******

**P.O. Box 5675, Berkeley, CA 94705 USA**

**THE RIGHT TO FOOD IN THE FACE OF GLOBALIZATION AND CORPORATE CONSOLIDATION**

**Contact Information:**

**Allie Ferraro, Frank C. Newman Intern**

**Representing Human Rights Advocates through**

**University of San Francisco School of Law’s**

**International Human Rights Clinic**

**Tel: 415-422-6961**

**allisonpferraro@gmail.com**

**Professor Connie de la Vega**

**delavega@usfca.edu**

**The Right to Food in the Face of Globalization and Corporate Consolidation**

 All human beings have the innate right to adequate food and to be free from hunger. This right to food is recognized in Article 25 of the 1948 Universal Declaration of Human Rights as part of the right to an adequate standard of living and is enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights (“ICESCR”). The right to adequate food is realized when every man, woman, and child has physical and economic access at all times to adequate food or means for its procurement.

 A human rights-based approach to food that centers on the right to food sovereignty without undue corporate influence upholds the interdependence and indivisibility of human rights and its grounding principles as the core of food systems and focuses on the international obligations of states as duty bearers. Human rights put people at the center of governance, recognize peoples’ personal agency and demand that a powerful minority does not exploit local communities and ecosystems in the name of corporate profit.[[1]](#footnote-1)

 The 2030 Sustainable Development Goals highlight different dimensions to actualizing the human right to food. One such goal is to double the agricultural productivity and incomes of small-scale food producers such as family farmers and pastoralists, including through secure and equal access to land, financial services, and markets.[[2]](#footnote-2) Another goal is to ensure sustainable food production systems and to implement resilient agricultural practices in order to maintain ecosystems for adaptation to climate change.[[3]](#footnote-3)

 Two important themes the Special Rapporteur on the Right to Food has decided to focus on are food systems and global governance, and farmer’s rights.[[4]](#footnote-4) A significant issue for realizing small-scale farmers’ rights to equal access to markets is globalization and the large corporate involvement in the food industry around the globe. Corporate mergers and acquisitions as a result of unchecked monopolization and corporate greed are having a disastrous impact on the right to food and farmer’s rights, as are lax economic trade policies and the global effect of crop subsidies.

 In a world that produces enough food for everyone, hundreds of millions of people endure chronic hunger. People must collectively recognize the fact that power over the global food system has become concentrated in the hands of a small elite of government and corporate interests and is too often denied both to the hundreds of millions of small-scale food producers who grow most of the food on the planet, and to the billions of us who consume it. Just because this has been the norm does mean it must continue to be, and Human Rights Advocates urges the Council to consider what the world could look like if our global food system was not being dominated by the few extremely wealthy at the expense of the rest of the planet.

 The primary guarantors for both individual and collective rights are states’ governments, and the private sector is also an important actor that provides capital for the development of local populations. However, while the business sector’s actions should always comply with the law, companies do not have the obligation to guarantee peoples’ human rights. This obligation belongs to governments, and these goals in realizing the right to food can only be achieved by holding both private and most importantly, public actors accountable.[[5]](#footnote-5) In relation to this point, the impacts of U.S. farming economic policies on small farmers are addressed below.

**Effects of U.S. Domestic Policies on Small Farmer’s Rights in the U.S.**

 The U.S. has signed but has not ratified the ICESCR, but this does not mean that the country should not strive to meet the modern, aforementioned conceptualization of the right to food as announced by the Special Rapporteur.. Further, current market conditions impacting the right to food must be addressed.

 In the U.S., a small and powerful group of food and agribusiness companies has a stranglehold on the food system from seed to supermarket—and nations should be on alert due to the huge wave of mega-mergers sweeping the food industry. These recent developments have accelerated consolidation and concentrated market power in the hands of only a few dominant corporations to a degree unheard of before.

 These firms control every link in the food chain—farm inputs, commodity processing, food manufacturing, distribution, and grocery retail. It is no secret that agribusiness firms—led by seed companies—have been consolidating at alarming rates. In 2018 it was reported that in most food sectors, the four largest firms typically controlled between 40% and 60% of the market, and the top four largest firms in many food and agriculture subsectors have more than 60% market share. This is a disturbing trend that is not slowing down, at the expense of small farmers in America.[[6]](#footnote-6) These oligopolistic firms’ consolidation is endangering the resiliency of the food system and contributing to the current precarious economic viability of independent farmers.[[7]](#footnote-7),

 Federal regulators have done very little to curb the mergers in these food sectors, which decreases the amount of compensation farmers receive for crops and livestock and simultaneously raises the prices consumers pay for food. Consolidation has also significantly constrained the range of choices Americans have when purchasing food—grocery stores are filled with a cornucopia of different products, but the vast majority of these items are manufactured by a few firms with dominant market positions. Consolidation has barred independent food innovators from competing and surviving in the marketplace, amplified and magnified food safety problems, and most alarmingly, raised questions to the resiliency of the food system itself.[[8]](#footnote-8)

 A side effect of concentration in the agriculture sector is that farmers’ choices and autonomy in regard to their business choices have become constrained. For example, concentration in the seed and fertilizer industries has significantly limited farmers’ options for cultivation. Additionally, larger, vertically integrated agribusiness firms have pushed small farmers to increase the size, scale, and intensity of production on their farms in order to maintain economic viability. This limits farmers’ options and autonomy to control production decisions on their farms. This has in turn has also hurt consumers.

 Exasperating the problem with farming in America, farm subsidies and lax economic oversight have been having disrupting affects in local markets. Corporate control of farmers’ production practices contrasts with the growing demands from consumers to know where their food is made and how it was produced. These important questions about the food system are fundamentally related to food equity and economic power. Food and agribusiness consolidation has hindered access to locally grown, organic, sustainable, and equitable food in a marketplace that rewards only scale over innovation. Increasingly in recent years, mainstream food processing companies have been snapping up natural and organic food brands, oftentimes concealing the corporate ownership on the labels, further separating consumers from their ability to make informed economic choices with one of the only tools we have—economic speech via peoples’ spending choices.

 According to the Department of Agriculture, the U.S. federal government has provided approximately $424 billion USD in current‐dollar subsidies like crop insurance and commodity payments to U.S. farms since 1995. The data also shows these farm subsidies have been historically concentrated among a few states (Texas and the “Farm Belt”), a few recipients (big farms and banks), and a few commodities (corn, soybeans, wheat, cotton, and rice).[[9]](#footnote-9) Consolidation coupled with these large subsidies make it so only a few companies sell seeds, tractors, and fertilizer; and a few others buy corn, cattle, and carrots. For years, this economic concentration has eroded the share farmers receive from the dollars that consumers spend on food, hurting small-scale producers’ ability to survive in the marketplace under the current conditions.

 The U.S.’s farm subsidies also hurt local farmers around the globe—these crops and foods often flood global markets at the expense of diverse food systems and the ability for small farmers to compete with the low prices these subsidies create. Because the United States is a major exporter of farm products and crops, federal subsidies have a disproportionate effect on global agriculture markets and, in turn, farmers in developing countries. For example, U.S. subsidization of cotton, indirectly harms more than 10 million cotton farmers across the Western African region.”[[10]](#footnote-10) The U.S., however, is not the only country or region whose policies are hurting small farmers globally.

**Effects of Western Farming Policies, Subsidies, and Trade Agreements in Africa**

 Africa, and Western Africa in particular has been significantly affected by Western farming and trade politics. Subsidy-driven surpluses of European milk result in milk being powdered and sent to Africa, decimating its diary industry, and hurting local pastoral farmers. Producing and selling milk is an extremely important source of income for this region. Millions of nomadic herders and agro-pastoralists participate the dairy sector, but the industry has been under increasing strain since countries in the region opened their markets to Europe under a series of trade agreements. In recent years, European producers have been using West African markets to offload a low-quality mixed product derived from cow's milk that they are unable to sell in the EU.[[11]](#footnote-11) This cheap and unhealthy milk-lookalike is combined with vegetable fats such as palm oils, and its low cost and ubiquity make it impossible for local producers to compete, leading to a spiral of economic decline for local farmers.

 In 2018, the European Union exported 92,620 tons of milk powder to West Africa and 276,982 tons milk derivatives, an increase of 234% since 2008. The milk derivative sells for 30% cheaper than whole milk powder in African markets, generating unfair competition for African dairy farmers who suffer huge financial losses as these imports increase. For instance, in Burkina Faso, 1 liter of pasteurized local milk costs 91 cents in comparison to only 34 cents for milk made from E.U.-imported powder mixtures.[[12]](#footnote-12)

 Nigeria is yet another illustration of the problem. In Nigeria, 98% of dairy products consumed are imported into the country. It spends an average of $1.3 billion USD a year on these imports. Additionally, it is also the world's largest importer of the aforementioned milk-mixture product from Europe—a product which has quadrupled in exports from Europe over the past decade. FrieslandCampina, a company which ships in huge quantities of subsidized powdered milk from its dairy plants in Europe, dominates approximately 75% of the Nigerian dairy market, with just five companies controlling a staggering 99% of it.[[13]](#footnote-13)

 Unlike what the numbers would suggest, Nigeria has a long tradition of local dairy production, and is home to one of the largest cattle herds in the world. Many would expect that the milk sector in Nigeria would be similar to that of Kenya, where herders and small farmers who raise local breeds of cattle supply approximately 90% of all milk consumed in the country, distributed to the people mainly through networks of small-scale traders. The key difference between milk markets in Nigeria and Kenya is that Kenya has long protected its local dairy production with tariffs on imports, while in the 1980s Nigeria opened its market due to structural adjustment programs and the government has not made any significant effort stop the flow of the imports since. This contrast between the two nations shows the integral role domestic governments have—and must have—in supporting local farmers, and in turn their human right to food by way of support for local farmer’s rights.

 An issue highlighted by these larger foreign importers in defense of their regional dominance is that the milk imports are needed in Africa in order to quench demand since the local cows do not produce enough. The lack of adequate production in Western Africa does mean that dairy imports may be necessary to a certain degree, but not to the point of where the cost is devastating local farmers’ ability to participate in their own market. Local production presents significant growth potential, as long as policies do not favor milk powder imports, and so long as the governments promote investment in local milk production, collection, processing, and distribution. Governments must adopt policies which support these local producers and prevent the unfair competition for the milk market driven by neoliberal economic trade policies which are doing more harm than good.

 It should also be recognized that the subsidization problem extends beyond just milk—more than €50 billion is invested into keeping European-produced food cheap for African consumers.[[14]](#footnote-14) With its main export market distorted against them, African countries are in turn deprived of foreign exchange, and therefore investment in agriculture is stifled by these subsidies. Cruelly, despite having the most underutilized arable land in the world, Africa still remains a net food importer, despite more than half of Africans working in agriculture—a sector in which sustained improvements possibly offer the fastest path to poverty reduction across the continent. Economic Partnership Agreements give Europe this unfettered access to African markets, and these free-trade deals continue to invite E.U. agricultural subsidies to deliver blow after blow to African farmers as artificially depreciated produce floods the African markets, undermining domestic competitors. It is unfortunately a similar story when it comes to poultry and wheat production.

 In contrast, Uganda’s milk industry has managed to remain mainly under in local control. The country levies a 60% tariff on dairy imports, which protects small dairy farmers from the threat of a flood from foreign markets. Because of this policy, smallholder dairies, comprised of small-scale cattle herders, farmers, dairy vendors and processors, supply a massive 80% of the milk consumed in Uganda. Additionally, with regional tariffs that keep milk powder imports at bay in East Africa, small dairy farmers in Uganda have had the opportunity to effectively supply the growing regional demand for dairy products over the previous two decades. Importantly, they have done so with indigenous cattle breeds—like the anklore and zebu—and traditional farming practices.

 Although the country's few dairy companies have, on several occasions, tried to use their political connections to pass laws to undermine the local milk sector, the small farmers and vendors have allied to stop them from doing so. For example, nationwide protests of farmers and vendors forced the government to shy away from a ban on the sale of raw milk in both 2007 and 2014.[[15]](#footnote-15) The government must be on the side of the small farmers and divorce themselves from the foreign dairy industries which compete directly with local smallholder dairies.

 Governments must implement regulations, policies and programs that support these dairies, making it easier for them to supply markets with fresh milk and other dairy products. Municipal regulations should be adopted that provide small vendors and traders accessible and safe spaces to bring their dairy products from the countryside to urban consumers, and foreign governments should focus their attention back to their own countries, where the industrial, corporate-controlled dairy systems are not only decimating Africa's dairies but are causing numerous social and environmental problems at the source. Actions must also be taken to greatly reduce factory dairy production in their own countries while ensuring livelihoods for their dairy farmers.

 There are several inspiring initiatives currently underway in countries such as Senegal, Burkina Faso and other African countries encouraging the consumption of local milk. These initiatives need to be supported and multiplied by governments while keeping dairy corporations like FrieslandCampina and supermarkets like Auchan, who are falsely advertising themselves as "local” away from the sector as much as possible without leading to deprivation.

 It is imperative that in order to exalt the human right to food, Africa's diverse smallholder dairies, composed of millions of farmers, vendors, herders, and processors, utilizing traditional breeds of animals such as cattle and sheep, and making all kinds of cheeses, yogurts, and milk, are rightfully celebrated and formally supported via favorable public and economic policies implemented by all levels of government.[[16]](#footnote-16)

 Western Africa and the E.U. should reconcile trade agreements and negotiations with the goal of providing enough dairy products to feed the region with the most support for local dairies, and the lowest number of imported products possible. Additionally, there must be a coherence of agricultural and trade policies in order to promote the sustainable development of local markets, and existing initiatives by milk producers in Africa by encouraging fair and local milk production.

**Positive Examples of Farmer-First Food Policies and Initiatives Leading to Change**

 Although the current consolidation in the food market paints a grim picture for the future of small-scale farming and the realization of the right to food, there is reason to believe that positive changes are possible with the interdependent support of grassroots organizations and cooperatives, and governments’ local and global trade, labor, and economic policies.

 Currently, we are witnessing a new growth of farmers’ cooperatives servicing regional markets across the Asian region as producers are working together to regain local control of value chain infrastructure. For example, cooperatively owned and operated rice mills in Cambodia, organic produce collectives in South Korea, and dairy cooperatives in South Asia have been cropping up. In Australia, a fledgling movement towards cooperatively owned abattoirs has emerged to counteract the increasingly concentrated ownership of slaughterhouses by large multinational corporations.[[17]](#footnote-17)

 An impressive example of collective farmers’ initiatives hails from the Philippines. Approximately thirty years ago, banana workers formed Foundation for Agrarian Reform Cooperation (“FARMCOOP”) to make a radical change in their lives and in their work in order to win a livable existence from the multinational corporations that controlled and continue to control much of the world’s food production. Instead of working for wages, they used the country’s land reform law to become owners of the plantations they had labored in for generations. They had to fight fiercely for market access and fair prices against the same companies that had been their employers. FARMCOOP and other worker/grower cooperatives defeated the largest of the companies, Dole Fruit Company. As a result, today the standard of living for members has gone up, and workers have more control over how and what they produce. At the same time, FARMCOOP has called for alternatives to environmentally unsustainable destructive and farming processes used by large corporations, shifting its banana production to focus on organic practices. Once its political strategies were established and succeeding in bringing peasants and other rural workers out of poverty, FARMCOOP reached out to Indigenous Peoples in Mindanao to help them establish their own cooperatives that bring together local traditions with organic agriculture.[[18]](#footnote-18)

 In 2013, Oxfamled a campaign that shed light on the disturbing fact that ten major companies controlled almost all of the food we eat.[[19]](#footnote-19) It then led an enormous campaign that called upon these companies to transparently improve their corporate accountability and included over 700,000 campaign actions calling on the companies to do so. The immense pressure worked, and major strides were made in the areas such as sustainable access to land, and the treatment of farm workers in their supply chains.[[20]](#footnote-20) The huge success of the campaign proves that accountability leads to action. Naming and shaming big corporations which hurt small farmers is a trend that must continue, but not just with consumers advocacy and grassroots or non-profit campaigns, but also through direct state-level action.

 While grassroots organizing is an extremely effective tool for farmers and local food producers without state support for their rights, the most important change that must occur is state-level support of farmer’s rights, as states are the duty bearers in the realization of their citizen’s human rights. One such example of a state-led change for the good of local farmers is the Indian State of Sikkim. In 2003, Sikkim banned the import and use of chemical fertilizers and announced the adoption of an organic farming plan to ensure long term sustenance of soil fertility, protection of the environment, and to protect the local farming community.[[21]](#footnote-21) The plan was a dramatic success which reached beyond organic production and has proven truly transformational for the state and its citizens. This large-scale state-led policy choice has benefitted more than 66,000 farming families. More localities should follow in the footsteps of Sikkim in implementing domestic policy changes which protect farming communities and promote local farming techniques.

**Conclusion**

Over the past 60–70 years, a dominant global food system has emerged despite the existence of multiple forms of food systems. Serving the interests of a few powerful actors, this dominant food system is characterized by the agro-industrial model and marginalizes other existing food systems. It has increasingly globalized ‘food’ and ‘value’ chains, has global trade and investment at its core, and goes hand in hand with corporate concentration, which works in the interest of powerful countries and large companies. [[22]](#footnote-22)

 Globalization of food systems through trade agreements and economic policies that prioritize maximizing profits has perpetuated global inequalities and is undermining the livelihoods of small farmers and the food system as a whole; but the shrinking and destruction of local markets for the sake of profits for multi-national corporations does not have to be the norm.

 The right to food requires more than just producing enough food for the world. It also involves ensuring that farmers and communities around the world have access to the food market. Business models must be adopted that throughout the supply chain that do not exploit and disadvantage small farmers and farming communities, and local governments must also act to ensure that the exploitation does occur.[[23]](#footnote-23) Governments must listen to and support cooperations of agricultural and food producers in order to create ensure the human right to food and in turn the other interdependent and indivisible rights ensured by the International Covenant on Economic, Social, and Cultural Rights.

 HRA requests that the U.N. focus on solutions to monitor and hold accountable large transnational conglomerates for their impact on the global food system as a whole, and particularly on small farmers’ access to these markets. Governments should reconcile trade agreements and negotiations between small farmers and corporations with the goal of harmonious development. There must be multi-sectoral coherence of agricultural and trade policies to promote sustainable development of local markets.

 It is also of critical importance that social movements defend public institutions, and participate in the design, adoption and implementation of policies that align with existing human rights obligations of states and democracy. Public institutions must serve the common good, and not be at the service of corporate interests. The efforts to preserve democratic public institutions, to reclaim captured institutions and to advocate human rights-based public policies also requires denouncing situations of corporate interference, conflicts of interests, and/or the replacement of public institutions by undue corporate influence. It also means demanding rules to hold corporations accountable, and to regulate conflicts of interests.

 The right to food encompasses one’s ability to cultivate and to survive off of the very soil beneath our collective feet. The right to food and the right for farmers to grow their own crops should never be diminished or dictated by self-interested corporations at the expense of the common populace, and there must be multi-sectoral cooperation and accountability between food producers, multinational food firms, and national governments to achieve this human right.

 We call upon the Human Rights Council to: (1) add language urging state governments to take swift policy and legislative action against corporate consolidation in order to meet the 2030 sustainable development goal of the right to food; and (2) monitor and hold these corporations accountable by working to improve the design and implementation of global food systems in order to diversify the major players in the industry by forming trade and economic policies which allow more small food producers to break into the farming sector to prevent further concentration of the food system to improve the current situation of farmers, consumers, and the environment as a whole.

1. [Not Our Menu: False Solutions to Hunger and Malnutrition](https://www.righttofoodandnutrition.org/files/rtfn_watch13-2021_eng_web.pdf), Right to Food and Nutrition Watch, 2021. [↑](#footnote-ref-1)
2. Target 2.3, FAO, [Sustainable Development Goals](https://www.fao.org/sustainable-development-goals/indicators/232/en). [↑](#footnote-ref-2)
3. [Indicators 2.4](https://indicators.report/targets/2-4/), UN Sustainable Development Solutions Network. [↑](#footnote-ref-3)
4. Right to Food: Report of the Special Rapporteur on the Right to Food, M. Fakhri, 2020 (A/HRC/46/33). [↑](#footnote-ref-4)
5. [Right to Adequate Food](https://www.ohchr.org/Documents/Publications/FactSheet34en.pdf), Fact Sheet No. 34, OHCHR/FAO, 2019. [↑](#footnote-ref-5)
6. Critical Perspective on Food Systems, Food Crises, and the Future of the Right to Food, Special Rapporteur on the Right to Food, 2020 (A/HRC/43/44). [↑](#footnote-ref-6)
7. [Monopoly Power Corrodes Choice and Resiliency in the Food System](https://journals.sagepub.com/doi/pdf/10.1177/0003603X18770063), Antitrust Bulletin, P. Woodall, T. Shannon, 2018. [↑](#footnote-ref-7)
8. [Monopoly Power Corrodes Choice and Resiliency in the Food System](https://journals.sagepub.com/doi/pdf/10.1177/0003603X18770063), Antitrust Bulletin, P. Woodall, T. Shannon, 2018. [↑](#footnote-ref-8)
9. [USDA Subsidies 1995-2020](https://farm.ewg.org/regionsummary.php), Environmental Working Group. [↑](#footnote-ref-9)
10. [Impacts of Reductions in Cotton Subsidies on West African Cotton Producers](http://oxfam-us.s3.amazonaws.com/www/static/media/files/paying-the-price.pdf), Oxfam America, J. Alston et al., 2007. [↑](#footnote-ref-10)
11. [How EU Milk is Sinking Africa’s Farmers](file:///C%3A%5CUsers%5Callieferrarodestroyerofworlds%5CDesktop%5C~law%20school~%5C2L%20Spring%5CHuman%20Rights%20Clinic%5CMost%20Recent%20Docs%5C%28https%3A%5Cwww.politico.eu%5Carticle%5Ceus-milk-scramble-for-africa), Politico, E. Livingstone, 2018. [↑](#footnote-ref-11)
12. Id. [↑](#footnote-ref-12)
13. [It’s Time for a New Economic Deal Between the EU and Africa](https://www.politico.eu/article/its-time-for-a-new-economic-deal-between-the-eu-and-africa/), Politico, M. Buhari, 2022. [↑](#footnote-ref-13)
14. Id. [↑](#footnote-ref-14)
15. Dealers Strike Over Gov’t Ban on Sale of Raw Milk, Monitor, 2014. [↑](#footnote-ref-15)
16. [Corporations Make a Killing Milking Africa](https://grain.org/en/article/6766-corporations-make-a-killing-milking-africa), GRAIN, 2021. [↑](#footnote-ref-16)
17. [Peoples’ Solutions to Food Systems Transformation in Asia and the Pacific](https://doi.org/10.1057/s41301-021-00306-z), T. Jonas, Development 64, 2021. [↑](#footnote-ref-17)
18. Philippine Banana Farmers: Their Cooperatives and Struggle for Land Reform and Sustainable Agriculture, Food First, D. Bacon, 2020. [↑](#footnote-ref-18)
19. [Ten of the World’s Biggest Food and Beverage Companies Battle to Improve Their Social Sustainability Through the Behind The Brands Campaign](https://www.oxfam.org/en/press-releases/ten-worlds-biggest-food-and-beverage-companies-battle-improve-their-social%29.), Oxfam International, 2016. [↑](#footnote-ref-19)
20. Id. [↑](#footnote-ref-20)
21. [Sikkim, India's First 'Fully Organic' State Wins FAO'S Future Policy Gold Award](https://www.fao.org/india/news/detail-events/en/c/1157760/), FAO, 2018. [↑](#footnote-ref-21)
22. [Not Our Menu: False Solutions to Hunger and Malnutrition](https://www.righttofoodandnutrition.org/files/rtfn_watch13-2021_eng_web.pdf), Right to Food and Nutrition Watch, 2021. [↑](#footnote-ref-22)
23. [↑](#footnote-ref-23)