

GLOBAL GOVERNANCE AND THE POLITICS OF FOOD SECURITY

TEJINDER PAL SINGH^{1a}

^aAssistant Professor, Department of Sociology, Sri Guru Gobind Singh (SGGS) College, Chandigarh, Punjab, INDIA

ABSTRACT

The dynamic and revolutionary aspects of our Constitutional democratic framework intrinsically geared not only to political freedom but also socio-economic transformation and human progress. Part III of the Constitution contains the “Fundamental Rights”, including the right to life, which in conventional human rights parlance may be termed as civil and political rights (CPR). Part IV of the Constitution contains the “Directive Principles of State Policy” (DPSP), which include all the economic, social and cultural rights (ESCR) such as the right to food. Food security is a basic human right, indeed it is a pre-condition for the full enjoyment of the right to food. The ‘trust deficit’ at the recent 2017 Eleventh Ministerial Conference to find a permanent solution for food security highlighted that food security should be considered as a complex democratic issue in the prevailing global governance paradigm. In this context, the paper attempts to sociologically analyze the “paradox” prevailing at both national (as a food surplus nation) and global (rules and agreements based on the notion of free trade) levels.

KEYWORDS: Food Security, Right to Food, Governance, Food Democracy, Anna Swaraj

INTRODUCTION

Indian Constitution visualizes a democratic framework for the progressive realization of human rights. The dynamic and revolutionary aspects of our Constitutional democratic framework intrinsically geared not only to political freedom but also socio-economic transformation and human progress. Indeed, while the Constitution distinguishes between civil and political rights (CPR) and economic, social and cultural rights (ESCR), it also embodies a synthesis of the two. The twentieth century Cold War global paradigm embodies the conflict between CPR in the “Western” (First) world and ESCR in the “Communist” (Second) world. The drafting history of the Indian Constitution attempts to reconcile the balance between these rights. Unlike in Western Europe, the (political) democracy came to India before any substantial socio-economic transformation. This seriously influenced the modes of production, the political organization, mobilization and nature of political discourse as well as the governance mechanisms.

Human rights in the Indian Constitutional democratic framework are divided into two separate, but interdependent, parts. Part III of the Constitution contains the “Fundamental Rights”, including the right to life, which in conventional human rights parlance may be termed as CPR. Part IV of the Constitution contains the “Directive Principles of State Policy” (DPSP), which include all the ESCR such as the right to food. Historical accounts indicate that the earliest

constitutional democratic movement focused on CPR; nevertheless, ESCR do occupy an important place in the Indian Constitution as India was ultimately established as a welfare state. Though non-justiciable, DPSP are ‘fundamental in governance of the country’ and it is the duty of the State to apply these principles in formulating policies and enacting laws in a manner conducive for the ‘faster, more inclusive, and sustainable growth.’

CONCEPTUALIZING FOOD SECURITY AND THE RIGHT TO FOOD

Food security is a basic human right, indeed it is a pre-condition for the full enjoyment of the right to food. Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life (FAO 2001). However, the concept of food security itself is not a legal concept per se and does not impose obligations on stakeholders nor does it provide entitlements to them. The right to food is much more than the right to be free from hunger as the latter merely ensures a minimum daily nutritional intake and the bare survival of an individual. The United Nations Special Rapporteur defined it as “the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and

mental, individual and collective, fulfilling and dignified life free of fear.” Broadly speaking, the right to food can be interpreted as a claim of individuals on society.

Table 1.1: The dimension of food security (or the right to food)	
Availability	sufficient quantities of food either from domestic production or imports; within their reach or within reasonable proximity.
Accessibility	within reach of every individual, group or the community; basic “entitlements” enabling people to procure available food; economic access – individuals should be able to afford food for an adequate diet without compromising on any other basic needs, such as school fees, medicines, rent or any other social security benefits; physical access – food should be accessible to all, including to the physically vulnerable, such as children, the sick, persons with disabilities or the elderly, for whom it may be difficult to go out to get food.
Adequacy	satisfy dietary needs of every individual, taking into account age, living conditions, health, occupation, sex, culture, and religion; safety for human consumption; culturally acceptable.
Absorption (Utilization)	meeting the specific dietary and nutritional needs; proper food processing and storage techniques; ability to utilize food through adequate health and sanitation services, and knowledge of basic nutrition and care.
Stability	the ability to obtain food over time, i.e., adequate food storage capacities or other means of savings for times of crop failure or other emergencies.

It is an entitlement which protects, respects, and fulfils the right of all human beings to be free from hunger

and food insecurity. It is a human right recognized under international law, therefore places legal obligations on State Parties to overcome hunger, and realize food security for all.

As human rights are interdependent, indivisible and interrelated, therefore, the right to food is correlated with the enjoyment of other human rights, such as the right to life with dignity, health, water, adequate housing, property, education and information, work and livelihood, social security, freedom of expression, freedom of association and right to take part in public affairs, freedom from the worst forms of child labour, as well as other relevant rights like the right to social security and social welfare. Discrimination and deprivation in terms of the food *availability*, *accessibility*, *adequacy*, *absorption (utilization)*, and *stability* (see Table 1.1) are inextricably linked to the marginalization, powerlessness, exclusion, poverty, and hunger.

THE “PARADOX” IN A FOOD SURPLUS NATION

The Constitution of India, both explicitly and implicitly, provides for a framework to ensure food security. Article 39(a) directs the State to ensure that all citizens have “the right to an adequate means of livelihood”. Article 47 creates a “duty of the State to raise the level of nutrition and the standard of living and to improve public health.” Given the aspirational and non-justiciable nature of the Directive Principles, however, most of the development of the right to food has occurred within the context of Article 21, which includes a right to life and is located within the enforceable and justiciable Fundamental Rights section of the Constitution. Article 21 provides the fundamental Right to life and personal liberty where “No person shall be deprived of his life or personal liberty except according to procedure established by law”. The expression ‘Life’ in this Article has been judicially interpreted to mean a life with human dignity and not mere survival or animal existence. In the light of this, the State is obliged to provide for all those minimum requirements which must be satisfied in order to enable an individual to live with human dignity, such as education, health care, just and humane conditions of work, protection against exploitation, etc. In this context, the Right to Food is inherent to a life with dignity, and Article 21 should be read with Articles 39(a) and 47 to understand the nature of the obligation of the State in order to ensure the effective realization of this right.

The notion of ‘Welfare State’ has guided the Government of India in formulating various programmes and policies, such as maintaining buffer stocks, the Public Distribution System (PDS) and the Targeted PDS, the

Decentralized Procurement Scheme (DCP), Open Market Sale Scheme (Domestic) (OMSS-D), introduction of rationing and food subsidy, and so on. Continuing with a basket of reforms, as a natural corollary to its commitment to doubling the farmers' income by 2022, the government in its Budget 2017-18 announced to draft a Model Contract Farming Act. The provision of minimum nutritional support to the 'have-nots' (the poor) through subsidized foodgrains, and ensuring price stability in different states are the twin objectives of the food security system. On the one hand, the foodgrains production is rising to new records (Table 1.2), while on the other, the government continues to provide large and increasing amounts of food subsidy (Table 1.3) to fulfill its obligation towards distributive justice.

Table 1.2: Foodgrains Production in India

Years	Foodgrains production (Million Tonnes)
2007-08	230.78
2008-09	234.47
2009-10	218.11
2010-11	244.49
2011-12	259.29
2012-13	257.13
2013-14	265.04
2014-15	252.02
2015-16	251.57
2016-17	275.68 (against Target 270.10)

Source: Fourth Advance Estimates of Production of Foodgrains for 2016-17

Table 1.3: Quantum of food subsidies released by Government

Year	Food Subsidy (Rs. in crore)	Annual growth (in per cent)
2010-11	62,929.56	8.05
2011-12	72,370.90	15.00
2012-13	84,554.00	16.83
2013-14	89,740.02	6.13
2014-15	1,13,171.16	26.11
2015-16	1,34,919.00	19.22
2016-17	1,05,672.96	-21.68
2017-18*	69,273.00	

Source: Department of Food & Public Distribution

Note: *Figures as on 08.05.2017

In the above context, the National Food Security Act, 2013 (NFSA) has been celebrated as the world's largest and most ambitious food safety net programme. With a view to make receipt of foodgrains a legal right, government has enacted NFSA (also known as the Right to Food Act) which came into force w.e.f. 5-7-2013. The Act provides for coverage of upto 75 per cent of the rural population and upto 50 per cent of the urban population for receiving subsidized foodgrains under Targeted Public Distribution System (TPDS), at Rs.1/2/3 per kg for coarse grains/wheat/rice respectively at 35 kg per family per month to households covered under Antyodaya Anna Yojana (AAY), and at 5 kg per person per month to priority households. The Act is now being implemented in all the states/Union Territories, covering 80.54 crore persons, against the total targeted coverage of 81.35 crore persons. In Chandigarh, Puducherry and urban areas of Dadra & Nagar Haveli, the Act is being implemented in the cash transfer mode, under which food subsidy is being transferred into the bank accounts of beneficiaries who then have a choice to buy foodgrains from open market. There is a case for expanding the cash transfer to other states also (GOI 2017: 183). It also has special focus on nutritional support to women and children. In case of non-supply of entitled foodgrains or meals, the beneficiaries will receive a food security allowance. Provisions are there for reforming the TPDS, and setting up of grievance redressal mechanisms at district and state levels. Separate provisions have been made for ensuring transparency and accountability (GOI 2014: 156).

The Food Security Act is, no doubt, a bold attempt to ensure food security, however there are several challenges in its implementation, such as: the efficacy of the PDS, which is the cornerstone of this Act, is in serious doubt due to rampant corruption, black marketing and diversion involving a vicious cartel of bureaucrats, fair price shop owners and middlemen, as observed by the Supreme Court-appointed vigilance committee; concern over governmental apathy towards the rotting and wastage of foodgrains due to lack of storage facilities, and the poor management and maintenance of available foodgrain produce; problem of inclusion and exclusion in selection of beneficiaries; it intends to cover about two-third of India's population, while the NITI Aayog—the Government's premier policy 'Think Tank'—data puts poverty count at about one-fifth of population; increasing cost of providing food subsidy may aggravate the problem of high fiscal deficit; a consumption-oriented programme which may adversely affect exports as more foodgrains will be required for domestic consumption; to meet nutritional security the focus should be on complete

dietary requirement to include the pulses, vegetables, milk, meat etc. in the food basket; ensuring food security but without farmers' security as more than 86 per cent of close to 120 million agricultural households are small (less than or equal to 2 ha. of cultivable land) and marginal (less than or equal to 1 ha. of cultivable land) etc.

Therefore, it is imperative to have sociological insights into the "paradox" prevailing at the practical level—how to ensure food security and realize the right to food as an integral part of the fundamental right to life in the world's second most populous nation? The political economy of food management has become an important part of the sociological study of politics of hunger and food insecurity in a food surplus nation. Various studies highlighted that the governments with strong tendencies towards kleptocracy can undermine food security even when harvests are good. The capitalist mode of production with political patronage, manifested in the form of the 'crony capitalism', is monopolizing the food trade system. Under such conditions, food is used as an instrument for political and economic pressure, and the distribution of food within a society becomes a political issue. As observed by Amartya Sen, "there is no such thing as an apolitical food problem." While drought and other naturally occurring events may trigger famine conditions, it is political action or inaction that determines its severity, and often even whether or not a famine will occur. Vote-bank gimmicks have led to increasing tendency of formulating or re-formulating policies by each successive government with a new nomenclature. Therefore, the government seeks to gain 'political capital' by mere verbalizing the slogans, such as the "Garibi Hatao desh bachao" (Abolish Poverty rescue the country) in 1970s, the "India Shinning" during 2004 elections, the "aam aadmi" (common man), or the more recent "achhe din aane waale hain" (Good days are coming), and "sabka saath, sabka vikas" (With all, development for all). The benefits of the state-sponsored programmes, such as the Land reforms, the Green revolution etc., have failed to have major 'trickle-down' effect and not percolated down to the intended beneficiaries, rather grabbed by the well-off sections.

A survey commissioned by the National Bank for Agriculture and Rural Development (NABARD) and undertaken by the Punjab Agriculture University (PAU) has confirmed that 94 per cent of the government subsidies are being availed by big and medium farmers, leaving the smaller farmers for whom subsidies are actually meant sidelined (Yadav 2013). Therefore, the targeting of beneficiaries and the subsidies are not based on needs, but on political

considerations. On a similar note, the manner in which the targeting was done, with potential for both inclusion and exclusion errors: with deserving households left out, and the more well-off households gaining access (Swaminathan 2000). There are various meanings and dimensions of the social exclusion, as argued by Sen (2000). Firstly, the "*unfavourable exclusion*" is a situation wherein some people are being kept out (at least left out), while the "*unfavourable inclusion*" (or, selective inclusion) is a situation wherein some people are being included (may be even being forced to be included) on unfavourable terms. Therefore, with unequal treatment, it may carry the same adverse effects as the former; Secondly, the "*active exclusion*" means fostering of exclusion through deliberate policy interventions by the government or by any other willful agents (to exclude some people from some opportunity), while the "*passive exclusion*" works through the social processes in which there are no deliberate attempts to exclude, but nevertheless, may result in exclusion from a set of circumstances.

The main objectives of food management is procurement of foodgrains from farmers at remunerative prices, distribution of foodgrains to consumers, particularly the vulnerable sections of society at affordable prices, and maintenance of food buffers for food security and price stability (GOI 2017: 182). Though India has moved far away from a 'ship to mouth' (importing foodgrains to feed population) to a 'silo to ship' (food surplus and exporting) economy, but somehow the food management system has not been able to deliver on its objectives very efficiently. The High Level Committee (HLC) on Reorienting the role and Restructuring of Food Corporation of India (FCI), in its report in 2015, highlighted that the food management system has not been able to deliver on its objectives very efficiently; diversions of grains from PDS amounted to 46.7 per cent in 2011-12; the benefits of procurement have not gone to larger number of farmers beyond a few states, and leakages in TPDS remain unacceptably high; the leakages in PDS range from 40 to 50 per cent and in some states go as high as 60 to 70 per cent etc. It also recommended bringing down the coverage of population under NFSA to around 40 per cent from the present 67 per cent (PIB 2015).

The irony is that on the one hand, the economy of India is one of the fastest growing in the world, with sixth-largest by nominal Gross Domestic Product (GDP), and the third-largest by purchasing power parity (PPP). Further, India improved its ranking to ninth position as one of the highest recipients of foreign direct investment (FDI) in 2016, at a time global FDI flows fell (UNCTAD 2017). On the other

hand, despite a significant improvement in HDI score over the years, India's rank in Human Development Index (HDI) slipped down at 131 out of 188 countries as per UNDP's 2016 Human Development Report (UNDP 2016). Similarly, on the Global Hunger Index (GHI) 2017, India has slipped to rank 100th out of 119 countries, with a score 31.4 placed in high end of "serious" category. More than one-fifth of Indian children under the age of five have lower weight in relation to their height, and over a third are too short in relation to their age. Despite India being world's second largest food producer it has second highest under-nourished population in the world (IFPRI 2017). Thus, India continued to be amongst the top fastest growing economy in Asia (despite global financial crisis), still the prevalence of "*The Asian Enigma*" cannot be denied.

Further, the human cost of "Liberalization, Privatization and Globalization" (LPG) has been very high in terms of farm suicides in India. Due to faulty policies pursued by the states, rural households are getting into the debt cycle. The policies encouraging farmers to switch from traditional food crops to cash crops, has resulted in an extraordinary increase in farm input costs, while the price of the cash crops being determined by market. While analyzing the situation of food security in India's food bowl, according to a study done in 2007 by the Punjab State Farmers' Commission, nearly 88 per cent of farm households in Punjab are indebted. On a per-hectare basis, the level of indebtedness is the highest among marginal farmers. More than 50 per cent of suicides occur among small and marginal farmers (Padhi 2012). The increasing influence of 'Market' led to the shrinking role of the 'Welfare State'. The markets are responsive to the demands of the rich people and not to the needs of the poor people, while democracies are more responsive to people with a voice than to people at large, as argued by Deepak Nayyar (2015).

GLOBAL GOVERNANCE OF THE FOOD SECURITY SYSTEM

India is a party to various international legal documents enshrining the right to food. For instance, the United Nations' 1948 Universal Declaration of Human Rights (UDHR), the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) etc. By becoming party to international treaties, India has assumed obligations and duties under international law to respect, to protect, and to fulfil the right to food. A new report issued by the Food and Agriculture Organization of the United Nations (FAO) stated that the number of hungry people in the world increased from 777 million in 2015 to 815 million in 2016.

This rise in world hunger cannot be understood without recognizing—and addressing—the links between conflict, climate, and food insecurity. Over the past ten years, the number of violent conflicts around the world has increased significantly, in particular in societies already facing food insecurity, hitting rural communities the hardest and having a negative impact on food production and availability (FAO 2017). In this context, food security can be considered as a complex democratic issue, linked not only to freedom from hunger, but also to the economic growth, the food trade system, and having sustainable development, dependency and sovereignty aspects.

Dependency theories maintain that the failure of Third World states to achieve adequate and sustainable levels of development resulted from their dependence on the advanced capitalist world. They stressed that Western societies had an interest in maintaining their advantaged position in relation to the Least Developed societies and had the financial and technical wherewithal to do so (Scott 2014: 164). In a similar sense, world trade and economic policies affect the domestic availability and prices of goods. During the period 2007-08, a rise in global food prices led to riots in various societies. A similar crisis recurred in 2010-11. Dependency theories have questioned the lofty claims of the new global development paradigm, such as: though there is more than enough food in the world to feed everyone, but the number of people affected by hunger is still 'unacceptably high', with disproportionate impacts on vulnerable and marginalized sections; Why is agriculture protected in rich societies and penalized in poor, when most of the hungry live in poor societies whose resources come mostly from agriculture? Whether the solution for hunger and food insecurity lies in proper distribution of foodgrains, or bringing agri-bio technology in the form of Genetically Modified (GM) crops?

Agriculture remains the largest employment sector in most developing societies, including India where around two-third of its population depending directly or indirectly upon it. Therefore, the international agriculture agreements are crucial to a society's food security. The neoliberal policy paradigm, based on the structural adjustment programmes (SAPs), aid conditionality and global food trade policies, is imposing a neocolonial hegemony in the form of capitalist mode of production, thus glorifying market-oriented cash crops and genetically modified (GM) food. This has also affected the land use and control pattern, for instance shift from subsistence to commercial farming, adopting centralized corporate models of contract farming, turning the agricultural

lands into the special economic zones (SEZs) and other mega industrial projects, as well as for biofuel production. Even those who remained into capitalist farming have to meet the surging costs of inputs (seeds, irrigation, and chemical pesticides) by means of loans taken from various institutional and non-institutional agencies, thereby leading to a 'vicious circle' of rural indebtedness, agrarian distress, and farmers' suicides.

The complex 'free trade' treaties promoted by the Global North and its trade organization have transformed the local farmers from producers into consumers of patented agricultural products. Vandana Shiva argued that by engineering, patenting, and transforming seeds into costly packets of intellectual property, Multinational Corporations (MNCs) such as Monsanto, with considerable assistance from the World Bank, the World Trade Organization (WTO), and even some philanthropies are attempting to impose "food totalitarianism" on the world. Through corporate monopolization of agriculture and unfair global food trade system, a handful of corporations control the entire food chain and destroys people-friendly and environment-friendly alternatives. Local markets are being deliberately destroyed to establish monopolies over seed and food systems. The right to produce for oneself, or consume according to cultural priorities have lost legitimacy at the international platforms according to the new trade rules (Shiva 2014).

On a similar note, the global food trade rules are framed by the WTO, keeping the interests of the developed societies of 'Global North' uppermost, has overlooked the interests of the developing societies of 'Global South'. In one way or the other, pushing for trade liberalization through the WTO agreements may threaten the community based food security systems. The implementation of the WTO 1994 Trade Related Intellectual Property Rights (TRIPS) agreement has been opposed on the ground that it has broadens the scope of patents to include life forms. Therefore, the community owned resources are being turned into the intellectual property rights (IPRs) of the Agri-MNCs.

Furthermore, as per WTO's Agreement on Agriculture (AoA) rules, subsidization is allowed for the food security programmes as long as total domestic agricultural subsidies by developing societies do not exceed 10 per cent of the value of total agricultural output. This cap has constrained procurement and food aid programmes in developing societies, including India. India argues that these subsidized food grains are meant for feeding the poor only, while the developed societies have blamed it for distorting international trade. India, alongwith other developing

societies, has been fighting hard to get a binding decision on the public stockholding of foodgrains which is crucial to protecting farmers and ensuring food security for the poor. The recent announcement by the US, at the 2017 Eleventh Ministerial Conference (MC 11) held in Buenos Aires, that it will not offer any more relaxation on food security programmes as demanded by the developing societies, has highlighted the prevailing 'trust deficit' to find a permanent solution for food security whose deadline is 2017 as per the 2013 Bali package. The developed nations are now forming groupings to prepare ground for pushing new issues, such as investment facilitation, reforming customs for streamlined and easier trade movement, preparing rules for e-commerce and so on.

CONCLUSION AND SUGGESTIONS

In pursuance of the obligations under Indian constitution and International conventions, providing food security for all citizens has been the focus of the government's policy. NFSA is the latest initiative of Indian government to achieve the food security through right based legislation. India has been pursuing various social welfare measures to ensure food security and realize the right to food, but the progress made in alleviating poverty and hunger is less than impressive. Merely institutionalizing 'rights' on the statute book for vote-bank gimmicks will not be effective and sustainable unless it is internalized through strong politico-administrative commitment and appropriate implementation mechanism. The ultimate shape of any Right to Food Legislation will depend on whether the government merely seeks to gain 'political capital' from it by verbalizing the slogans during elections, or whether it is guided by the Constitutional ethos. Therefore, "*achha susasana*" ("good governance") for ensuring food security for all depends on "*achhi niti*" (good policy) backed by "*achhi niyat*" (good intention and will) to contextualize it in order to realize the "*achhe din*" (good days).

Food security remains at the core of recently adopted Sustainable Development Goals (SDGs) and this requires collective and committed global action, rather than using food as an instrument for political and economic pressure. The second Sustainable Development Goal (SDG 2) deals with the target of "Zero Hunger" and calls on countries to "end hunger, achieve food security and improved nutrition and promote sustainable agriculture" by 2030.

The prevailing world trade order demands re-orientation and re-structuring the notion of 'free' trade towards the 'fair' trade by making the trade and economic

practices more beneficial to Southern producers. This fair trade can be defined as a trading partnership, based on dialogue, transparency, respect, and the principle of common but differentiated responsibilities and respective capabilities, that seeks greater equity in global food trade. It contributes to sustainable development by offering better trading conditions to, and securing the rights of, marginalized producers and workers – especially in the South. International trade agreements should provide for effective safeguards and greater policy space for developing societies to avoid detrimental effects on domestic food security. The process of governance should involve various stakeholders in articulating their interests, exercising their rights, and mediating their differences. Various grassroots movements, the community based organizations, the farmers' organizations, the consumers' associations, the private actors, and the public-interest scientists should lead social activism approach to progressively realize all the dimensions of food security. "Anna Swaraj" (meaning Food Sovereignty) is a right of local communities to self-define their path of food democracy by taking into consideration the local priorities and conditions. The agricultural and food policies should be framed and implemented in an accountable and transparent manner to cater best to the needs and expectations of people, particularly the vulnerable and marginalized sections. As food is the first and foremost basic necessity of life, thus the global trade paradigm should provide a common platform for local communities and indigenous peoples to include their voices while implementing the trade agreements.

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