



23-15 Food insecurity: What can the world trading system do about it?

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INTRODUCTION

Russia's invasion of Ukraine, a major supplier of grain to the Middle East and Africa, has triggered deep concerns over access to affordable food across the globe. A [concept note](#) circulated by the United States at a United Nations Security Council meeting in early September 2023 states that the "alarming rise in acute food insecurity...is threatening international peace and security in countries around the world."¹ Some 80 speakers at the conference joined in expressing deep concern over threats to the food supply due to conflicts.² These developments make it increasingly urgent to set ground rules for sharing food in global markets and getting food to places most in need to avoid starvation and famine. The World Trade Organization's (WTO) long-standing accords on agriculture offer a good place to start.

The immediate trigger for the most recent United Nations debate was Russia's withdrawal from the [Black Sea Grain Initiative](#), an accord designed to assure an uninterrupted flow of grain and other agricultural commodities from Ukraine and Russia to food-importing countries. But today's food crisis is not unprecedented. The global financial crisis of 2007-08 led to price spikes and food emergencies in 48 countries, triggering riots and contributing to the fall of two governments in North Africa, according to the UN Food and Agriculture Organization (FAO).³

Whether the issue is interdiction of a major source of food exports by another country or the imposition of export controls to stabilize domestic food prices, interference with trade transfers costs from one nation to another. Whether global supplies are robust or tight, whether prices are rising or falling, these actions disrupt markets, inflicting the most suffering on the poorest nations.

Because trade is essential to meeting the challenge of food security, it is natural that countries turn to the WTO to assess what it can and should contribute to an array of solutions. At the most recent WTO Ministerial Conference (MC12)

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held in 2022, the ministers adopted a [declaration](#) to deal with the challenge, but it lacked concrete steps regarding the obligations or rights of WTO parties, leaving it up to the next ministerial conference, slated for Abu Dhabi in February 2024, to address food insecurity to make further progress. The WTO's remit does not extend to establishing emergency buffer stocks or commodity agreements to moderate price fluctuations. These matters are more likely to be taken up in the FAO or other United Nations organizations such as the World Food Programme (WFP), and the financing could be addressed by the World Bank or a regional development bank. But the WTO is clearly relevant to work regarding the appropriate set of rules governing policies that enable, restrict, or distort international trade.

Accordingly, serious negotiation is required with firm mutual commitments exchanged by food-exporting and food-importing nations to pledge that this crucial trade will take place. Given domestic political constraints, this will be no easy task. This Policy Brief recommends that existing WTO agreements be used as a basis to provide guidelines for the sharing of food to global markets, especially areas in need. The WTO Agreement on Agriculture needs to be updated to take into account climate change, extreme weather, military conflicts, pandemics, and other factors that interfere with food production.⁴ The WTO can specify factors that an exporting country must take into account when imposing an export restriction on food, and it can require consultations to deal with severe disruptions in world food trade. It can also serve to mediate the interests of food exporters and importers in enhancing the latter's food security.

DISCUSSING THE PROBLEM

Food insecurity is a problem that can still be managed. Contrary to what Thomas Malthus wrote two centuries ago, world population growth did not outstrip the ability of the world's farmers to feed the world's peoples.

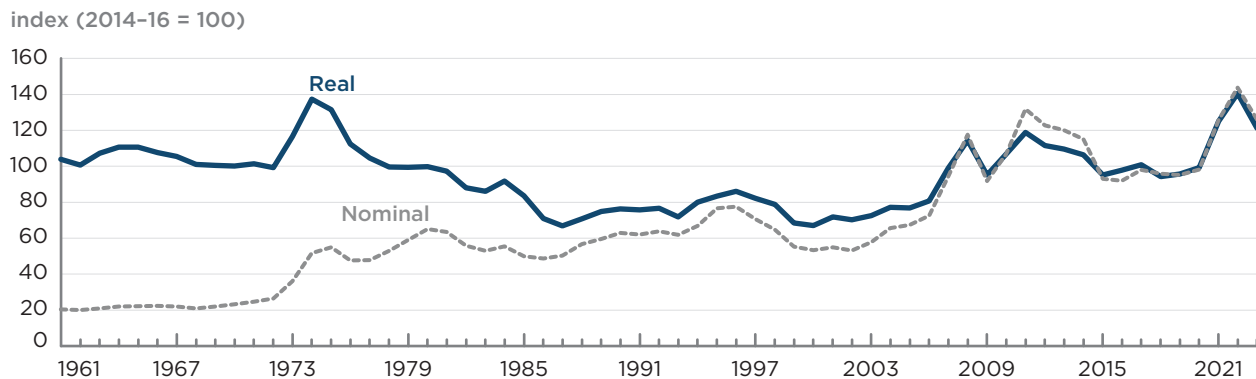
But agricultural markets are subject to the vagaries of weather and thus prices can be highly variable. Because production is seasonal, adjustments to a short crop in one year can take time. Price spikes due to droughts, flooding, or other production shortfalls are often followed by years of relatively low prices as yields return to more normal levels (figure 1). Trade helps buffer the impacts of those shocks. Climate change threatens the sustainability of many regional crops, making trade in food commodities more important than ever.⁵

Under the WTO's rules, member countries have the right (within agreed limits) to regulate food imports, their agricultural export subsidies are banned, and their sanitary and phytosanitary barriers are not to be discriminatory or a disguised restriction on trade. Food-producing countries are free within limits to subsidize agricultural production, which can come at the expense of more efficient agricultural exporters. But international cooperation on food security is largely voluntary. The most obvious shortcoming in the rules is that WTO members are largely free to restrict exports.

Views regarding an appropriate balance of rights and obligations can vary over time, but in general, neither food-importing nor food-exporting countries are pleased with the current state of affairs. Food importers are at the mercy of price spikes or shortages, and exporters have no assurance of sufficient market access to take advantage of their comparative advantage in producing food for global markets.

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Figure 1
FAO Food Price Index, 1961-2023



Source: UN Food and Agriculture Organization (FAO), Food Price Index, <https://www.fao.org/worldfoodsituation/foodpricesindex/en/>.

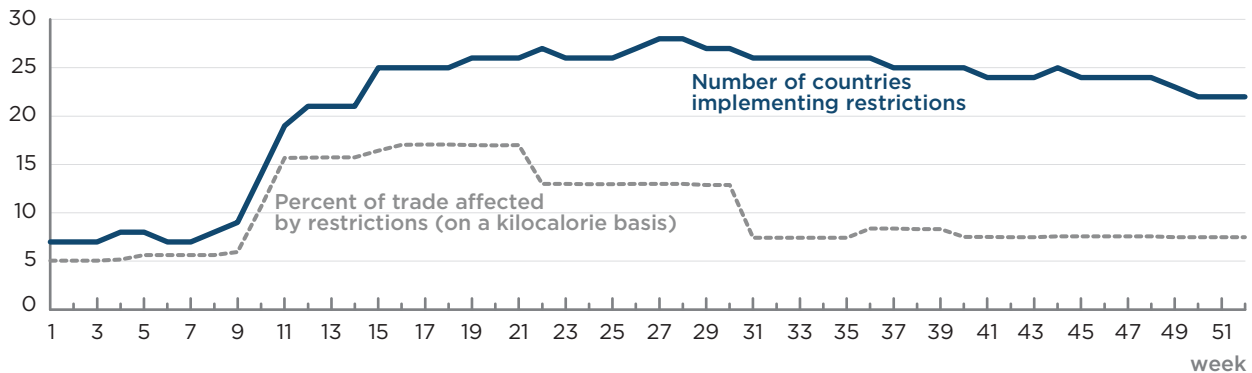
Food insecurity clearly has a moral component. Hunger and famine are unacceptable. But sustainability has also become a key WTO goal. To achieve greater food security, countries may exhaust soil, deplete groundwater, rely on chemicals, and increase greenhouse gas emissions. These concerns must also be addressed when pursuing any positive negotiated solution.

The range of theoretical solutions to the problem of food insecurity can readily include other institutions like the World Bank or an expanded WFP, the UN's emergency food assistance agency. Establishing global commodity agreements with sufficient participation and funding to act as a buffer to price volatility has proved to be unworkable. A wheat or rice commodity agreement would be ill suited to offset famine and would interfere with market signals to the extent of being counterproductive.⁶ These solutions are not within the province of the WTO.

INTERFERENCE WITH TRADE DURING HEIGHTENED AGRICULTURAL VARIABILITY

Russia's withdrawal from the [Black Sea Grain Initiative](#) earlier in 2023 prompted the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator to warn that a spike in grain prices "potentially threatens hunger and worse for millions of people."⁷ At the same time, India imposed an export ban on nonbasmati rice to reduce inflationary pressures on domestic consumers.⁸ India has since imposed additional duties on exports of parboiled rice and a minimum export price for basmati rice.^{9,10} Global rice prices have risen by 20 percent since June 2023, and there is reportedly pressure in Thailand and Vietnam to limit exports.¹¹ Wheat and rice account for a third of the nourishment required by the world's peoples.¹² Following the Russian invasion of Ukraine, as many as 28 countries had export restrictions in place affecting as much as 17 percent of food and feed products traded in the world (figure 2). Grains are not the only products subject to export controls. These measures are so numerous that a [food and fertilizer export restriction tracker](#) is now available online.

Figure 2
Restrictions on agricultural exports, 2022



Source: Food Security Portal, Food and Fertilizer Export Restrictions Tracker, <https://www.foodsecurityportal.org/tools/COVID-19-food-trade-policy-tracker> (accessed on October 18, 2023).

Food production is notoriously subject to vagaries affected by weather, which is increasingly volatile due to climate change. Weather oscillations like [El Niño](#), as well as wildfires, flooding, droughts, and other conditions, affect large parts of Africa, Latin America and the Caribbean, and South and East Asia.

Even large, advanced economies like Japan are not immune from concerns over food security. While China ranks first in worldwide production, it is also the world's largest agricultural importer.¹³ At the other extreme, the FAO and WFP have identified Afghanistan, Haiti, Nigeria, the Sahel region (specifically Burkina Faso and Mali), Somalia, South Sudan, Sudan, and Yemen as “countries where populations face starvation and death absent urgent humanitarian intervention.”¹⁴ Trade is the indispensable solution to these imbalances. WTO Director-General Ngozi Okonjo-Iweala said recently that “one in five calories consumed around the world is traded across an international border.”¹⁵

INTERACTION BETWEEN FOOD SECURITY AND CIVIL STRIFE

There is a reciprocal relationship between food and conflict. In 2018 a UN Security Council [resolution](#) listed the ways in which conflict can result in food insecurity: Conflicts drive farmers from their land, destroy food stocks, disrupt food systems and markets, reduce household purchasing power, and interrupt access to needed supplies. Land mines prevent farming and then interfere with economic recovery. In Ethiopia, following years of drought and crop failures, for a time armed conflict prevented food aid from reaching people in dire need, threatening [famine](#). Now, the [conflict in Sudan](#) is driving hundreds of thousands from their lands.

Food price spikes have led to widespread riots, hospitalizations, and demonstrations in Haiti, Egypt, Morocco, Mauritania, Guinea, Burkina Faso, Cameroon, Mozambique, Senegal, and Tunisia.¹⁶ The Arab Spring of 2011 was ignited in part by food shortages.¹⁷

WHAT HAVE WTO MEMBERS DONE TO ADDRESS FOOD SECURITY?

A central flaw of the trading system is its failure to discipline export prohibitions and other impediments to trade in food. This flaw, the absence of any agreed disciplines, must now be addressed. In June 2022, at the WTO's 12th Ministerial Conference, ministers committed governments to take concrete steps to facilitate trade and improve the functioning and long-term resilience of global markets for food and agriculture, including cereals, fertilizers, and other agriculture production inputs. They stated their resolve to ensure that any emergency measures introduced to address food security concerns should minimize trade distortions and be temporary, targeted, transparent, and in accordance with WTO rules while taking into account the impact on developing countries, particularly least developed and net food-importing ones.

These pledges are not binding obligations but two concrete actions were taken. The Ministerial Conference reached an [agreement](#) that would impose a number of disciplines on the granting of subsidies to fisheries that have been criticized for depleting world fish stocks. According to the International Institute for Sustainable Development, "ending these harmful subsidies will help safeguard the billions who rely on thriving fish stocks for survival and nutrition."¹⁸ The agreement [still has to be ratified](#) by most WTO members, however, and it is far from being complete. It left out subsidies that contribute to overcapacity and overfishing, leaving a very large hole in the agreement. Moreover, the agreement by its terms self-destructs in four years if comprehensive disciplines are not adopted.

The ministers also adopted a [decision](#) binding all 164 of the WTO's members to limit their freedom to apply export restrictions to WFP purchases. The effect of this decision was somewhat blunted by the adoption of an exception for a WTO member's measures taken to ensure its own domestic food security.¹⁹

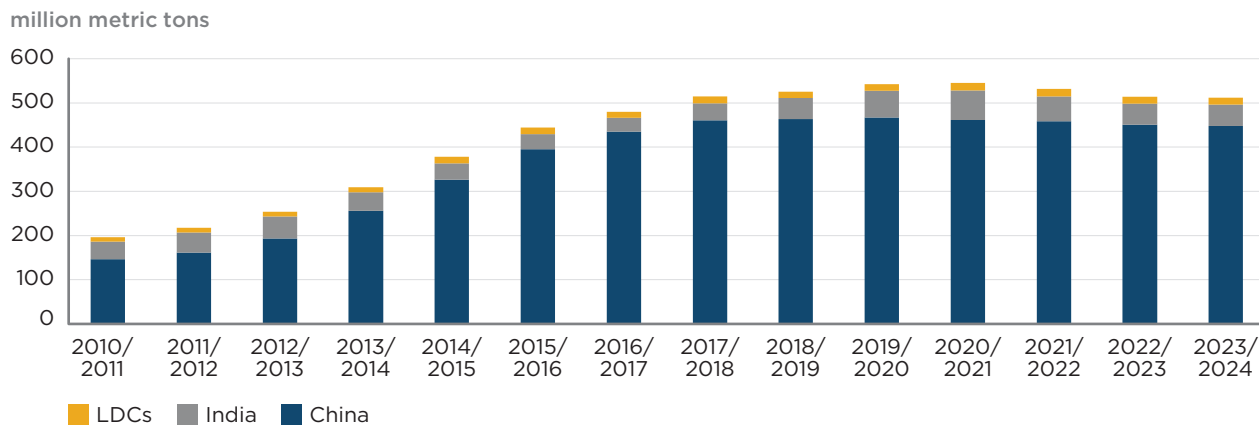
PUBLIC STOCKHOLDING: PART OF THE SOLUTION OR AN OBSTACLE TO FINDING ONE?

It is estimated that as much as half of the world's population lives in countries with active public stockholding (PSH) programs.²⁰ Roughly two-thirds of global maize, rice, and wheat stocks are held by China or India²¹ (figure 3). The ostensible purpose is food security, but taking food off the market for later use also can distort trade and cause price fluctuations.

Public stockholding rules became a controversial issue on the WTO's agenda following the commodity price spikes in the late 2000s, as members that raised administered prices found themselves vulnerable to challenge under domestic support rules. At the WTO [Bali Ministerial Conference](#) in 2013, the ministers agreed that no dispute settlement case would be brought against the public stockholding of traditional staple crops held for security purposes. There were some conditions: the member holding stocks must notify the WTO that it is at risk of breaching its subsidy commitments as a result of the program and it must have been transparent as to its domestic support through reports filed with the WTO's Committee on Agriculture. It must ensure that stocks procured under the program do not distort trade or adversely affect the food security of other members and that the interim solution not cause the member to exceed its overall subsidy limits.

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Figure 3
**Grain stocks held by LDCs compared with stocks held by China and India,
 2010-24**



LDCs = least developed countries

Note: Ending stocks include maize, rice, and wheat.

Source: US Department of Agriculture, Foreign Agricultural Service, Official USDA Estimates, PSD Database, <https://apps.fas.usda.gov/psdonline/app/index.html#/app/home> (accessed on July 12, 2023).

It seems clear that countries holding large stocks do not have to import as much and that release decisions could be unpredictable, having an adverse impact on global price levels and volatility. India has made obtaining a permanent solution for PSH its highest multilateral trade priority. Agricultural exporters forming the [Cairns Group](#) of 19 agricultural-exporting countries insist that any permanent solution for PSH must be linked with negotiations limiting aggregate levels of support and that negotiations should also address additional market access. This has resulted in a complete [stalemate](#) as reported by the Chair of the agriculture negotiations.

There are [technical solutions](#) to begin to bridge the gap on finding a permanent solution for PSH.²² Some include updating domestic support reference periods (which are stuck in the late 1980s),²³ adding programs that would be exempt from challenge under the Bali solution, and exempting small countries.²⁴ A [more fundamental change](#) would be to exempt PSH purchases at below world market prices, but there would still be a desire by food-exporting countries to limit dispositions of stocks on the world market.

The bottom line is that PSH can probably best be resolved in a broader negotiation where reciprocity can be found in other disciplines on trade practices such as subsidies and including other trade concessions, such as increased market access. Most economists feel that PSH programs are good at raising prices but less effective in stabilizing them. It is not clear that they provide the food security that is needed. At present, the opposing positions on exempting PSH programs from complaint without added conditions to avoid distorting world markets appear to be irreconcilable.

TREATMENT OF FOOD SECURITY UNDER THE WTO AGREEMENTS

The WTO rulebook is, for the most part, designed to constrain the behavior of member governments tempted or driven by domestic concerns to restrict trade. Whatever is not covered by the agreements by negative implication provides “policy space” to members, or, phrased more colloquially, leaves them free to act as they wish.

The key provision for food security in the WTO rules is contained in the General Agreement on Tariffs and Trade (GATT) Article XI, which by its terms flatly prohibits the use of export restrictions.²⁵ The rule is, however, subject to an important exclusion for “export prohibitions or restrictions temporarily applied to prevent or relieve critical shortages of foodstuffs or other products essential to the exporting contracting party” contained in the same article. The key terms are not defined. How long is temporary? When is a shortage critical? What foodstuffs are “essential to the exporting party”? Each of these terms is left to self-judgment by the country imposing the export restriction.

When it comes to food exports, the balance under the WTO rules clearly favors policy space over obligation. Whatever political pledges are made and whatever moral imperatives exist, under the WTO’s rules members are free to limit food exports, which in their sole judgment is temporary and essential to relieve critical domestic shortages.

A partial offset to this original carve out from the GATT disciplines is the provision in the WTO Agreement on Agriculture (AoA),²⁶ which requires that “due consideration [be given] to the effects of such prohibition or restriction on importing Members’ food security.” The AoA also provides that notice in writing will be given “as far in advance as practicable” to the WTO Committee on Agriculture as to “the nature and the duration” of the measure. The agreement further requires the exporting country (upon request) to consult with members having a substantial interest as importing countries (AoA Article 12). Again, the key terms are not defined—what is required in giving “due consideration” to the effects of an export measure on others? How is “food insecurity” to be measured?

Were the commodities being restricted not food, the applicable WTO rules are stronger: The export restriction would be prohibited unless an exception applied. The most relevant exception is contained in GATT Article XX (j), which after requiring that the export measure not “constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail,” gives members a free hand to restrict exports that are “essential to the acquisition or distribution of products in general or local short supply.” There is also in Article XX (j) a potentially vitally important limitation to this freedom: “any such measures shall be consistent with the principle that all contracting parties are entitled to an equitable share of the international supply of such products.” In addition, measures inconsistent with the WTO “shall be discontinued as soon as the conditions giving rise to them have ceased to exist.”

Again, a critical term is left undefined: What is “an equitable share”? Were this a term in a domestic contract, it might be subject to a court’s interpretation. In an international setting, where sovereign nations are the participants, turning this over to a dispute settlement panel is an unlikely resolution to the food

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security problem. Thus, absent agreed definitions, entitlement to “an equitable share” would likely be as empty a promise for food exports as it is for minerals or manufactures.

HOW COULD WTO MEMBERS AMEND GLOBAL TRADE RULES TO BOLSTER FOOD SECURITY?

The subject of what WTO members should do to improve food security was recently addressed in a personal and somewhat unusual [farewell report](#) from the coordinator of the Working Group on Food Security at the WTO (Marcel Vernooj of the Netherlands). Beyond stating that food export restrictions should be an exporting country’s last resort, he suggested that “all practical means” should be explored to allow exports based on specific requests from least developed countries (LDCs) and net food-importing developing countries (NFIDCs). He further suggested that members maintain levels of food aid and provide greater transparency with respect to the terms applicable to the assistance, that export credits for agricultural products should favor LDCs and NFIDCs, that members should examine how to direct [Aid for Trade](#) to increase productivity and resilience (particularly for smallholder agricultural producers in LDCs and NFIDCs), and that efforts should be made to foster collaboration among relevant international organizations to respond to future food crises.

In addition, Vernooj noted that importing countries (LDCs and NFIDCs)²⁷ “may” acknowledge the importance of open and predictable agricultural markets in conferring resilience on LDCs and NFIDCs in meeting their food needs. They “might” consider eliminating tariffs and import quotas, and “may” consider how to facilitate food imports under the Trade Facilitation Agreement.

Each of these points would be a positive contribution to food security were it put into effect. But the issue is too serious for the trading system merely to urge that food-exporting countries be more responsive to the needs of countries in dire need of food, and that they in turn might recognize that food-exporting countries have interests too, namely gaining more assurance of market access. The time is past for expressions of moral support rather than adoption of legal obligations. A start at reform would be to close the gap in treatment between that accorded to food (complete freedom to restrain exports) and that which applies to other products. Second, when a restriction is placed on food exports, the steps to be taken to demonstrate that there has indeed been “due consideration” to the needs of importing countries should be spelled out, along with requirements for providing advance notice. Third, the WTO member imposing the restrictions should specifically commit to engaging in consultations with interested members within a specified timeframe. In addition, review mechanisms within WTO bodies should be provided. It is necessary to [define](#) the term “critical shortage.” Commitments should be made that are substantive, reliable, and reviewable.

When considering changes to the global trading rules, there is probably nothing more politically sensitive than seeking to adopt binding obligations mandating the sharing of foodstuffs. Yet in an era of increasingly uncertain food supply driven by climate change, efforts must be made to achieve a better balance between net food-importing and food-exporting nations. Logically,

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there is mutual advantage to retiring inefficient agricultural production in food-importing countries, allowing them to improve their market access commitments for imports. In return, food-exporting nations would be expected to live under more well-defined obligations to assure the availability of supplies. Beyond food security, there would probably need to be financial benefits for the least developed net food-importing countries.

Given that sustainability is an objective that all WTO members repeatedly pledge to uphold, there should be an increasing area of common interest in finding environmentally sound means to assuring food security. The answer to food insecurity through self-sufficiency would in too many cases result not only in inefficiencies, but in despoiling the environment.

LOOKING FORWARD

One in every six people around the world [depends almost entirely on international trade](#) to be fed. That is 17 percent of humanity, or 1.3 billion people. During crises, there has been a positive response to the needs of net food-importing developing countries, particularly through the WFP. Positive ad hoc pledges are made. At the outset of the COVID-19 pandemic, when the world was largely moving to lockdown in April 2020, 49 countries pledged to support open and predictable trade in food and agricultural products. Led by Canada, these [49 countries](#), representing 63 percent of global exports of agriculture and agri-food products and 55 percent of global imports of agriculture and agri-food products, committed to: not disrupt the global food supply chains; not impose food export restrictions; ensure that the response to COVID-19 remains targeted, proportionate, transparent, and temporary; exercise restraint in establishing domestic food stocks of agricultural products that are traditionally exported; and quickly notify COVID-19 response measures to the WTO.

This action was most welcome and reassuring. But it was also voluntary. There is no assurance as to what will happen during the next pandemic or what governments will do to meet the next global food crisis. There was no promise to adjust domestic support to make agriculture more efficient and resilient. There were no reciprocal commitments to provide increased market access. In fact, the current WTO rules largely allow for a general return to a state of nature with respect to food export restrictions, as long as the restrictions do not apply to WFP purchases (after meeting domestic food needs). This state of affairs is very far from adequate. The world is warming. Climate events of a severe and often unpredictable level disrupt traditional sources of food. The global trading system relies on rules which must again become enforceable, and with fewer large exceptions. The most glaring and relevant gap in the rules of the world trading system pertains to sharing food in times of scarcity.

WTO AoA Article 20, put into place nearly three decades ago, calls for the “continuation of the reform process, [r]ecognizing...the long-term objective of substantial progressive reductions in support and protection.” Geopolitical and domestic political realities and climate change are sharply increasing the need to address food security in the WTO. A grand bargain should be sought to reduce trade-distorting subsidies, rationalize production, and facilitate trade, thus improving the functioning and long-term resilience of global production and

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markets for food and agriculture. Market access gets little mention these days, but it is hard to think of a grand bargain that does not include some concessions there as well. Until that bargain is struck, food insecurity will be alleviated by trade, but it will always be present.

WTO Director-General Okonjo-Iweala has “urged trade ministers to seize the opportunity of the upcoming senior officials’ meeting in October to make political breakthroughs and lay the groundwork for delivering results on agriculture at the 13th Ministerial Conference (MC13) on February 26-29, 2024.” It would at least be a beginning if they did so.

At MC13, a work program should be put in place that leads to a negotiated outcome by a certain time, say, MC15. It should:

- 1 Clearly identify the problems to be solved, setting priorities or even choosing among the following:
 - Ensuring affordability for least developed countries (where there is a spike in prices of staples).
 - Freeing up the exports from conflict-affected exporting countries (e.g., Ukraine).
 - Dealing with conflicts affecting the movement of food to a region (e.g., Tigray).
 - Providing sustainable and reliable assurances of supply for wealthier importing countries (such as China, Japan, and Saudi Arabia).
 - Making global agriculture more efficient to increase overall supply to deal with volatility in physical supply and price.
- 2 Identify member interests with greater specificity, again choices need to be made to determine the scope of the negotiation, choosing among
 - Net food-importing LDCs (NFILDCs),
 - Net food-importing developing countries, and
 - Net food-importing high-income countries,
 but including all food exporters
- 3 Identify the contributions that can be made by participants, exploring:
 - The extent to which exporters could commit not to limit exports (in the past, for example, US soybeans, the Russian grain embargo)—identifying specific conditions for imposing export limitations on food.
 - Exporters’ willingness to commit to providing an “equitable share” to their trading partners, with some definition as to what the term means.
 - The degree to which high-income countries pledge funds to WFP to soften the impact of price spikes.
 - The extent to which PSH countries commit to conditions for releasing stocks on the world market.
 - Adjustments to be made in individual member’s domestic support commitments.

Global agriculture, at a time of climate change and increased sensitivity to governments’ stewardship of the global environment, requires concrete actions and a structured discussion leading to a new international agreement to meet the challenge of food insecurity.

- The extent of additional improvements in market access commitments.
- Commitments by the poorest countries to facilitate food trade, with pledges of assistance from other WTO members.
- Agreement to join in sanctions on any country interdicting physical availability of supplies.
- Restoring binding dispute settlement for food security commitments.
- Examining the potential for collective action against violations of commitments (e.g., breach of domestic support commitments).
- Providing for a trade policy review of export restrictions having potential systemic effects.

In our view, the scope of negotiation should at the outset at least cover:

- Solving NFILDC issues.
- Defining the rights of those most seriously affected (“equitable share”, “due consideration”, etc.).

Optional would be:

- Including nontraditional trade-related issues such as:
 - extraordinary funding of WFP
 - political/military assurance of no interdiction of supply.

A separate issue is whether the negotiation can be part of updating the AoA in general. Members need to be sounded out about the practicality of tackling the multitude of additional issues to be addressed in a comprehensive negotiation on agriculture.

While there will likely be a declaration emerging from MC13, it must include concrete deliverables—such as a pledge to exempt LDCs from food export restrictions. But this, while welcome, does not by itself provide affordable food. Global agriculture, at a time of climate change and increased sensitivity to governments’ stewardship of the global environment, requires more. It requires concrete actions and a structured discussion leading to a new international agreement to meet the challenge of food insecurity.

The way forward is to begin intensive WTO deliberations on how export controls affect other nations. Conclusions reached should be made operational through enhanced consultative mechanisms, international review, and immediate and full transparency. Care should be taken to avoid relaxing the disciplines on domestic support (if that route is contemplated at all), taking into account the adverse effects a rush to self-sufficiency might have on sustainability and efficiency. An exploration of mutual interests between net food-importing and food-exporting nations is needed to find common ground, as an alternative to *saue qui peut* (each acting to save itself)—chaos that ignores the effects of trade measures on others.

ENDNOTES

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- 6 Commodity agreements and global buffer stock schemes were once touted as effective means to provide price stability. However, this view has largely been debunked by most economists and historical experience. Several commodity agreements were put in place after World War II to stabilize prices, and renewed efforts took place after the commodities price boom of the 1970s, promoted by the United Nations Conference on Trade and Development (UNCTAD) as a mechanism to stabilize markets and support prices through buffer stocks. The agreements were often successful in the short term, but ultimately failed to protect price floors. Over the longer term, higher prices led to lower demand and spurred investment and innovation that brought new suppliers to the market. In the end, most commodity agreements collapsed. Today, some regional grain reserves remain, such as the [ASEAN Plus Three Emergency Rice Reserve \(APTERR\)](#) and the [ECOWAS Regional Food Security Reserve](#), but these function as emergency reserves to provide a limited response to supply shortfalls, not as a means to provide price support or buffer global prices.
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- 18 Alice Tipping and Tristan Irschlinger, “[25 Reasons Why the WTO Must End Subsidies That Drive Overfishing](#),” International Institute for Sustainable Development, November 2, 2020.
- 19 World Trade Organization, “[DG Okonjo-Iweala Underlines Role of Trade in Transforming Food Systems at Summit](#),” July 26, 2023. WTO Director-General Okonjo-Iweala has said that this provision has produced benefits: “The WFP recently told the WTO Committee on Agriculture that exemption from export restrictions had helped them source food from more countries and enabled faster and more localized procurement.”
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- 21 [Production, Supply and Distribution Online](#) (database), US Department of Agriculture Foreign Agricultural Service, Washington (accessed on August 12, 2023).
- 22 Joe Glauber and Tanvi Sinha, *Procuring Food Stocks under World Trade Organization Farm Subsidy Rules: Finding a Permanent Solution* (Winnipeg, MB: International Institute for Sustainable Development, 2021); Lars Brink and David Orden, *Agricultural Domestic Support under the WTO* (Cambridge: Cambridge University Press, 2023).
- 23 However, updating the reference period for subsidy commitments can have the unfortunate effect of lessening rather than increasing the level of subsidies disciplines, as the earlier period has become a subsidies straitjacket for some countries.
- 24 While extending the current exemption for humanitarian aid for WFP shipments to a more general exemption for agricultural exports to LDCs and NFILDCs makes logical sense, the bigger problem with export restrictions is the impact on market prices—that is, an exemption for NFILDCs probably will have little impact because market prices will still be higher as a result of the otherwise generally applicable export restriction.
- 25 Article XI GATT: General Elimination of Quantitative Restrictions:
No prohibitions or restrictions other than duties, taxes or other charges, whether made effective through quotas, import or export licenses or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party or on the exportation or sale for export of any product destined for the territory of any other contracting party.
- 26 Article 12 of the Agreement on Agriculture: Disciplines on Export Prohibitions and Restrictions:
 1. *Where any Member institutes any new export prohibition or restriction on foodstuffs in accordance with paragraph 2(a) of Article XI of GATT 1994, the Member shall observe the following provisions:*
 - (a) *the Member instituting the export prohibition or restriction shall give due consideration to the effects of such prohibition or restriction on importing Members’ food security;*
 - (b) *before any Member institutes an export prohibition or restriction, it shall give notice in writing, as far in advance as practicable, to the Committee on Agriculture comprising such information as the nature and the duration of such measure, and shall consult, upon request, with any other Member*

having a substantial interest as an importer with respect to any matter related to the measure in question. The Member instituting such export prohibition or restriction shall provide, upon request, such a Member with necessary information.

2. *The provisions of this Article shall not apply to any developing country Member, unless the measure is taken by a developing country Member which is a net food exporter of the specific foodstuff concerned.*
- 27 World Trade Organization, “[WTO List of Net-Food Importing Developing Countries for the Purposes of the Marrakesh Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least-Developed and Net Food-Importing Developing Countries](#),” G/AG/5/Rev.12, March 29, 2023. Thirty-three countries currently fall into the NFIDC category. They are, for WTO purposes, Antigua and Barbuda, Barbados, Botswana, Côte d'Ivoire, Cuba, Dominica, Dominican Republic, Egypt, El Salvador, Eswatini, Gabon, Grenada, Honduras, Jamaica, Jordan, Kenya, Maldives, Mauritius, Mongolia, Morocco, Namibia, Pakistan, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Sri Lanka, Trinidad and Tobago, Tonga, Tunisia, and the Bolivarian Republic of Venezuela.

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