

Fifth Castle Debate 2011 – Farming and Food Security

Background

The Castle Debates have been established to raise the level of debate on important environmental issues of the day, and, in particular, to draw out the salient scientific and related objective information which should inform the development of our laws and policies. By bringing together leading scientists, lawyers, policymakers and politicians, the Castle Debates, seek to better understand the relevant science and law, and to throw light on current government policy.

The Fifth Castle Debate

The Fifth Castle Debate (the last of the first series of debates) was held at the Athenaeum Club in London on June 21st 2011. More than 120 people booked to attend this debate. The Fifth Debate addressed the pressing issue of the UK's law and policies relating to farming and food security. The speakers were: **Professor Tim Lang** of the Food Policy Unit at City University; **Mr. Stephen Tromans QC** of 39, Essex Street; and **Mr. Roy Norton**, Deputy Director of Food Policy, DEFRA.

Chair's Introduction

A new series of Castle Debates will take place in the autumn and winter months of 2011-12, with continued support, amongst others, from The Law Society and Sykes Environmental. The programme of topics and speakers will be circulated to everyone who attended the first series of debates.

The **Law Society** and **Sykes Environmental** were thanked for helping to organise the debates, and the **ENDS Report** for sponsoring them. In addition, various organisations had kindly brought the debates to the attention of their memberships: Environmental Law Foundation, United Kingdom Environmental Law Association, Aldersgate Group, Planning and Environmental Bar Association and Gaia Foundation.

In the meantime, farming and food security is a broad topic for debate. Previous Castle Debates have a bearing on the UK's food security –particularly the debate on the UK's water security / resilience in the context of climate change and population growth. We may well return to aspects of this topic in future debates.

There have been some **important reports on food security** in recent years, including **The Foresight Report**¹, and the **Chatham House Report**², with the world facing the prospect of having to feed nine billion people by 2050.

The UK relies on food imports from around the world, and many questions arise: could we become self-sufficient in food? Is this desirable? Would it deprive poor countries of much needed income from food exports? How can we change our diets to reduce dependence on dairy and meat? Is there a case for GMOs? What will the Government do to promote public awareness of these issues and personal choices? How do we produce more food with less environmental impact?

¹ <http://webarchive.nationalarchives.gov.uk/+http://www.bis.gov.uk/foresight/our-work/projects/current-projects/global-food-and-farming-futures>

² <http://www.chathamhouse.org.uk/publications/papers/view/-/id/624/>

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Professor Tim Lang, Food Policy Unit at City University

Food security means different things to different people, e.g. in academia, and the business and policy worlds. It can mean anything from self sufficiency to 'price-effective adequacy'. It is a loose notion. For the purposes of the debate, it means **'are we adequately fed?'**

Who then is meant by 'we' – our own households; London; England, UK, Europe or the world? Most commentators consider food security has to be considered at several levels - from global to local and personal. The EU as a whole is broadly self-sufficient – exporting a lot, and importing a lot as well.

Do we have good evidence about food security? Britain was last self sufficient in food in the late 18th century. In 1939 we produced about 30% of our food. By 1945 we produced 60% of our own food. The Agriculture Act of 1947 said that we need to produce more food from our fertile soil. Production rose with the help of subsidies, and increased to 82% in 1982. It has been declining since, but our population has been growing too (demographics have an impact). At the world level we can produce enough food to achieve food security - however, Europe and the USA over-eat and countries such as Malawi under-eat, and this has to be averaged out.

Just after the Second World War the leading food policy experts of the day pointed to the massive amount of waste in food production and transportation, and the enormous food production gains that could be made if waste was addressed.

Big problems are likely to arise between 2030 and 2050. Why? We are a predominantly an urban planet. Not enough food is being produced. Historical productivity gains – largely due to the use of fertilisers - are levelling out. The food system is oil –based: oil is running out. Prices are increasing. Tastes in food are changing in the BRIC countries (Brazil, Russia, India and China) – this is known as the 'nutrition transition' – as people get richer, they start to eat more meat and dairy which then turns into heart disease.

Analysis is needed on what impact a change in diet would have on food security – e.g. if we cut back on the consumption of meat and dairy (the biggest source of the footprint). The nutrition gap needs to be tackled.

What can be done?

- i) A recent evidence based World Bank and Food and Agriculture Organisation Report³ argued that we need **to raise the productivity of the least productive farms** – i.e. small farms in Africa. This could be done by building capacity – e.g. social networks, and access to markets (e.g. new roads).
- ii) We also need to address **consumption**. The West is overeating – it can give rise to diabetes, and obesity, putting pressure on health services. However, diet is 'westernising' in cities in the BRIC countries e.g. in cities such as Mumbai. We need to tackle the 'nutrition transition' and we need less food consumption in the West, and more vegetarian food.
- iii) Can the answer be left to **market forces** ('leave it to Tesco') so that supply and demand will sort this out? No - a common framework is needed to address food security.
- iv) We need a **national policy to grow the right things in the right places** – e.g. the rich and fertile lands of Suffolk could be put to much better uses than farming livestock; whereas the uplands of Lancashire are best suited to sheep farming.

³ <http://www.fao.org/docrep/013/i1683e/i1683e.pdf>

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A recent OECD Report⁴ has concluded that **price increases** are now an **endemic feature** of the global food market. Price increases are creating pressures on policy-makers and politicians.

Professor Lang observed that the current UK Government has 'lost the plot' when it comes to food security (whereas the last Government was beginning to make progress with its strategy for a secure and sustainable food system for Britain – DEFRA's excellent and very smart 'Food 20305').

The UN's special rapporteur on Food Rights is a lawyer called **Olivier De Schutter**. He was described by Professor Lang as "*the most interesting person in global food policy*". This led Professor Lang to raise some questions for lawyers:

- i) What institutions could improve productivity and output in Britain? If there was a crisis, what would be able to do?
- ii) Power lies with the retailers (and they are troubled by this responsibility). What rules and guidelines could help to shape the food policy of Tesco et al? Carbon budgets under the Climate Change Act are making a difference – this law has single-handedly changed the terms of reference for food retailers who have to decarbonise.
- iii) In 2004 Brazil wrote into constitution the 'right to food'. Could the UK adopt voluntary guidelines for a right to food? What difference would this make?
- iv) Carbon rationing is coming in, but nobody likes to talk about it. Could a 'sustainable diet' be a combination of an individual's water ration, calorific intake ration, carbon ration, etc?

Stephen Tromans QC, 39, Essex Street

There is no law and no clear policy in relation to food security in the UK.

Do environmental lawyers regard food security as an aspect of environmental law? The answer is 'probably not'. The textbooks on environmental law do not include chapters on food production and distribution. Issues which are peripheral to food are included – e.g. pesticides and GMOs.

However, food security and the environmental impacts of feeding the population are going to be among the most important issues which governments will face in the coming decades, alongside energy and water. One of the primary tasks of government should be to ensure that the nation is fed, and has water in its taps and energy in its grid. He expressed concern about the "**abdication of responsibility**" by government on all of these matters.

There are many warning signs in relation to food security – the UK's position seems increasingly precarious, and yet this has not always been so. In the 1980s food production was still seen as an important legal matter. WWII food rationing was familiar to and experienced by many, and there were concerns about food shortage. Laws were passed to encourage food production and to safeguard the precious asset of good quality agricultural land.

⁴ http://www.agri-outlook.org/pages/0,2987,en_36774715_36775671_1_1_1_1_1,00.html

⁵ <http://archive.defra.gov.uk/foodfarm/food/pdf/food2030strategy.pdf> This said that we should aim for 'sustainable diets' – mindful of our footprints for the energy and water used in food production. The energy embedded in food production is 'massive' – the biggest contributor to climate change of any sector of the economy.

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The government has taken a 'laissez faire' approach – allowing the supermarkets to do what they like. There is a collective self-indulgence in relation to food consumption, and the sheer volume of **food that is wasted** is obscene (estimated at £13.7bn per year, including the cost of landfilling this waste). We bin 8.3 million tonnes of food in the UK – 81% of which is edible. This is an awful indictment on our society, and on our government which allows this to occur.

The very serious problems which we face in relation to farming and food security include:

- i. Nitrogen pollution from fertilisers – seen by the EU as a very major environmental problem;
- ii. The carbon and water footprints from production and transportation of food;
- iii. Animal welfare practices in the UK and abroad – e.g. 'super dairies' where cows never see the light of day;
- iv. The catastrophic loss of bio-diversity from large scale agriculture;
- v. Controversy over the use of biofuels, and the shift from the use of land for food to energy production; and
- vi. Balance of payments problems which are exacerbated by food imports which also make the country more vulnerable to world events such as terrorism, droughts, bad harvests;
- vii. Rising cost of dealing with food waste; and
- viii. Unhealthy diets leading to obesity and other health problems.

How can these problems be addressed? The Government's **localism** agenda might help: the White Paper⁶ on 'The Natural Choice' included suggestions such as the designation of local green areas to protect green spaces; green infrastructure partnerships could include allotments; and volunteering opportunities. These ideas could support and encourage communities to grow food locally in allotments, garden sharing schemes and so on.

Mr. Tromans made several other suggestions:

- i. Early education – school gardens;
- ii. Network of community allotments should be established using the powers in the Localism Bill;
- iii. Communities should seek to reclaim publicly owned land which is underused;
- iv. Making unemployment benefit conditional on working on such land to grow food.

He noted that the Government is disinclined to use a 'stick', but he made the following further suggestions:

- i. The planning system is an important but underutilised tool. In ***Copeland v Tower Hamlets LBC*** (2010)⁷, it was accepted that the proximity of a fast food takeaway to a school promoting healthy eating was a material planning consideration.
- ii. Government needs much tougher policies to save agricultural land which is well sited, close to markets. Too much good land is being lost to urban expansion.
- iii. We should get the commitment from supermarkets to improve their games in relation to food sourcing and food wastage – e.g. use section 106 agreements which set binding targets for these matters.

⁶ <http://www.defra.gov.uk/environment/natural/whitepaper/>

⁷ <http://lexisweb.co.uk/cases/2010/June/R-on-the-application-of-Copeland-v-Tower-Hamlets-London-Borough-Council>

⁸ <http://archive.defra.gov.uk/foodfarm/food/security/>

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The UK cannot act on its own. There are constraints imposed by the World Trade Organisation and the EU's Common Agricultural Policy. However, **much more determined and concerted action is needed by Government if we are going to avoid very serious future problems.**

Roy Norton, Deputy Director of Food Policy, DEFRA

Food security is a complex matters – it applies to individuals, and raises issues for government and international bodies. What is the Government's policy framework?

First of all some facts taken from the **Food Security Assessment 20108** by DEFRA which looked at the UK's food security, identifying indicators for evaluating these issues:

- i. The UK is 60% self sufficient on all foods,
- ii. We are 75% self sufficient with indigenous foods which are grown in the country;
- iii. We import food from 23 countries, mainly from within the EU.

The Assessment concluded that the diversity of supply was beneficial in terms of food security, as it reduces the risks posed from flooding, animal diseases, and so forth. Even so, the UK should be producing more food, and making the most of our natural advantages.

Mr. Norton also referred to **Sir John Beddington's** Foresight Report on the **Future of Food and Farming⁹** highlighted that of the world's six billion people, 1 billion over-eat and 1 billion do not have enough food to eat. Climate change, food and water are all interlinked. We have a huge challenge to feed a population of nine billion by 2050 with limited resources and climate change.

The report looked at how we can produce nutritious, safe and affordable food, and considered the following issues:

- i. Growing more food in a socially, economically and environmentally sustainable way;
- ii. Price stability;
- iii. Impact of climate change;
- iv. Food imbalance across the world;
- v. Environmental protection.

The Report identified some priority actions that need to be taken:

- i. Spread best practice.
- ii. Invest in new knowledge.
- iii. Make sustainable food production central in development.
- iv. Work on the assumption that there is little new land for agriculture – we need to make the best use of what we have got.
- v. Ensure long-term sustainability of fish stocks.
- vi. Promote '*sustainable intensification*': producing more food with less impact on the environment.

⁹http://docs.google.com/viewer?a=v&q=cache:RLZ2oHy2B0AJ:www.bis.gov.uk/assets/bispartners/foresight/docs/food-and-farming/11-547-future-of-food-and-farming-summary.pdf+sir+john+beddington+food+report&hl=en&gl=uk&pid=bl&srcid=ADGEEsGungvSb5cUxLf38uJ6XIsOWkHLpvZuGdDt6wxNz5lqBeX1GBs-KXAQQfcWs8gCgrgn7fAihz_65OOXDNT1BlnL414VoYQFcw-h4pziu-6jUhCSFti_dBrDMkpkL6IVftnlwgBY&sig=AHIEtbT6LY0FLjLMz8UE6FA77Slr-Ka9rQ

¹⁰ <http://www.defra.gov.uk/environment/natural/ecosystems-services/valuing-ecosystem-services/>
<http://www.defra.gov.uk/environment/natural/uknea/>

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- vii. Include the environment in food system economics (see DEFRA's recent attempt to put monetary value on our ecosystems¹⁰).
- viii. Reduce waste – both in high- and low-income countries. This is a big issue. 30% of food produced globally becomes waste. In developing countries the wastage occurs during storage and transport.
- ix. Improve the evidence base upon which decisions are made and develop metrics to assess progress. We need to understand more about complex inter-relationships.
- x. Anticipate major issues with water availability for food production.
- xi. Work to change consumption patterns. How do we get food choices right – what we should be eating?
- xii. Empower citizens – making citizens aware so that they can reach informed decisions about food.

This is what the Government doing:

- i. Championing the Foresight Report globally - conveying internationally the messages contained in the report as it looked at food security at a global level;
- ii. Seeking changes at the EU level - revisions to the Common Agricultural Policy, and the Common Fisheries Policy so that they reflect food sustainability matters and outcomes;
- iii. We need a good system of trade flows – free trade and transparency is needed to open up markets;
- iv. Considering price volatility – e.g. the G20 will consider this issue at a meeting in Paris on June 22nd 2011¹¹.
- v. Natural Environment White Paper – includes a commitment to bring together Government, industry and environmental partners to reconcile how we can achieve the the twin goals of improving food production and protecting the environment. [Mr. Norton said that we do not know how to do this yet];
- vi. Other matters - biofuels are under consideration, and there will be a water white paper later in 2011.
- vii. Central Government Department's will be following sustainable food guidance – e.g. to purchase sustainable foods.

Mr. Norton said that the challenge is not simply about what government does, but also about initiatives from the retail sector, business federations, and so forth.

Questions:

In the course of various questions from the floor, the following observations were made by the panellists:

Professor Lang observed that food labelling law is not helping us at present – we need information about total diet, not individual items of food. We also need action on total fat. Product specification (given traceability of food products) could help with food sustainability – connecting the food we eat to where it is grown.

¹¹ A plan was developed to address food volatility. See: <http://www.reuters.com/article/2011/06/23/g20-agriculture-lemaire-idUSWEB695820110623>

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Roy Norton invited the audience and fellow panellists to contribute suggestions as to what government should be doing in relation to food security and dietary matters.

Stephen Tromans QC said that whilst it might seem inconceivable that government would intervene in matters such as what people eat, once the costs of inaction become too great, action might well follow (as it had with smoking).

Roy Norton confirmed DEFRA continually look at threats to food security and run various scenarios, including interruption of energy supplies. There are contingency plans in place to deal with this if it occurred.

Professor Lang. Food is getting more expensive. The hidden subsidy called ‘cheap oil’ is coming to an end. The era of cheap food is nearly over as well. The revolution in farming in the 20th century was oil. Fertilisers enabled productivity changes to be achieved.

Stephen Tromans QC said that we have legally binding targets on the amount of energy that we need to generate from renewable. Why don't we have similar targets for food that needs to be derived from sustainable sources?

Professor Lang said that at a very recent meeting which he had attended with the EU's commissioners for food policy and health, the commissioners recognised that without action Europe is walking into an environmental disaster as well as a public health crisis. They made it very clear that they understand the issues. The problem is amending the Common Agriculture Policy – it is not an easy beast to tame. In Britain our discourse about the CAP is that it is EU nonsense, but the UK went down a similar route (also involving subsidies) in 1947. It might take until the 2020 reform of the CAP for public health and food consumption matters to be addressed. It is unlikely that the 2013 reforms to the CAP will tackle these issues, as the changes are already “*done and dusted*”.

Food retailers are not obliged to disclose how much **food waste** they generate to their customers and investors? Should they be? **Professor Lang** thought that reporting would be useful.

Stephen Tromans QC agreed that the Localism Bill is a two-edged sword – it could deliver good or bad outcomes. The real power is going to the Local Enterprise Partnerships rather than local communities.

Stephen Tromans QC though that the Government should reinstate protection under planning laws for the best agricultural land in the country. It has the power to do this. Why doesn't it do this? Perhaps more pressure from NGOs is required.

Summary

What people want is a clear government policy and regulation which is well enforced. In addition, there is a need for increased public awareness and public education. These have been common themes in all the Castle Debates. Attendees were invited to contribute suggestions of topics for the next series of Castle Debates (we are currently considering waste, air pollution and protecting of the marine environment).

Pamela Castle, Chair, Castle Debates

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