

UNIVERSAL FOOD COVERAGE FOR ECUADOR: A proposal based on the narrative of food as a commons

"It is from the champions of the impossible rather than the slaves of the possible that evolution draws its creative force." Barbara Wootton, British sociologist

Issue: A Policy proposal to establish a commons-based food producing system that can guarantee the right to food of any person in Ecuador, a right enshrined in the Constitution (2008)¹, and the right to el Buen Vivir included in the Food Sovereignty Framework Law (2009)².

Policy proposal: Development of a Universal Food Coverage for every person living in the Ecuadorian territory, akin to the Universal Health and Education Coverages found in many other nations. Purchasing power cannot be the barrier that deters poor people to get access to such an essential resource for human bodies. A Universal Food Coverage should be established as part of the social welfare state

Introduction

Food, air and water are the three essentials our human body requires to functioning, but only food is fully privatized. Therefore, food as a purely private good prevents millions to get access to such a basic resource, since the purchasing power determines its access. The industrial food system merely seeks to maximize profit in food production and trading, neglecting all food dimensions other than its tradeability. This note aims to develop a commons-based approach to food, deconstructing food as a pure private good and reconstructing it as a commons that can be better produced and distributed by a tricentric governance system compounded by market rules, public regulations and collective actions. This narrative can sustain the urgently needed transition from the dominating agro-industrial food system towards a food system that is fairer to food producers, consumers and nature, so as to reach a Buen Vivir for all people living in Ecuador. If consumers also become (part-time) producers they will regain control on such an essential as food and thus they may democratize its production. There is no democracy without democracy in production. Private food companies can create value on top of the food commons, but the minimum food threshold shall be guaranteed by the State, with support coming from the self-regulated civic collective actions for food.

Along those lines, food and nutrition security shall be understood as a Global Public Good and the price of food shall rightly reflect its value to society and its multiple dimensions, not just the value in exchange. Should food be considered as a commons, the implications for the governance of the global food system would be enormous, with examples ranging from placing food outside the framework agreements dealing with pure private goods, banning financial speculation on food or developing a Universal Food Coverage that guarantees a minimum food entitlement to everybody every day.

Food-related Knowledge-based Commons in Ecuador

Many food-related aspects are already considered, to a certain extent, common goods, while others are yet rather contested (wild foods and water) or generally regarded as private goods (cultivated

¹ In 2008, Ecuador includes the Right to Food in its Constitution (art 13) as well as the food sovereignty (art 281 and 282). Art. 13.- Las personas y colectividades tienen derecho al acceso seguro y permanente a alimentos sanos, suficientes y nutritivos; preferentemente producidos a nivel local y en correspondencia con sus diversas identidades y tradiciones culturales. El Estado ecuatoriano promoverá la soberanía alimentaria. http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf

² http://www.soberaniaalimentaria.gob.ec/?page_id=132

Amongst the important elements included in the framework law, one could mention its emphasis placed in several provisions on small-scale farmers, who in many underdeveloped countries constitute the majority of people affected by hunger and food insecurity, the calls for the largest possible participation in the development of food sovereignty activities, and the protection of indigenous people and the setting of timeframes and concurrent obligations for the government to realize the right to food (De Schutter, 2010).

food). Below, eight aspects of food-related knowledge are presented, most of them still considered commons (or public goods) but many of them under threat of enclosure by patents or legal privatization schemes. The Ecuadorian Government should guarantee the universal and free access to that knowledge by guaranteeing Creative Commons license to most of them, and preventing restrictive license to enclosure its access.

1.- Traditional agricultural knowledge: a commons-based patent-free knowledge that would contribute to global food security by upscaling and networking grassroots innovations for sustainable and low cost food production and distribution (Brush, 2005).

2.- Modern science-based agricultural knowledge produced by public national and international institutions: Universities, national agricultural research institutes or international CGIAR, UN or EU centres, they all produce public science, widely considered as a global public good (Gardner and Lesser, 2003).

3.- Cuisine, recipes and national gastronomy: Food, cooking and eating habits are inherently part of our culture, inasmuch as language and birthplace, and gastronomy is also regarded as a creative accomplishment of humankind, equalling literature, music or architecture. Recipes are a superb example of commons in action and creativity and innovation are still dominant in this copyright-free domain of human activity (Barrere *et al.*, 2012; Harper and Faccioli, 2009). It is worth mentioning this culinary and convivial commons dimension of food has received little systematic attention by the food sovereignty movements (Edelman, 2013), although it is being properly valued by alternative food networks (Sumner *et al.*, 2010; The Food Commons, 2011).

4.- Edible plants and animals produced by nature: Nature is largely a global public good (i.e. Antarctica or the deep ocean) so the natural resources shall also be public goods, although it varies depending on the proprietary rights schemes applied in each country. Fish stocks in deep sea and coastal areas are both considered common goods (Bene *et al.*, 2011; Christy and Scott, 1965).

5.- Genetic resources for food and agriculture: Agro-biodiversity is a whole continuum of wild to domesticated diversity that is important to people's livelihood and therefore they are considered as a global commons (Halewood *et al.*, 2013). It should be mostly patent-free to promote and enable innovation. Seed exchange schemes are considered networked-knowledge goods with non-exclusive access and use conditions, produced and consumed by communities.

6.- Food Safety considerations: Epidemic disease knowledge and control mechanisms are amply considered as global public goods, as zoonotic pandemics are a public bads with no borders (Richards *et al.*, 2009; Unnevehr, 2006). Those issues are already governed through a try-centric system of private sector self-regulating efforts, governmental legal frameworks and international institutional innovations such as the Codex Alimentarius.

7.- Nutrition, including hunger and obesity imbalances: There is a growing consensus that health and good nutrition should be considered as a Global Public Good (Chen *et al.*, 1999), with global food security recently joining that debate in international fora (Page, 2013).

8.- Food price stability: Extreme food price fluctuations in global and national markets, as the world has just experienced in 2008 and 2011, are a public bad that benefits none but a few traders and brokers. Those acting inside the global food market have no incentive to supply the good or avoid the bad, so there is a need of concerted action by the states to provide such public good (Timmer, 2011).

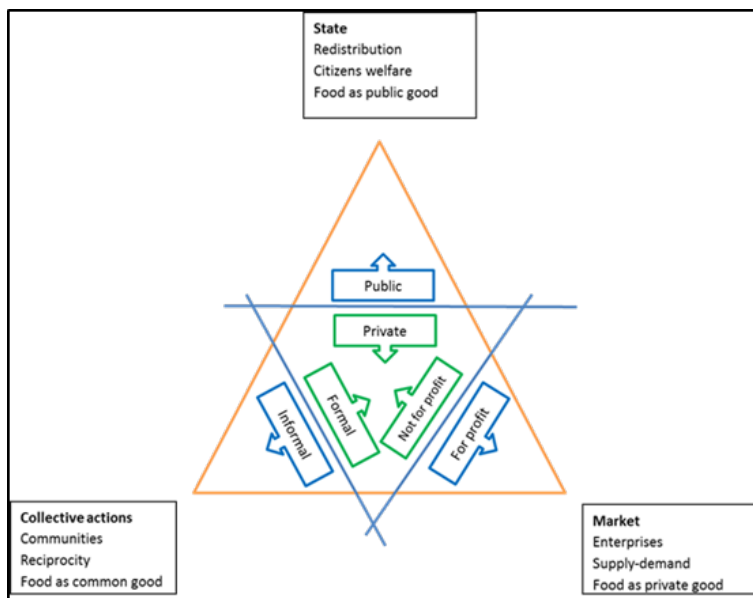
PROPOSAL: Any Ecuadorian food-related knowledge (either genetic resources, traditional knowledge or science-based knowledge) shall be considered as part of the National Heritage and be granted a CC license. Ecuador should not recognize any patent on living organism or living organism-derived substance³ that is created on the basis of this National heritage.

The Tri-centric model to govern that transition to a commons-based economy

Nowadays, in different parts of the world, numerous examples of local transitions towards sustainable food production and consumption are taking place⁴. Based on Elinor Ostrom's polycentric governance (Ostrom, 1990, 2009), food is being produced, consumed and distributed by agreements and initiatives formed by state institutions, private producers and companies, and self-organized groups under self-negotiated rules.

The tri-centric governance schemes are usually compounded of

- civic collective actions for food undertaken initially at local level and whose aim is mostly preserving and regenerating the commons that are important for the community (food as a common good);**
- the government** whose main goal is to maximize the well-being of their citizens and providing an enabling framework to enjoy the commons (food as a public good); and
- the private sector⁵ that can trade undersupply, specialised or gourmet foodstuff (food as a private good).**



Those initiatives demonstrate that a right combination of self-regulated collective actions, governmental rules and incentives, and private sector entrepreneurship yield good results for food producers, consumers, the environment and society in general, and the challenge now is how to

³ For instance, the Epibatidina, a pharmacological substance and its derivatives. <http://es.wikipedia.org/wiki/Epibatidina>

⁴ Amidst the numerous food innovations that are mushrooming all over the world, mostly in urban areas by concerned citizens, one could highlight the following: food trusts in USA (http://www.thefoodcommons.org/images/FoodCommons_2-0.pdf), food swaps in Australia (<http://communitygarden.org.au/>), community-supported agriculture in USA (<http://www.nal.usda.gov/afsic/pubs/csa/csa.shtml>), community food growing and free harvest in Belgium (<http://incredibleediblebelgium.wordpress.com>), food gleaning in UK (<http://www.feeding5k.org/gleaning.php>), food policy councils in Canada (Toronto, <http://tfdc.to/>) and Brasil (Belo Horizonte, http://www.worldfuturecouncil.org/fileadmin/user_upload/PDF/Future_Policy_Award_brochure.pdf), local foodsheds in New York (<http://blogs.ei.columbia.edu/2009/09/11/designers-at-columbia-and-mit-promote-%E2%80%9Cfoodshed%E2%80%9D-concept/>), or the Slow Food movement starting in Italy and now extended to 150 countries (<http://www.slowfood.com/>). [All links accessed January 7 2014].

⁵ The private sector's role in this tricentric system can parallel similar roles of private schools and private hospitals in countries with public health/education systems.

scale up those local initiatives to national level. Civil Society + Ethical Economy + Partner State (enables and empowers social production = commons-oriented peer production)

The re-commonification of food will take several generations so the transition phase should witness greater levels of public sector involvement. The enabling State (similar to that of a partner state⁶) has a vital role to play through taxing and incentives schemes, public credit and subsidies for collective actions, enabling legal frameworks that are not too stringent for self-regulated initiatives and land reforms to maximize common interest. Public/Commons Partnerships shall be promoted so as to guarantee Health, Education, Water, Food and Energy Coverage. The state must be seen as a funding and operational instrument to achieve the society's well-being, being food security part of it. However, this leading role of states should gradually be shifted to the self-initiated collective actions by producers and consumers, as the public provision of food does not surpass the net benefits yielded by the self-organized and socially-negotiated food networks. Therefore, there should be enabling spaces for local governments, local entrepreneurs and local self-organized communities to coexist.

In that sense, the open-source food commons shall be based on at least six means of production that could be governed (and legally considered) as commons (if not totally at least partially):

- (a) Seeds
- (b) Water
- (c) Land
- (d) Workforce
- (e) Machinery
- (f) Extension 3.0

Three spaces of transition where policy interventions, legal provision and financial incentives shall be designed in order to steer transition towards a fairer and more sustainable food system:

a.- Technological innovations (Science and knowledge)

Food production with less ecological footprint shall be encouraged and subsidized: to shift the subsidies from industrial agriculture to agroecology and low input-based agriculture. For instance, Open-source ecology: **Creative Commons farming technology** that can be made in every village⁷, applying the same principles of free software to the food and nutrition security domain. It seems the patents-based agricultural sector is slowing or even deterring the scaling up of agricultural and nutritional innovations and the freedom to copy actually promotes creativity rather than deter it, as it can be seen in the fashion industry or the computer world. Millions of people innovating on locally-adapted patent-free technologies have far more capacity to find adaptive and appropriate solutions to the global food challenge than a few thousand scientists in the laboratories and research centres (Benkler, 2006).

Or food distribution systems that can be re-designed as space-restricted **Food Sheds** such as that elaborated for New York city⁸.

b.- Consumption practices (Behaviour)

Encourage Community-Supported Agriculture, Short-chains, Urban Gardens, Locally-produced Food, Appellations of Origin, farmer's markets and the like, as well as promote by law or fiscal incentives to reduce food waste⁹. For instance, promotion of **urban gardens** and in general stimulating food self-

⁶ Based on Michale Bauwens' proposal: http://p2pfoundation.net/Partner_State

⁷ http://www.ted.com/talks/marcin_jakubowski.html

⁸ http://www.urbandesignlab.columbia.edu/?pid=nyc_foodshed

⁹ http://www.academia.edu/1860940/El_desperdicio_de_alimentos_en_epoca_de_crisis_Soluciones_a_la_paradoja_del_sistema_alimentario_global

production should be encouraged (from a few lettuces in your apartment terrace, to be quasi-self sufficient in basic stuff if you are living in a remote village).

c.- Institutional changes (legal frameworks, policies & financial support).

Using as a legal basis the Constitution and the Food Sovereignty Law, non-market based modes of food provision can be promoted alongside market-based and state-based ones. For instance, **legal space and financial incentives to civic collective actions for food** (i.e. letting them to sell fruits and vegetables in market stalls without much bureaucracy). **Dismantling the patent system** of Ecuadorian living organisms and authorising local farmers to **freely exchange non-certified seeds** can both be concrete ideas that could be undertaken. Or **re-municipalizing all the water management schemes in cities**. Seashores, rivers, lakes and aquifers shall also be governed in a public/commons way, preventing the private sector to enclosure such good (as it is protected by the Constitution and the Food Sovereignty Framework Law).

Moreover, a Brazil-like national programme focused on **local purchases by the state to small farmers, and not big producers**, shall be established so as to acquire food needed for state institutions and facilities such as schools, the army, hospitals and jails. **Banning food speculation in the country**, although allowing financial speculation to be carried out with other commodities and financial products.

A Universal Food Coverage

Based on the narrative of food as a commons, a Universal Food Coverage¹⁰ could also be a sound scheme to materialise this open-source knowledge-based transition. Similar to the Universal Health and Education Systems, every Ecuadorian should be entitled to get a minimum amount of food (or its money equivalent) to eat every day. Every one, rich or poor, every day. In that sense, the minimum wage in Ecuador should be always equal to the Food Basket, so as to force the private sector to respect that threshold.

This social scheme would guarantee a daily minimum amount of food for all citizens (HLPE, 2012). This universal entitlement would protect the only human right declared as fundamental in the ICESCR: freedom from hunger, and it would recognize that eating is a fundamental human need. Considering food as a commons would prioritize the use of food for human consumption, limiting the non-consumption uses. Today, by applying the economic rationale, the best use of any commodity is where it can get the best price (i.e. feed for livestock, pharmaceutical by-products or biofuel).

The food coverage could also be implemented as a Basic Food Entitlement (Van Parijs, 2005) or a Food Security Floor¹¹. This Universal Food Coverage equals free provision of essential health and education. Its universality helps avoid corruption, encourages accountability and legal entitlements, it ensures that powerful and influential people have a stake in them, it makes the scheme a matter of citizens' right, avoids any exclusion and it minimises the social stigma associated to charity food banks or food stamps.

Some concrete elements to start a Universal Food Coverage:

1. State-provided minimum food entitlement: 10 tortillas or one loaf of bread to every Ecuadorian every day (something more testimonial than with a heavy impact, but it needs to start with something tangible).
2. Levelling by law national food basket with minimum wage (revisions to take place four times per year)

¹⁰ An idea called for by Nobel Prize Amartya Sen <http://www.governancenow.com/news/regular-story/amartya-sen-bats-universal-food-coverage> [Accessed January 7 2014].

¹¹ Similar to the Social Protection Floor proposed by Deacon (2012).

3. Food producers (farmers, fishermen) to be employed as civil servants so as to produce food for the national system (likewise engineers, lawyers, teachers or doctors are employed by the state to deliver health, roads and education)
4. State purchased targeting local farmers, so as to guarantee a minimum amount and a fair price to their production, enabling the development of solid national and local markets.
5. Coordinated Safety Nets with a single beneficiary database so as to know how much state-support is given to any given person or household. Combining support from different social programmes, the State should guarantee a minimum amount per month equivalent to the national food basket (in case that person is unemployed).

Background

This note has been prepared by Jose Luis Vivero Pol, researcher at the Universite catholique de Louvain, Belgium, as a contribution to the FLOK Initiative in Ecuador. The idea is based on the new narrative advocated by the author to consider food as a commons and not purely as a commodity, as a foundational rationale for a transition to a fairer and more sustainable food system. Additional information can be found at:

- SSRN Repository: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2255447
- The Broker: The Food Commons Transition. Collective actions for food security. <http://thebrokeronline.eu/Articles/The-food-commons-transition>
- The Conversation, <https://theconversation.com/staying-alive-shouldnt-depend-on-your-purchasing-power-20807>
- The UN University Blog, <http://ourworld.unu.edu/en/why-food-should-be-a-commons-not-a-commodity>

Powerful messages for a commons-based food transition

1. Civic Collective actions for food are a driving force of food transition
2. We cannot let our food to be controlled and distributed by market forces
3. Enclosure mechanisms, privatization, legislation and patents have limited our access to food as commons
4. The value of food is no longer based on its many dimensions that benefit humans
5. Privatized food means we can eat as long as we have money to buy it or means to produce it
6. Re-commonification of food is essential for transition to fairer and sustainable food systems
7. Food and nutrition security is a global public good
8. *Homo cooperans* replaces *Homo economicus* when dealing with food commons
9. Food commons provides meaning and not just utility to food production and consumption
10. Free food programmes should be part of Universal Food Coverage

What are commons or public goods in political terms?

1. Global Public Goods to be provided to society as a whole as they are on every body's interest
2. Commons are everybody's resources, important for all that shall be governed in a commons-based (peer-to-peer, self-regulating, open-knowledge).
3. Commons shall not be enclosed by privatization, legislation, pricing or physical barriers.
4. A commons describe a specific resource that is owned and managed in common, shared and beneficial for all members of a community (Sandel, 2009).
5. Public goods are those deemed desirable by the citizens as they generate tremendous benefits to society, benefits that cannot be fully capitalize by private sector alone.
6. Commons can be provided by private, state means and self-regulated collective actions, and its property can be private, public or mixed.
7. Bundle of rights: right to use resources, right to decide over resources, right to alienate, right to sell

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