible to reconcile both approaches. They view the right to adequate food, food security and food sovereignty as "a long-term vision at best, a utopian goal at worst" (Vivero-Pol et al., 2018, p. 2).

Furthermore, the commodification of food puts companies at the core of the global food system. This condition is a major disadvantage as powerful corporate interests can shape public debate, lobby lawmakers (Clapp, 2016), and dictate the terms that suit their business (Howard, 2016). As a result, companies lobby for upholding seed patents and hollowing out their sustainability commitments. They design the terms and conditions without any regard for small-scale farmers. For example, coordinated supply chains¹ prevailed in food markets to meet consumer demand, guarantee food safety, and manage logistic requirements (Van Der Meer, 2006). However, for small-scale farmers, due to a lack of familiarity with modern markets and access to capital, it is usually difficult to participate in coordinated supply chains (Van Der Meer, 2006).

The concentration of the food market squeezed farm income, giving more power to big companies, reducing farmer autonomy, and gradually excluding small-scale farmers. In this situation, companies make it commonplace for costs to be passed on to small-scale producers and farmers (IPES-Food, 2017). As such, it is unrealistic to expect companies to ensure food security.

However, how to reach this goal if such powerful corporations do not ensure it? This is the crux of the problem that should be addressed.

All Roads Lead to Partial Decommodification

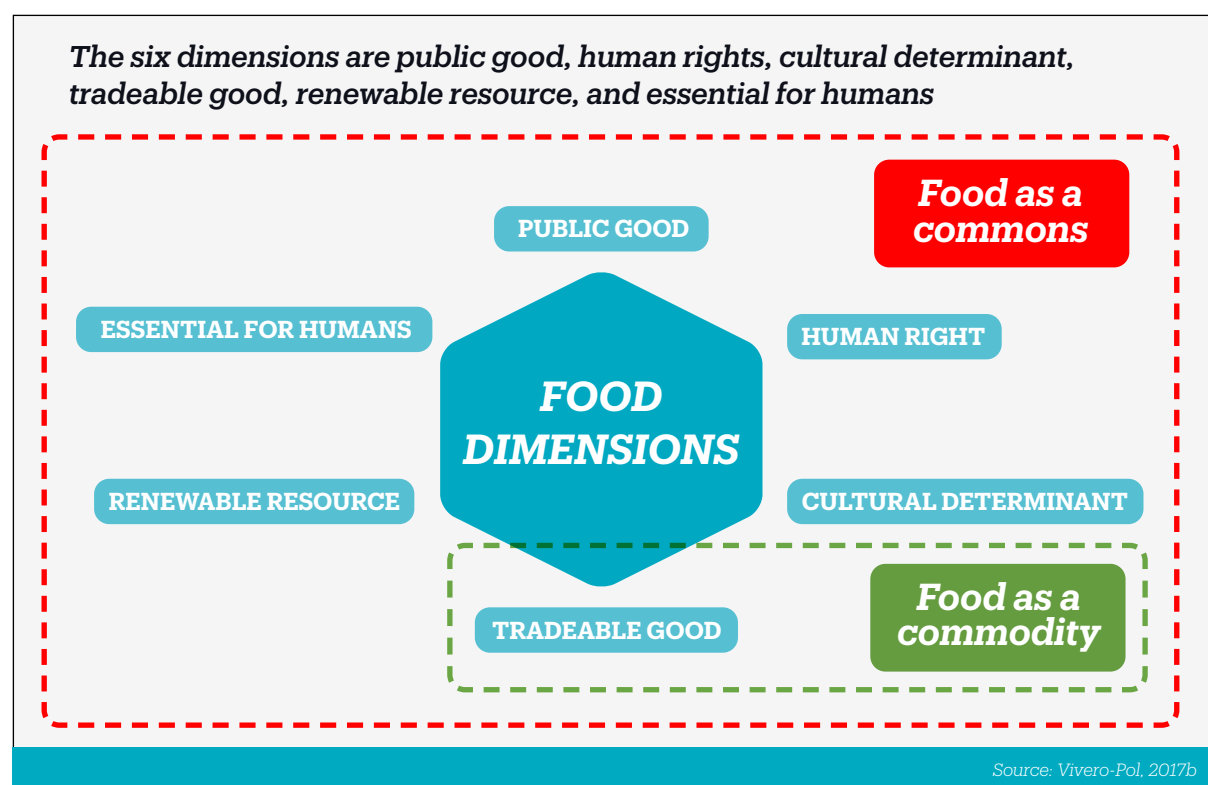
Decommodification is the key to beating profit-driven food policies and ensuring food security. Decommodification is the way to ensure that people are not dependent on the market to maintain their livelihoods. Decommodification allows reducing the market's scope and influence in daily life (Vail, 2010, p. 310). In other words, with decommodification, a service, or in our case, food, may be provided as a right, and a person may live without being subjected to the market's caprices (Esping-Andersen, 1990).

There is more than one framework to adopt to realise the decommodification of food. Among the promising frameworks is food as a public good. This approach can make food available for everyone (Vail, 2010, p. 324). This way, people cannot be prevented from accessing or consuming food in any way (Vail, 2010, p. 324), including requiring payment for accessing food.

¹ Instead of managing procurement, production, and distribution stages independently, supply chain coordination coordinates all these activities via communication and information technology.

However, food as commons is the most suitable framework for ensuring decommodification. Such a strategy covers several dimensions of food, including the "public good" dimension. In other words, the food as a commons approach can offer more benefits than the public good approach. Under the food as commons approach, six dimensions of food (see the drawing below) are equally valued. More specifically, the food as commons approach allows both the economic dimension and the public good dimension of food. Thanks to this dual approach, food becomes a good "from which members (of a community)

should not be excluded" (Vivero-Pol, 2018, p. 25). Moreover, this approach re-centres people's relationship with food around "need, care, and mutual obligations (Vivero-Pol, 2018, p. 28)" while placing communities and people at the core of food governance (Vivero-Pol, 2018, p. 25) without the need for disregarding food's tradeable good dimension. As a result, people's needs rather than corporate profits become a priority and rather than multinational corporations, communities have the first say in food policies.



In a society shaped and ruled by market economics, however, a total decommodification of food might only be possible through the overall change of the global economic order. Given the embeddedness of market economics in today's economic order, such a change, even if not impossible, is not easily realisable. Moreover, the market economy indeed provides some benefits even when it comes to access to food. Therefore, there is no significant need for a total change of economic order. As Erik Olin Wright (1999) puts it, neither markets should be the sole vehicle for distributing goods and services, nor a complex economy can perform without a market.

Finding a compromise between all dynamics can happen through partial decommodification. The food as commons

approach is the most efficient strategy. It acknowledges the tradeable commodity dimension of food while adopting food as a commons approach. In other words, people can enjoy strong incentive mechanisms, allocative efficiency, and innovation that markets can offer (Vail, 2010, p. 317).

Moreover, many experts consider the market system as the most effective institution to address the hunger problem since pricing is the best indicator for shaping food production and consumption (Vivero-Pol, 2017c, p. 185). However, one should not overlook that food is increasingly becoming subject to financialisation, and the price of food has begun to lose its signalling role. This position proves that, while reconciling, the balance between market and decommodification should be stroked.

Using International Law for Partial Decommodification

International law can, in many ways, help partially de-commodify food and adopt food as a commons approach. It can help by forming new rules or changing or effectively endorsing existing rules, and while doing so, ensuring international organisations switch their focus from the markets to sustainability. But most importantly, international law can help partially de-commodify food by ensuring inclusiveness. International law, first and foremost, should ensure that poor nations and people, indigenous people, small-scale farmers, NGOs, and all underrepresented groups are heard in decision-making processes. Ensuring this requires states and international organisations to remove obstacles before their presence, such as the unwillingness of many stakeholders to hear these groups or financial difficulties that complicate their presence in meetings that shape these rules. However, inclusiveness is not limited to rule-making or decision-making processes in international law. International law should also compel states to adopt more inclusive policies. The former UN Special Rapporteur endorses the Right to Food by emphasising the need for states' investment in inclusive policies and turning the promise of "leave no one behind" into solid policies (UN Human Rights Council, 2020a).

Upon ensuring inclusiveness, to partially de-commodify food, new international rules should be formed with a focus on three areas. The first area is regulating and limiting the financialisation of food, especially the futures markets, to track market movements and ensure transparency. This step is necessary because the financialisation of food leads to distancing from consumers and food production processes. As a result, the real concern of people, which is accessing food to maintain their daily lives, is overlooked. It is also necessary for preventing market manipulation, price volatility, and sharp price changes. As a matter of fact, for a long time, restrictive policies regarding the financialisation of food have been in place in the US and several other countries. These policies started to be relaxed during the 1980s and 1990s (Ghosh, 2010), and their negative impacts started to emerge slowly. Considering the recency of these policies and their negative impacts on food prices and access to food, moving back to restrictive policies should be neither difficult nor unnecessary.

Second, the focus should be on drafting competition legislation that limit mergers and acquisitions of agricultural companies to prevent the concentration of these companies. For example, four agrochemical companies control most global seed and pesticide markets (UN Human Rights Council, 2020b). In other words, these companies are the ones that determine the seed prices (UN Human Rights Council, 2021). This point restricts seed access and prioritises maximal shareholder profits (UN Human Rights Council, 2021). For this reason, international law should form rules around mergers and acquisitions of these companies to prevent their dominance in the market and ensure people's access to food. Third, international law rules and financial institutions should form and support sustainable policies.

International organisations' primary solution for ensuring access to food is providing food aid to those in need. Even though such policies are necessary, in the long term, they are not sustainable because they offer a solution within the current commodified food systems. Moreover, they carry the risk of distorting domestic agricultural markets with the flow of goods into those markets. Therefore, instead of being part of commodified food systems, international legal rules and international organisations should focus on sustainable policies and increasing the productivity of local farmers through supporting community gardens and conservation trusts, i.e., collective regimes.

On the other hand, international law already has several tools at its disposal that could be repurposed for the partial de-commodification of food. Such issues require drastic changes in international trade rules around agriculture. Intellectual property rights restrict access to seeds and give almost limitless power to limited corporations (UN Human Rights Council, 2021). This situation deprives farmers and indigenous peoples of accessing and benefiting from seeds (UN Human Rights Council, 2021). Ensuing steps must include relaxing intellectual property rules on seeds so local communities can produce their food. Second, investment treaty rules should be eased to give states a policy space for making essential changes to ensure food security. States, usually, with the fear of paying compensation to private companies at investor-state dispute settlements, avoid regulatory changes that are in

the public interest. If investment treaty rules are relaxed, governments may more easily take necessary steps to change food system policies. Third, international legal rules around the fishery industry should be regulated. The fishery industry is now concentrated in the hands of a few fishing corporations, and such enterprises

encourage damaging fishing methods and suffocate local communities (Barlow, 2001, p. 51). Finally, the human rights regime should focus more on holding the government and other actors accountable for prioritising their profit-seeking behaviours in a way that threatens the availability and accessibility of food.



(Murtadha Al-Sudani- Anadolu Agency)

Conclusion

Food has six dimensions, including the public good dimension and the tradeable good dimension. Today, the most apparent dimension of food is its tradeable good dimension. Accordingly, nowadays, food is a commodity traded for profit-making. As a result, food is accessible to only those with financial means and is subject to financialisation. Consequently, food companies are at the heart of the global food system and decide on food policies without regard to the right to food and small-scale farmers. This position complicates universal access to food. The solution is to partially de-commodify food. The food as commons approach is the solution. This approach considers food as a commodity, but, at the same time, no one can be excluded from accessing it.

International law can help partially de-commodify food and endorse food as a commons approach. It may do so,

first, by ensuring the inclusiveness of underrepresented groups in decision-making processes. Similarly, forcing states and transnational companies to adopt inclusive policies is another means of ensuring inclusiveness. Second, international law may form new international rules. These rules should regulate and limit the financialisation of food and mergers and acquisitions of food companies. New rules should support sustainable policies and increase productivity by promoting collective regimes.

On the other hand, international law can repurpose international legal rules to achieve partial de-commodification of food. It can relax the rules around intellectual property and investment treaty regimes. It can prevent fishing corporations' harmful practices against local communities. Finally, it can hold stakeholders accountable for their detrimental profit-maximising purposes via human rights law.

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