International (Re)Organization: Overlapping Authority and Conflict in the Global Governance of Food Security*

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Introduction

The world polity is regularly presented with problems beyond the capacity of any nation-state to resolve single-handedly. Recent decades have seen the proliferation of new global governance institutions, as well as the reform of existing institutional arrangements, in order to foster greater cooperation among states to address global-scale problems. International institutions remain the primary instruments of governance at the global level, serving as sites for global rule-making, information sharing, and collective problem-solving. They exercise authority in many fields – establishing international standards for communication technologies, controlling the flow of goods, people and information across borders, and fostering cooperation on matters of war and peace – that is crucial to the ordering and functioning of the global political economy.

There is broad acknowledgement that contemporary global governance is increasingly complex. A growing number of governance problems no longer fall discretely under the remit of a single international institution but rather are found at the intersection of multiple institutions. As a result, authority in contemporary global governance is increasingly shared by multiple institutions (Young 1999; Raustalia and Victor 2004). Increasing overlap among international institutions is recognized as a growing source of political conflict in global governance (Rosendal 2001; Raustalia and Victor 2004; Gehring and Oberthur 2009; Pollack and Shaffer 2009).

In this paper, I argue that international institutions act as global political actors that seek to affect outcomes in other institutions in global governance. My objective is to bring attention to the role of international institutions as autonomous actors in situations of overlapping authority in global governance. By doing so, I hope to improve our knowledge of the causes and
consequences of regime overlap and its implications for the behaviour of international
institutions in the context of increasing complexity in global governance. I develop my claims
by examining international institutions and overlapping authority in the global governance of
food security. In particular, I analyze how the expanding authority of the World Trade
Organization (WTO) into the global governance of food security has prompted counter-efforts by
several United Nations (UN) institutions to seek limit the negative impacts of multilateral trade
rules on world food security by exerting their agency on the WTO.

**Regime complexes and the autonomy of international institutions**

International relations scholars have shown that the proliferation of international
institutions is changing the way global governance operates. There is increasing interaction
among international institutions in the every-day management of global problems, where the
functions, norms and rules of institutions come to overlap and also impact developments at other
institutions (Young 1999; Raustalia and Victor 2004; Alter and Meunier 2009; Biermann,
Pattberg et al. 2009). Raustalia and Victor (2004, p. 279) term these situations *regime
complexes*, defined as “an array of partially overlapping and nonhierarchical institutions
governing a particular issue-area”. In regime complexes, multiple international institutions share
authority over global rule-making. Political conflicts emerge when the norms and rules of
distinct institutions diverge. There is no overarching institution to which states can appeal to
easily settle such conflicts. States pursue various strategies to cope with conflicting rules,
including forum shopping, promoting rule consistencies or inconstancies, issue-linkage, non-
compliance, and exiting from international institutions (Rosendal 2001; Young 2002; Raustalia
While making an important contribution to our understanding of global governance, the literature on regime complexes offers a limited perspective on overlapping authority. I develop four claims which I argue provide for a more comprehensive account of global political conflict arising from overlapping authority among multiple international institutions.

First, the existing literature understands conflict solely as an outcome of diverging legal rules of formal treaty regimes. I do not limit the study of overlapping authority to rules. That is, overlapping authority can occur among multiple institutions even when one or several of these institutions do not have a formal mandate for rule-making, monitoring or enforcement. Authority is not only rational-legal but can also be based on moral or expert authority (Barnett and Finnemore 2004), so there is no reason to restrict ourselves to international legal rules. I contend that overlapping authority, and thereby norm and rule conflict, stem from international institutions that are not formal treaty regimes but which exercise authority (i.e., this includes many of the UN specialized agencies and informal institutions such as the G8 and G20). All of these institutions have the capacity to exert authority in global governance, even without rule-making authority.

Second, the regime complex approach is state-centric: it looks only at how states are actors that create and respond to overlapping rules. Although non-state actors are acknowledged as influencing events at the margins (Alter and Meunier 2009), rule-making is regarded as the exclusive purview of states. Yet the notion that rule-making is the exclusive activity of states is highly contested among scholars of governance: private actors and global civil society have been shown to play significant roles in rule-making at the global level (O'Brien, Goetz et al. 2000; Sell 2003).
Third, the regime complex literature has failed to consider the autonomy of international organizations in analyzing overlapping authority in global governance. I do not treat international institutions as black boxes. As Barnett and Finnemore (2004) show us, international institutions are not empty shells or merely forums for inter-state negotiation. International institutions are actors with preferences that can diverge from those of their constituent states and they can exhibit a capacity for agency (Wendt 1987; Barnett and Finnemore 2004; Hawkins, Lake et al. 2006). The authority of international comes from three main sources: delegated authority, moral authority, and expert authority (Barnett and Finnemore 2004). Authority provides institutions with the capacity to promote global change. The literature has focused on international institutions are able to influence states’ behaviour, through mechanisms such as the socialization of norms (Finnemore 1993; Oestreich 2007), policy transfer (Haas 1992), and by administrating rules and procedures (Goldstein, Kahler et al. 2001; Hawkins, Lake et al. 2006). The literature has also shown that international institutions exhibit the capacity to adapt and change to external circumstances, thereby reshaping the contours of global governance alongside states and other actors (Barnett and Finnemore 2004; Betts 2009).

However, scholars of international institutions have not ventured to explore how institutions behave when the issues they deal with stretch outside their acknowledged realm of authority and into other spheres of governance. In such situations, states cannot claim exclusive authority. We need to see international institutions as global agents that act not only upon states but that seek to act upon other international institutions. Taking international institutions seriously as autonomous actors with a sense of social purpose suggests to us that international institutions are unlikely to be indifferent to situations of overlapping authority or to wait silently in the wings for states to sort everything out on their own.
There is also an analytical benefit to distinguishing between the different layers of organization within international institutions (e.g., executives, secretariats, and deliberative organs. Different players are active at each layer and institutions vary in the relative authority they endow to players at each of these layers. If we take international institutions seriously as actors that respond to overlapping authority, then it is important to identify which players within institutions are driving the actions.

Fourth, overlapping authority can be hierarchical, even when institutions are not organized in nested or clustered in hierarchical arrangements. The claim that overlapping authority is non-hierarchical is highly debatable; legal scholars and international practitioners argue that there is an informal hierarchy at play in global governance with economic/hard law in pole position over public/soft law (Rosendal 2001; International Law Commission 2006; Shelton 2006). States and international organizations recognize hierarchy in global governance and act accordingly.

This paper seeks to offer a fuller account of overlapping authority in global governance and how international institutions respond to this situation. I show that in circumstances where authority is diffused among multiple institutions, international institutions can exercise agency in order to impact outcomes at other international institutions. In the process, this paper sheds light on new configurations of transnational political conflict that result when international institutions participate directly in the politics of other institutions.

**Food security as a field of global governance**

Food security is a broad concept which captures the range of micro- and macro-level factors that prevent individuals from accessing and consuming sufficient amounts of food to live
a healthy life. Although hunger is experienced by individuals and is generally associated with poverty (Drèze and Sen 1991), global political economy factors are also critical determinates of food security. For example, rapid changes in the structure of world food production and trade were driving factors behind the food crises of 1974 and 2008 that significantly increased the number of food insecure people worldwide (Friedmann 1982; Margulis 2009).

Achieving world food security has long been a major objective of international governance, dating back to the creation of the Food and Agriculture Organization (FAO) in 1945, the first-ever specialized agency of the United Nations, with the purpose of “ensuring humanity's freedom from hunger.” Over the ensuing decades, states continuously invested in scaling-up the international institutional capacity to address food insecurity. This has involved the introduction of new institutions to address food insecurity, spurred by improved knowledge about the complex drivers of food insecurity (Shaw 2007). Table 1 lists selected key international institutions established over the last 60 years with a specific food security mandate. The proliferations of international institutions reflects the complexity and multidimensionality of food security, spanning the fields of production, distribution, humanitarian assistance, development, crop and animal science, trade policy and food safety.
Early international cooperation in food security focused on increasing national food production, initially in war-ravaged Europe but later in developing countries following decolonization, through the transfer of technology, including newly-developed crop varieties, petro-based chemicals and fertilizers and machinery to mechanize production. After the first world food crisis in the 1970s, states recognized that international factors also played a role in determining food security outcomes and expanded international cooperation to include work on global coordination of food stocks and trade policy. By the 1990s, the international community adopted an expansive approach to food security that integrated food production and trade, including an increased emphasis on factors affecting access to food among the most vulnerable groups in society (such as poor women and children).

There is no scholarly agreement on how to conceptualize the global governance of food security. Scholars have taken inspiration from the work on international regimes to identify the “principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area” (Krasner 1982, pg. 185). Hopkins and Pachula (1978) developed
the concept of a “food regime” to describe the governance of food production, distribution, and consumption on a global scale. Wolfe (1998) and Marlin-Bennett (1993) have challenged this formulation for its lack of internal coherency and for its unexplained exclusion of international trade. A more common approach in the literature has been to analyze subsets of food security institutions. Many scholars, for example, have analyzed the politics of the international food aid regime which straddles two issue-areas, development and trade (Hopkins 1992; Uvin 1992; Shaw and Singer 1996; Zhang 2004; Clapp 2005). The sociological literature has examined the issue identifying how the evolving structure of global food production creates new demand for international regulation/deregulation (Friedmann 1982; McMichael 1994) and the role of scientific ideas in framing hunger as a problem demanding global governance (Phillips and Ilcan 2003).

Conflict in global governance of food security

I now turn to examining conflict in the contemporary global governance of food security.\(^1\) The approach I adopt to map out the actors and issues around which conflict occur deviates from the approach taken by scholars of regime complexity. Yet similar to scholars of regime complexes, I too am interested in exploring the causes and consequences when multiple institutions share authority in a field of governance.

The global governance of food security is a site of transnational political conflict at the intersection of agriculture, trade, food assistance, and human rights. I define the global governance of food security as an assemblage consisting of overlapping sets of formal and

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\(^1\) Conflict is not new in the global governance of food security. The power struggles between the FAO bureaucracy and the “new” food institutions that emerged as part of functional specialization in food security governance during the 1960s and 1970s are well documented. See Abbott, J. C. (1992). Politics and poverty: a critique of the Food and Agriculture Organization of the United Nations. New York, Routledge, Shaw, D. J. (2007). World food security: a history since 1945. London, Palgrave Macmillan. However, I suggest that current conflicts are qualifiedly different.
informal international institutions, some of which, but not all, are linked through explicit arrangements. In addition the boundaries between different institutions – where the authority of one ends and another’s begins – are not firmly fixed but continually contested among state and non-state actors. The international institutions that make up this assemblage operate at the transnational level of organization and are recognized authorities with regard to world food security. These institutions have differentiated scope for autonomous action and face diverse constraints and opportunities to exercising their respective authority.

The principle international institutions in the food security assemblage include the following: the Food and Agriculture Organization (FAO), which is a specialized agency of the United Nations (UN) with the mandate to measure, monitor and make policy recommendations on food security and agricultural issues; the UN World Food Programme (WFP), which is a specialized agency that coordinates and distributes international food assistance; the WTO, which monitors the implementation and enforces the Agreement on Agriculture (AoA) – a multilateral trade agreement specific to agricultural and food security policy – and is a forum for inter-state trade negotiations; and the UN human rights system, namely the Human Rights Council (HRC, formerly the Commission for Human Rights) and the Office of the High Commissioner on Human Rights (OHCHR), which monitor, implement, and enforce the human right to food as set out in the International Covenant on Economic, Social and Cultural Rights (ICECSRs). Figure 1 below provides a visual representation of the global governance of food security. Where these institutions overlap, I have identified the substantive issue around which political conflict occurs. These are taken up in detail below.
These international institutions are identified as primary nodes because of the significant and specialized role each plays in the governance of agriculture and food security. Each of these institutions undertakes a variety of functions in the governance of food security at the global level, ranging from rule-making, standard-setting, information-sharing, program delivery, and settling conflicts between parties. More importantly these institutions also construct the issue of food security by, for example, defining food security as a global problem requiring collective action, and framing its causes and the range of solutions.

This is not an exhaustive list of all the international institutions in the field of food security. Indeed, many institutions have been purposely left out to focus this study on those institutions directly engaged in the global politics of agricultural trade liberalization and food security. At the same time, examining the global governance of food security as an

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2 Several other international institutions play key roles in the global governance of food and agriculture, such as the International Fund for Agricultural Development (IFAD), International Monetary Fund (IMF), United Nations
institutional assemblage is useful because it forces the analysis to examine institutions that extend beyond the “official” Rome-based food security agencies (i.e., FAO, WFP and IFAD). An analysis based solely on official mandates or rule-making capacity, as is the case with functional and regime-based approaches, would exclude an examination of the WTO and the UN human rights institutions, however, I will show they are critical to understanding the global politics food security. I also recognize that these international institutions do not have exclusive authority in the global governance of food security: national ministries of trade, agriculture and development, international non-governmental organizations (NGOs), and transnational agri-food corporations all operate within and across these institutions.

The existence of competing meta-norms is the source of much of the overlap and intra-institutional conflict in the global governance of food security. Norms are used here in their most abstract sense, as a broad cognitive framework which shapes how actors understand the material world. Norms are distinct from principles and rules, which are understood to be derived from norms but reflect conscious efforts to codify and articulate norms into clearly defined articles, either in law or generally accepted principles.

The global governance of food security is characterized by a key conflict between food self-sufficiency, on the one hand, and free-trade in food, on the other. The primary source of conflict centers on claims that agricultural trade liberalization negatively impacts world food security. Food self-sufficiency has long been a dominant norm in what we recognize as the modern international state system. The creation of the FAO in 1945 was an early effort of international cooperation to increase agricultural production in the developing world in order to
achieve food self-sufficiency. Even up until the late 1970s, the majority of states viewed international trade in food as a necessary mechanism to meet the shortfall between national food production and demand. However, where international trade in food occurred, it was highly managed and regulated either through international commodity agreements or special bilateral arrangements in order to maximize price stability. The norm of free-trade in food only began to take greater prominence in the 1980s. Intellectually, it was informed by the shift away from the ideology of embedded liberalism of the post-war era (Ruggie 1998) towards a new ideology of neoliberalism, emphasizing a diminished role of the state in the economy, a transition toward greater privatization, liberalization, and financialization of the economy.

The establishment of the WTO in 1995 was a major turning point in the global governance of agriculture and food security. The WTO Agreement on Agriculture (AoA) launched a process of multilateral agricultural trade liberalization with the objective of reducing state intervention in agriculture and food and bringing agricultural policy under binding international trade commitments and strong dispute settlement mechanism. The AoA has major implications for food security as it has reduced the capacity of states to intervene in markets to achieve food security objectives and increased the vulnerability of countries to food price and supply volatility (Stevens, Greenhill et al. 2000; Thomas 2006). The potential negative impact of trade liberalization on food security has become a major issue in the politics of the multilateral trade system. Although food security appears to be a minor concern for the minority of net-food exporters, the vast majority of WTO members are developing countries with high rates of food insecurity and where agriculture is the primary source of employment, exports and foreign exchange. For these countries, the impact of trade liberalization has been principal negotiating
concern. The centrality of food security to poor developing countries is often overlooked: the principal reason why developing countries agreed to the AoA in the first place is that they were able to secure a side agreement to address their food security concerns at the eleventh hour of the Uruguay Round negotiations. The current protracted state of the Doha Round negotiations is also linked to disagreements over food security, with developing countries seeking additional forms of border protection to respond to agricultural price volatility.

The normative conflict discussed here is of high stakes as it seeks to define the relationship between states and markets in an area with extremely high distributive costs, in particular the distribution of food insecurity within and between countries. In a globalized food economy, trade liberalization is one of the principle mechanism through which these distributive costs are transmitted.

The UN Food and Agriculture Organization (FAO) as “shadow” negotiator

The FAO has repeatedly attempted to influence the outcomes of multilateral trade negotiations in agriculture at the GATT/WTO. These that two institutions do exhibit rule overlap; the FAO has no authority over the international regulation of agricultural trade or dispute settlement and is limited to providing solely policy advice on agriculture and trade issues. The WTO has exclusive authority to set the rules for multilateral trade in agriculture. Although it is normal for international organizations to observe negotiations in other forums and

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3In the Tokyo Round (1973-79) of GATT negotiations Japan, South Korea, and many developing countries sought to include new global food security mechanisms as part of a new agricultural trade agreement. During the Uruguay Round (1986-1994) of GATT negotiations, food security was the major negotiating issue of the majority of developing countries. In fact, the first ever developing country coalition in the multilateral trading system emerged out of food security concerns (e.g., the Net-Importers Group).

4The declaration is the 1995 Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries.
provide technical assistance, it is qualitatively different for international organizations to actively seek to shape the rules established in other international fora.

Two examples illustrate this. During the GATT Uruguay Round (1986-1994), the FAO provided technical assistance, particularly economic modeling of different tariff reduction scenarios, to many developed and developing countries. While the FAO as an organization supported the development of strong agricultural sectors and greater food self-sufficiency in developing countries, senior officials were not averse to supporting trade liberalization in principle. However, the office of the FAO Director General was highly concerned that the Uruguay Round proposals would significantly harm net-food importing countries as most economic projections pointed to higher food prices as an outcome of liberalization. In response to this scenario, the FAO was active in organizing developing countries around food security concerns, helping to cement a fragile developing country coalition on food security in the GATT, and assisting these countries to drive a hard bargain against developed countries in order to secure food security provisions in the final agreement. Moreover, it was FAO officials, not developing country GATT negotiators, who penned the text of which ultimately served as the basis for the WTO ministerial decision on food security.

During the Doha Round (2001–present), the FAO adopted a more overt position as an advocate for food insecure countries. This position was influenced by the general perception that the AoA had not benefitted developing countries to the extent promised by developed countries during the Uruguay Round negotiations. The years following the AoA saw an increase in the level of food import-dependence and exposure to price volatility in many developing countries. Senior officials at the FAO, with support from the Director General, decided to take a more

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5 This was consistent with the consensus view that OECD countries’ farm support programs imposed significant costs on developing country producers.
6 This has been confirmed by several former GATT-negotiators and IO officials in confidential interviews.
activist approach at the WTO agricultural negotiations to ensure food insecure developing countries could bargain for a better deal, including obtaining greater flexibility and exceptions from rules to address food security concerns.

In addition to the FAO’s full-time presence in Geneva to monitor developments and consult members and the WTO in regard to the agricultural negotiations, the FAO independently initiated a broad trade negotiations program to advance the interests of food insecure countries. This included the organization of several regional consultations with the intention of putting the FAO in direct contact with national-level officials (e.g., departments of agriculture, rural development, etc.) instead of the trade officials based in Geneva (who tend to be generalists and not technically sophisticated in agriculture policy). These efforts were part of a basic training effort in international negotiations and the FAO produced a three volume, 1000-plus page manual to assist developing countries to navigate the history of and key issues in the WTO agricultural negotiations. The objective of these efforts were to educate developing countries about the key issues up for negotiation at the WTO and how such issues would affect their agricultural sectors and food security of their populations.

The FAO also directed increased efforts to shape the WTO negotiation process. This included undertaking technical reviews of each draft of agricultural modalities and then circulating these assessments to developing countries and NGOs. These assessments were critically important since the WTO and other international organizations were wary of providing such analyses and weighing in publicly on the long-term impacts of potential deals. Moreover, this analysis provided many developing countries a basis from which to claim the draft deals were not sufficiently addressing their interests. In addition, the FAO began to produce and

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7In general, the issue of developing country technical capacity to successfully negotiate at the WTO is a long recognized major imbalance in the playing field of trade negotiations.
circulate technical studies on specific agricultural issues and make precise rule recommendations in order to steer negotiations to address issues of interest to developing countries. These combined activities became increasingly an irritant to the major exporting countries as they viewed these interventions as undermining their efforts to gain greater market access in developing countries. Indeed, many developed countries expressed displeasure with the FAO’s activist role and its views on agricultural trade issues, which contradicted the more favorable views of the World Bank and OECD on the benefits of the Doha trade deal.

Once the Doha Round negotiations appeared closer to conclusion the FAO Director General and other senior officials also began to publicly denounce, at the WTO ministerial meetings and other high level events, parts of the draft agricultural agreements which they regarded as harmful to food insecure countries. These statements were picked up in the media, giving greater credence to the positions of developing countries and NGOs critical of the draft agricultural modalities. While these statements always contained the caveat that the FAO supported trade liberalization in principle, the FAO nevertheless decided to take political positions on the desirable scope of trade-rules. According to one senior official, this reflected the belief within the FAO that it had to be “courageous and provocative” in order to prevent a deal that would further disadvantage food insecure countries.8 Evidence of the FAO’s influence on the current draft agriculture agreement is clearly visible. For example, the FAO was influential in drafting early iterations of new rules on the Special Products exemptions for developing countries on products deemed critical to food security and rural livelihoods, and in the design of volume and priced-based triggers for the Special Safeguard Mechanism. These are two issues around which there is major North-South disagreement between WTO members and over which the FAO has invested political capital in to ensure it remains on the agenda. The

8 Confidential interview with IO official, April 2009.
actions of FAO at the GATT/WTO negotiations have been above and beyond what can be
considered typical intra-institutional cooperation, information exchange or policy transfer. The
FAO has repeatedly attempted to exert its expert and moral authority to influence outcomes at
the GATT/WTO. In effect, the FAO has acted as “shadow negotiator” alongside states at the
GATT/WTO to shape international trade rules in agriculture even though it has no formal
mandate to so.

The UN World Food Programme (WFP): moral and expert authority as veto

The deepening of the WTO’s regulatory authority in global food security has prompted
conflicts when trade rules are perceived to impact the functional scope of other international
organizations. One such area is the friction between the WTO and the WFP over the multilateral
trade rules covering food aid. The AoA included trade rules that applied to international food
aid. These rules did not apply directly to the WFP, which is not formally linked with the WTO
nor engages in food aid rule-making, but they were linked to two other food aid agreements that
provide external standards to differentiate between legitimate food aid and disguised export
subsidies.9

During the course of the Doha Round, states renegotiated food aid rules with the
intention of developing a stand-alone set of rules (without reference to other agreements) on
international food aid, with the purpose of establishing the WTO as the sole arbiter of what
constitutes legitimate international food aid versus disguised commercial trade. The WFP, which
had monitored the negotiations closely as an official observer and technical consultant to WTO

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9 Article 10(4) of the AA requires that international food aid be not be tied directly or indirectly to commercial
exports; in accordance with the FAO "Principles of Surplus Disposal and Consultative Obligations", and provided to
the extent possible in fully grant form or on terms no less concessional than those provided for in Article IV of the
Food Aid Convention.
members, came to the conclusion that these new rules and role for the WTO in global food security governance would have adverse impacts on the global availability of food aid and directly restrict its capacity to respond to non-emergency, chronic situations where food aid plays a key role in broader agriculture development programming. However, the WFP had no formal capacity within the Doha negotiations to influence the rules and was limited to expressing these concerns to the WTO and trade negotiators.

In response to this development, the WFP Executive Director took out a full page advertisement in the Financial Times on the opening day of the 2005 WTO Ministerial Meeting in Hong Kong, claiming that the proposed rules on food aid would prevent the WFP from carrying on its full range of food assistance activities and by implication lead to preventable deaths among food insecure people. The advert caused a significant public relations problem for the WTO. In other words, the WFP’s actions undermined the legitimacy of the draft WTO food aid rules. Moreover, the ad resulted in a major political backlash by food aid recipient countries and NGOs against the proposed rules, which came to be regarded as an attempt by the WTO to overreach its area of expertise and authority. When negotiations resumed a few months later, WTO members backpedaled by jettisoning the draft food aid rules and restarted the negotiations on food aid rules virtually from scratch. In a sense, the WFP was able to exercise its moral and expert authority to “veto” the proposed WTO food aid rules. However, the WFP did not escape unscathed from the incident. The WFP executive director was heavily reprimanded by the EU for what it saw compromising its negotiation position at the WTO – the EU was intent on using the food aid rules to discipline US food aid programs as a it-for-tat for reducing its own export
subsidies – and told not to seek a reappointment for a second term, effectively forcing him out of the position much earlier than standard practice for WFP directors.\(^{10}\)

*The UN Human Rights System: redefining winners and losers in trade liberalization*

Although trade and human rights law are not explicitly linked, a growing debate emerged in the mid-1990s about whether the principles of the AoA were consistent with the right to food under international human rights law. These issues have been raised largely by the UN human rights system (UN HRS), although they have surfaced occasionally at the WTO.\(^{11}\) The UN HRS has questioned whether the commitments under the AoA are consistent with governments’ obligations to respect, protect and fulfill the right to food under international human rights law\(^{12}\), especially with regard to ensuring that trade liberalization does not result in diminished access to food for the most vulnerable groups in society (OHCHR 2002).

The normative conflict between human rights and trade law is based on differing conceptions of the principle of “non-discrimination”, which in the human rights framework is understood as protecting the rights of the most vulnerable individuals, whereas in the trade system it refers to conferring equal privileges to all parties. The dominant paradigm at the WTO is deeply influenced by neoclassical economic theory, including the belief that international trade liberalization and limiting state intervention in markets increases general economic welfare.

While this framework recognizes that trade liberalization produces both winners and losers, in

\(^{10}\)Confidential interviews with developed and developing country officials.

\(^{11}\)The relationship between trade liberalization and human rights has been repeatedly addressed in the Human Rights Council’s work on the impact of globalization on human rights. The right to food was raised by Norway and several developing countries at the WTO during the Doha Round.

theory, society is assumed to be better off and questions about compensating losers are left to
total national political processes. In sharp contrast, the normative orientation of the UN human rights
system is to protect the most vulnerable members of society. As such, if vulnerable groups are
made worse off as a result of a trade agreement, this could be deemed a failure by states to meet
their human rights obligations. Moreover, the UN human rights system obligates states to
intervene — potentially through trade and economic policy — in order to protect vulnerable
groups, an orientation that contradicts the WTO’s longer term objective of limiting the scope for
state intervention and freeing markets.

Once the Doha Round was under way, the UN HR S shifted from distant critic to one
seeking to influence the WTO negotiations. This effort was initially led independently by the
Office of the High Commissioner or Human Rights (OHCHR), rather than by member states,
which took the view that international trade negotiations were moving forward without any
substantive assessment of their potential human rights implications. The OHCHR’s main
contributions in this regard were a series of publications on trade and human rights. Each
publication was released in the month preceding a WTO ministerial (given these events are
where the major decisions on multilateral trade policy are made) and distributed directly to WTO
officials and members. This included a pamphlet reviewing the AoA’s relationship to human
rights in advance of the 2003 Cancun ministerial (OHCHR 2003) and a book examining the
range of exceptions under WTO law relevant to human rights concerns that was provided to
governments in advance of the 2005 Hong Kong ministerial (OHCHR 2005).

These contributions were significant in that they proposed recommendations of very
specific trade rules rather than general human rights principles to be addressed in the WTO
negotiations. This included a recommendation of special and differential treatment for specific
communities of persons (such as low-income and resource-poor farmers, labourers and rural communities). In addition, these publications identified the grounds for, and options available to, developing countries to not comply with their WTO obligations in order to safeguard food security. Moreover, the publications were also part of a larger effort by the UN HRS to impart the idea upon the WTO that international trade law was not above international human rights law. These efforts were a first attempt by the OHCHR to influence the scope of trade rules in the direction of greater consistency with the principles of human rights law. In other words, the OHCHR was flexing its expert authority.

Another source of interaction between the UN HRS and the WTO has been efforts to hold the WTO accountable to human rights principles. This has been led by the Special Rapporteur on the right to food, which is independent expert appointed under the framework of the CHR. The Special Rapporteur’s interactions with the WTO have become both more frequent and confrontational over time.

The first Special Rapporteur, Dr. Jean Ziegler who served from 2000-2008, was publicly critical of the AoA and the scope of the Doha Round agricultural negotiations in his official reports to CHR and UN General Assembly.13 In the reports, the Rapporteur explored several options to render international trade law subject to human rights principles, including exploring the options under international law to hold WTO officials and states legally responsible for violations of the right to food resulting from agricultural trade liberalization (Ziegler 2002; Ziegler 2004). The Rapporteur also used his reports and public statements to give an official voice to the critical view of peasants and farmers organization from developing countries about the WTO negotiations and their impacts on the food security, as well as documenting these impacts in his missions to developing countries. The Rapporteur contributed to building a

13 The Rapporteur is required to present annual reports to the CHR and UN General Assembly.
transnational coalition of UN human rights actors, international NGOs, and Southern peasant movements that mobilized around reforming the WTO, thereby putting greater pressure on the WTO to ensure that the concerns of peasants and rural persons were heard and taken seriously. The Rapporteur also made several efforts to intervene directly at the WTO negotiations, however his requests to formally observe WTO meetings and meet officially with the WTO Director General were repeatedly denied by the WTO due to the perception that he was too critical of the WTO.

The second Rapporteur, Dr. Olivier De Schutter (2008-present) was more successful in directly engaging with the WTO and undertook an official mission to the WTO in 2008, meeting with trade negotiators and the WTO Secretariat. The Rapporteur presented a report based on the mission not only at the CHR and UN General Assembly but also at the WTO in a special meeting between the Rapporteur and members of the WTO Committee on Agriculture (De Schutter 2009). This meeting, however, was highly controversial as many WTO officials and members disagreed with the Rapporteur’s recommendations to include human rights impacts assessment of draft trade deals and to provide food insecure with additional flexibilities to address food security and rural livelihood concerns. This meeting was highly politicized as exporting countries organized in advance to orchestrate an attack the Rapporteur’s report and undermine his credibility as a legitimate interlocutor on trade issues.14 According one trade negotiators, the attack on the Rapportuer was an effort to curb the discussion of human rights at the WTO and to stop “outsiders” from inflowing the course of developments in the Doha round negotiations.15

14 Confidential interviews with developed and developing country officials and IO officials.
15 Confidential interview with developed country trade representative.
The impact of the UN HRS system on the WTO is more difficult to assess than that of the FAO and WFP. On one hand, there has been a dramatic increase in interaction between the UN human rights system and the WTO with respect to agriculture and food security issues, and the topic is no longer taboo in trade policy circles as it was for most of the 1980s and 1990s. On the other, there has been no direct incorporation of human rights issues in the agricultural negotiations. One does not find the efforts by the UN HRS reflected in specific negotiation texts nor have there been concrete efforts by the WTO to increase its technical capacity to gain an understanding of human rights law or undertake human rights impact assessments of specific proposals (Howse and Teitel 2007). Yet there have been tentative signs of a shift, in that the WTO Director General and parts of the WTO secretariat acknowledge the tensions between international trade and human rights law and that the WTO has the responsibility to ensure that trade and human rights do not operate in isolation. However, there is significant and sustained disagreement at the normative level between the WTO and the UN human rights system over the extent to which international agricultural trade rules conflict with the right to food.

**Contextualizing international institutions as global actors**

The AoA was a major tipping point which reconfigured global food security governance, most notably by bringing food security into the sphere of international trade law. One plausible interpretation of the evolving global governance of food security I offer is that the intentional efforts by powerful developed countries to bring agriculture and food security under the multilateral trading system spurred an autonomous counter-movement led by international institutions, not developing countries. While many countries, mostly developed and some developed, have expressed support for the positions taken by the FAO, WFP, OHCHR, CHR and
the Special Rapporteur, they did not drive the actions of these institutions. These institutions were never ordered directly by states to undertake the actions analyzed above. Instead, in all these cases, it was an autonomous decision made by these international organizations (and the mandate holder in the case of the special Rapporteur) to take on the global politics of international trade and food security.

Even though the institutions seeking to impact the outcome of the WTO agriculture negotiations all fall under the UN system, their efforts do not represent a coherent, coordinated action by the UN system. Instead, each institution examined here (i.e., FAO, WFP, OHCHR and Special Rapporteur) was guided by a distinct interpretation of the underlying source of intra-institutional conflict, whether such conflicts manifested themselves at the level of norms, rules, or institutional responsibilities and capacities. Yet taken together, the efforts by the UN agencies indicate the formation of a new transnational policy space centred on the WTO. Whereas the conventional literature treats the WTO primarily as an inter-state space, where only states engage in formal negotiation, this paper demonstrates that international organizations, through their strategic efforts to impact multilateral trade negotiations, are part of the group of actors negotiating at the WTO. Even if the role of international organizations in this setting is informal (i.e., they do not appear in the official decision-making process) and at the margins, their impact is significant and measurable.

The institutional conflicts observed in the global governance of food security suggest the importance of the negotiation phase of the WTO’s agricultural trade rule-making. The strategic actions of the UN agencies were mostly targeted during the negotiation phase of the WTO agricultural agreements.\textsuperscript{16} However, this may be over-determined by the fact that the WTO has been in negotiating mode for much of the period under study and further complicated by the fact

\textsuperscript{16} The FAO has been involved at all stages though agenda-setting, negotiation and implementation.
that WTO negotiations take an ever greater number of years to conclude with each successive round. It is difficult to speculate what the global politics of food security may look like during the implemented phase given the WTO Doha Round negotiations are in their tenth year without a clear end date in sight. There has not been a food security-related trade dispute to date so it is not possible to comment on trade dispute settlement may impact the conflicts over trade liberalization and food security.

An interesting insight from the global governance of food security is the different type and direction of impacts from institutional interaction. The institutional interaction between the UN system and the WTO appears unidirectional; the UN institutions have actively sought to impact the outcome of WTO negotiations, whereas the WTO has not attempted to directly influence developments at other institutions. Part of the explanation for this is that although the WTO may be a powerful institution in terms of dispute settlement, its members designed it to have a fairly weak executive and limited secretariat in order to minimize the scope of activist more common in the UN system. However, the impacts of institutional interaction between the WTO and UN system are not unidirectional. The WTO and the AoA have had a significant impact on the UN agencies. This impact has been unintentional but the creation of multilateral trade rules in agriculture required the UN agencies to invest significant human and financial resources to create the technical capacity to work on WTO issues and make adjustments to their overall work programmes (all of it bearing significant opportunity and potential political costs) in order to engage with the WTO. The FAO, WFP, and OHCHR all have faced one form of political censure for their actions, especially from developed countries. In the case of the WFP, the executive director was eventually replaced and the successive WFP leadership has been more discrete about weighing in on WTO issues. The FAO and the OHCHR in general enjoy a high
level of legitimacy among large groups of countries. It is difficult to state equivalently if their work on trade issues further eroded or enhanced their legitimacy.

**Conclusion**

This paper has argued that the analysis of international organizations as autonomous global actors in world politics can provide significant insights to the study of overlapping authority. As such, the paper represents a departure from the existing literature which takes states and international legal agreements as the main objects of study when regimes overlap. This paper illustrates how international institutions are transnational actors that seek to impact outcomes at other sites of global governance. By taking international organization seriously as autonomous actors in global governance, instead of simply passive negotiating forums, I provide a fuller account of contemporary global politics. Furthermore, the paper introduces a set of analytical guiding points to study the role of international organizations in the context of overlapping authority.

The case of the global governance of food security demonstrates how the creation of the WTO prompted a strategic but uncoordinated counter-movement by the UN system, in particular by the FAO, WFP, and UN HRS, seeking to both adapt to and challenge the WTO’s role as a major institution in the global governance of food security. They did so by exerting their claims to rational-legal, expert and moral authority directly to shape multilateral trade negotiations.

Recent events in the global political economy suggest the boundaries of the global governance of food security are in flux. The 2008 global food crisis prompted increasing multilateral efforts by international organizations to address global food security governance, including the creation of a UN High Level Task Force on the Global Food Security Crisis.
(HLTF), the decision by the World Bank (WB) to make agriculture and food security key areas of its work, and the G8’s commitment to establish a new multi-donor food security global fund. These developments bring new and different international institutions into the global governance of food security. Future research into the global governance of food security would do well to explore how this new configuration of international institutions will shape global political conflicts over trade liberalization and food security.

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