Food and farm data as human rights



Entry to the 2021 John Ralph Essay Competition (open category)

John Brisbin | **0407 471 565** | john@ethicalfeast.net

Food, and the farm data associated with its production, should be a public good. Further, all land management information should be public by default. The proposition is advanced through two assertions:

1 - The production of food ought to be a public service, not a speculative competition. Data associated with the farmer's practice is a critical source of intelligence that should be available to assist with the emergence of an optimised farming practice across the sector.

2 - Farming practice ought to be coordinated as an act of reciprocity with all land and people rather than through an imagined isolation from considerations such as ecosystem health and community well-being. The management of land can only proceed with high levels of cooperative land care practice.

Underlying both of these assertions is a sense of urgency driven by the lack of credible response to the problems of land degradation, ecosystem collapse, and climate instability. And these factors in turn relate directly to the vulnerability of city-based populations who rely on a secure food supply. These matters are global in scale, and, while Australian producers may feel a certain detachment, our farmers are thoroughly enmeshed in the global food sector. They have a distinct role to play in the future of food security for all people.

I will propose *what ought to be* with full appreciation of *what actually is*. The challenge of this topic is to excite innovative discussion around the potential opportunities and risks of farm data being

managed as a public good with particular concern for the competitive factors embedded in today's agricultural sector. My view is that the question of farm data as a public good invites a more far-reaching consideration in which we must also conclude that primary production is a public good. In essence, the farming system in Australia, and globally, will need to transition to a new form of commons, managed by and for public good outcomes, irrespective of the concerns of financial capital.

Is food a human right?

As a starting point, let us consider that farm data is related to the production of food. What is the relation between food and the public good? Food itself is the classic example of an excludable and rivalrous asset, so at first glance it seems that the production of food is properly a private and competitive act. Certainly food has been used as a means of social coercion and private fortune, but is that as it ought to be? How do we feel about food insecurity within our families, our local communities, and our global village? Is food merely a matter of private privilege, available to some deserving individuals while others, (presumably less-deserving) should be allowed to starve? In short, is food security a human right, or is it a premium service?

In 1948 the world's nations met and considered this question. Meaningful access to food, water, and housing were crucial matters for delegates. The overwhelming agreement was that food is a human right. That is, the societies of the world took the view that access to adequate, appropriate, and affordable food is a human birthright.

The right to food is formally recognized in article 25 of the Universal Declaration on Human Rights[1]. In 1966, the right to an adequate standard of living was formalised in article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)[2].

Australia, on behalf of all citizens in our country, is party to seven core international human rights treaties which contain various forms of asserting humanity's right to food. As a consequence, Australian legislators are legally obligated to ensure food security for all Australians. The Australian Attorney General's office has issued policy-makers and the public service with unequivocal advice that: "Everyone has the right to an adequate standard of living including adequate food, water and housing, and to the continuous improvement of living conditions."[3] There is no question that the state is obligated to ensure its people have access to meaningful food security (amongst other basic rights).

It's worth noting at this point that the concept of "universal human rights" is itself a relatively modern idea. It would seem that for the majority of human history an individual's rights were negotiated in much more local, communal contexts. Over millennia there would have been many

[1] UN Universal Declaration of Human Rights: (United Nations 1948)
[2] International Covenant on Economic, Social and Cultural Rights (OHCHR 1976)
[3] Taken from (Attorney General, Commonwealth 2020)

different approaches to balance the needs of personal security with group flourishing. We could assume that the pressures of evolutionary fitness weeded out regimes that were too hard on the individual or too parsimonious to the group.

As the past leads toward the present, we might see something of an arc toward the humane. Beginning with the principles set out in Indigenous law/lore and the Codes of Hammurabi[4], and extending through to modern times we can see examples of a "ratcheting upward" on the ethical scale. As people form larger social groups, the need for cooperative principles becomes more critical[5]. How these commitments are expressed vary from era to era. The abolition of slavery has been undertaken at different times[6] by states acting in a coincidental manner until a tipping point was reached and kind of international cooperation formed. The Geneva Conventions emerged from the horrors of industrial-strength warfare and provide another example of cooperation at global scale to deliver some form of universal human entitlement. With the formation of the United Nations in 1945, the world committed to a more intentional process of deliberation on matters that all people share. The United Nations is the first meaningful attempt to administer all of society's commitments to one another in an enduring and public form.

It is heartening to note that the language of the human rights treaties is unambiguous: *everyone has a right to adequate food, without question*. There is no conditionality, means testing, or mutual obligation. No one ought to be left to starve. This is a social pact, an agreement we have made amongst ourselves, and it is humane. It might be seen as evidence of what Steven Pinker (2011) has popularly called "the better angels of our nature."

If our collective intent is clear, then we can turn to the implementation.

The declarations leave wide discretion for states to decide how to meet their responsibilities. Who pays for these schemes? What is the proper role of central government? Who ensures that standards are met? How does the state go about accounting for future risk? These are all considered the proper domain of the state to reach politically and socially acceptable methods for implementation.

In Australia, these commitments have hardly been tested due to our history of being a generally prosperous, well-fed country both before and after European colonisation[7]. We are accustomed to thinking of food security in quite limited terms. It is a concern for certain disadvantaged people or

[4] The Code of Hammurabi, the 282 laws are one of the earliest and more complete written legal codes from ancient times. The codes have served as a model for establishing justice in other cultures… (Timmons 2014) Some would argue for the Cylinder of Cyrus the Great as a starting point for the idea of human rights: https://en.wikipedia.org/wiki/Cyrus_the_Great#Cyrus_Cylinder

[5] Explored in fascinating detail by Robert Sapolsky (2017) in: *Behave! The biology of humans at our best and worst*

[6] See an excellent timeline of abolitionism at: https://en.wikipedia.org/wiki/Timeline_of_abolition_of_slavery_and_serfdom

[7] There are glaring exceptions, of course, including the 22-32% of Indigenous Australians who are chronically food insecure (Bowden 2020).

people in a natural disaster. For the vast majority of Australians, food is a matter of minor economics. Private farming enterprises deliver to a supply chain that, nearly always, puts affordable food on the shelves. Capital provides the financial horsepower for the sector, and farmers are seen to run their businesses the same as any other profit-seeking venture. Markets assure the allocation of resources to their most valuable use, agriculture delivers export earnings to the national accounts, and everyone can pledge allegiance to the goal of a $100Bn farm sector by 2030[8]. But this happy situation is vulnerable to disruption from factors we are already aware of, in addition to the "black swans" that are inevitable in any complex system.

Does capital growth deliver food security?

Within the brief history of European colonisation, Australia's ecosystems have been utterly transformed to better serve the immediate interests of development. Capital speculation has been the driving motivation for Australia's development of a primary production sector. Investors, large and small, overseas and local, put together a line of finance and then take a punt on a block of land. Depending on weather, skill, luck, and a thousand other factors, they may or may not be able to deliver a return on the finance.

The fact that food results from this economic activity is nearly an incidental concern. Certainly, there have been a few pioneers who approached the land with respect and reciprocity. But the overwhelming majority of "settlers" came looking for an economic return in the first instance. If the land would just yield them a couple of good seasons, they would have the freedom to retire to the city, buy more property, or get into other businesses.

By contrast, Indigenous patterns of cultivation appear to be driven by an enduring commitment to the satisfaction of human needs. In this sense, Indigenous stewardship of the land is more directly aligned to the human rights discussed preceding. There is no imperative to drive export earnings, and no urban populations dependent on a class of specialist producers. The point of hunting, cultivating, and harvesting is to convert natural resources into food security in as direct and conservative manner possible. Indigenous philosopher Mary Graham has noted (2021) that traditional people begin with a sense of obligation to the land, approaching it as one would approach a family relation. Harvesting is undertaken as a sacred privilege. Unlike financialised farming, Indigenous land management aims to maintain a direct connection between the harvest and the satisfaction of human needs.

This distinction of intent is critical to our future as we ask: how well does capital growth serve the human right to food security?

Pinker, in tune with the prevailing neo-liberal ideology of recent decades, comfortably supports the idea that society is best organised around market economies where trade and capital play the

[8] Strategic goal off the National Farmers Federation (NFF 2019)

central roles in delivering on social aspirations. It could be argued that Australia's exceptional levels of food security[9] are a direct result of the efficacy of free-market farming, a lack of government subsidies, fierce competition for investment capital, and a sparkling track record of agritech innovation. From this view, it is reasonable to assert that farmers, seeking private gain, will continue to deliver ever more cost-effective ways to extract production from the land. However, this posture appears to only be justified in what economist Herman Daly calls the "empty world" context[10]. Our world is hardly empty.

The living land is staggeringly complex, and complexly interwoven. Farming, especially in the past five decades, has imposed massive distortions onto the Australian ecosphere. The rapid intensification of agricultural development comes on the back of a century of broadscale clearing, damming, and colonisation by both Europeans and their countless foreign flora and fauna. None of this was undertaken with a view to carefully understanding the impacts and proximate risks to an abundant future. We barely grasp the long-term implications of felling 99% of The Big Scrub, chaining the mallee to splinters, pumping the Murray-Darling dry, or dispossessing the land of its rejuvenating relationships to the deeply-attentive stewards that once thrived here. It takes time for the real damage to appear. The heaviest environmental debt payments could well be in front of us.

Far from guaranteeing us a food-secure future, it seems that the capital growth imperative operates more like a risk magnification mechanism as contingencies are continuously externalised and discounted in order to maximise shorter-term economic yields. The business of agriculture continues to grind up this ancient land and its many mysteries in a relentless pursuit of capital returns, while leaving little more than furrows of uncertainty for future generations to contemplate.

And most of this occurs behind the opaque shroud of commercial-in-confidence, making it very difficult for citizens or policy-makers to gain a detailed understanding of the situation. It is difficult to say exactly how much trouble our ag sector is in precisely because of the lack of data. The only reason the data is scarce is due to concerns for commercial loss stemming from either competition between Australian farmers, or the threat of competitive advantage gained by our global neighbours at our expense. These are legitimate concerns within the business-as-usual scenario, but in the context of environmental collapse (or securing adequate food for everyone), concerns over lower capital yields are inappropriate to say the least.

[9] Though prepared as a way to calm people through the COVID19 pandemic, this summary gives a nice snapshot of Australia's food security picture seen through the standard set of Business-as-Usual assumptions: (ABARES 2020)

[10] The empty world is where human technologies are the limiting factor, that is, where natural capital is able to fully recover from human extraction. In an empty world, the limiting factor is human capital. In a full world, resources are the limiting element. When there are no fish, investment in more trawlers does not increase yields (Daly 2015).

Cooperation for the common good

It is easy enough to critique the maladaptive role that capital plays in powering a social narrative based on "growthism," as Daly (2015) and Hickel (2020) frame it. But this obscures the insight that economics has provided the global human community with a shared language that enables vast cooperation networks[11] to organically arise, function, and dissipate without the necessity of a central command function. In this sense, the language of economics is ripe with potential masterworks, or narratives, that could inspire a flourishing of human collaboration toward a shared future.

I have been using the term "economics" loosely to cover a wide range of functions. This deserves a moment of clarification. Money is complicated. In its simplest form, it acts as a handy way for people to store and exchange value. Because we agree money is "scarce", people need to go into debt in order to meet their needs. The money provided to cover debt is a valuable utility in its own right, so the people who loan out money feel justified in charging a rent on the use of their asset.

This sort of arrangement has proceeded without too much alarm for several millennia now. But as Europe's elites began pooling their treasure into new forms such as the Berenberg Bank (1594) and the East India Company (1600) the outlines of modern "capitalism" took shape.

In the first version (Capitalism v0.1?), the simple goal is to transform a stash of cash into a larger stash using whatever means are available. Governments set some rules in place and then leave people to get on with it. This basic recipe has re-shaped the world in the blink of a historical eye, and most would agree that capitalism has powered Western Civilisation's crowning achievements. However, the idea of unlimited economic growth was always going to be a weak point, as observed by numerous critics along the way.[12]

The insatiable demand for opportunities to multiply capital has overshadowed all other human concerns. The original benefits of money as a cooperation mechanism have turned into a tyranny of collaborative destruction. As innovative producer Peter Thompson commented, "Money is a great way for people to signal one another, to communicate and get things done. But money is a terrible thing to accumulate."[13]

The world is literally awash in capital, a hungry, seething, fever dream with one objective: to reproduce more capital. As soon as capital is produced, it looks for new hosts (investment opportunities?) to financialise. The ag sector is just another site for capital reproduction. Thus, we can critique virtually all of Australia's ag sector as being optimised for the efficiency of capital, not

[11] Noah Yuval Harari (2011) describes our capacity to form "intersubjective" cooperation networks as one of our most distinctive evolutionary advantages.
[12] See David Graeber's *Debt: the first 5000 years* (2011) for an excellent survey of alternative economic thought and critique of capitalism.
[13] On-stage musings during a panel session. (ClimateWorks 2019)

for the production of nutrition, the welfare of ecosystems, or the resilience of communities. Capital optimises systems for capital returns.

The demand for return is so overwhelming that capital has turned back on itself in loops of recursion to form a "financial economy" comprised of derivatives, swaps, and other exotic imaginings. The financial economy is a sort of onanistic outlet for a vast excess of promises to the future that can never be fulfilled within the physics of a finite planet (Daly 2015).

Currently the "real economy" is estimated at somewhere in the neighbourhood of $40-$90 trillion dollars. This is the money value in savings, liquid accounts, and tangible assets. In other words, the money we use to signal one another. The financial economy, by contrast, has an estimated value of $1.2 *quadrillion*. This vast expanse of digital wastelands has virtually nothing to do with meeting human needs for a flourishing future, and yet it exerts a real and present force in our society.

Yes, money is a remarkably efficient mechanism for enabling cooperative behaviour, but the only thing we now seem capable of cooperating on is the endless reproduction of finance itself. The living world sees very little benefit from our massively cooperative efforts.

Meanwhile, in a parallel universe, the we know that the land is in need of deep regeneration and re-investment. But we seem incapable of agreeing how to make progress. Ironic that money is so effective at enabling human cooperation, yet so ineffectual at enabling the changes that count the most. In short, we need a better model for cooperative behaviour than what capitalism (v0.1) has been able to offer.

If we are to bring our shared conversation back toward a more humane and biophilic sensibility, we will need to neuter the idea of limitless economic growth. And while we figure out how to do that, we will need to keep ourselves fed. Those farms need to be humming with abundance in the context of overstrained ecosystems, a destabilised climate, and a morass of dysfunctional socio-political polarisations. It's a challenge to be taken seriously.

Cities as social imperative

One way to approach the re-invention of (global) cooperation networks is to confront the logistical risks that cities pose. Nearly 60% of the human population is now concentrated in urban settlements, over half of which are larger than 500,000 in size.[14] This represents a considerable supply chain vulnerability. Supplying sufficient nutrition without interruption is an achievement of the current food system, but, as has been discussed above, the financialised food system is only incidentally optimised to deliver food security. As Tyson Yunkaporta notes (2019), cities have a terrible track record for endurance. They tend to outgrow their resource base, turning inward to

[14] That's approx 4.5Bn people in cities, and 2.2Bn in cities over 500,000. Australia has 6 cities >500,000 pop.

obsess over urban abstractions rather than seeking deeper relations with the other-than-human country that provisions their needs.

In truth, humans probably don't know how to properly facilitate the emergence of a city, much less the morphing conurbations that most people now call home. But as a species we seem pre-programmed to form these dense collectives, and perhaps that is a clue to a learning pathway rather than an excuse to reject the urban project, as some thinkers would see it.[15]

With Yunkaporta's misgivings in mind, we may draw some inspiration from the horticultural societies that predated broadscale agriculture and which also flourished briefly in Europe as a countering force to feudalism.

Horticultural settlements arose for various reasons, including rapid changes to sea level and climate. Wandering groups were forced to stay put and make do. Some may have added extended rest periods between long migrations, and these eventually became semi-permanent. Domestication of plants and animals provided a welcome addition to the usual hunting and gathering. Evidence suggests that early horticultural settlements retained the egalitarian ethics that provided long-lasting group stability in hunter-gatherer groups. Farming was undertaken as a cooperative effort, working land that was considered a commons. In these societies, primary production was a communal activity involving the majority of the group.[16]

At specific places, these horticultural societies appear to have given way to an alternative arrangement. More intensive development of tools and agriculture powered the formation of cities and, eventually, empires. Feudalism arose in Europe after the collapse of the Roman Empire (ca 500AD). The generally horrible conditions for many ordinary people at this time is widely recognised, and appears to have persisted through to the Plague (1300's) which carried off 30% of Europe's population over the course of a single generation.

In an interesting interpretation, Hickel (2020) suggests that the Plague created a labour shortage, tipping the balance of power away from the feudal elites and back toward the people. The period from the late 14th century til about 1550 appears to have seen a spontaneous re-creation of horticultural tradition and the re-formation of commons over land previously controlled by the feudal lords.[17]

Cities provide us with a crisis in the sense of "danger + opportunity". Horticultural societies show us a glimpse of what people can do cooperatively when they are united by factors outside of a capital growth imperative. What remains to explore are methods for translating the commons into a modern vernacular.

[15] For example, see Murray Bookchin in *The Ecology of Freedom* (1982)
[16] An excellent cataloguing of sustainable farming practices by horticultural societies is given in *Farming for the Long Haul* (Foley 2019) and, similarly, support for farming collectives is reached by Sarah Mock (2021)
[17] I will leave a pin on this observation for future reflection in the context of the COVID-19 episode.

We're all in this together

In the modern era, the traditional notion of a commons has all but disappeared, yet it seems like a good starting point to re-imagine what primary production could become once it is freed from the obsession to feed capital first. Above all, commons are a social act. In this sense they are a replacement for the single point of agreement that money currently provides. The commons can be seen as enablers of cooperation networks.

The key factors essential to a successful commons have been proposed by Elinor Ostrom (1990) in her ground-breaking work to validate them as a practical strategy for management of "common pool resources." Here we have sufficient latitude to re-cast any number of commons. For example, some climate crisis activists refer to an "atmospheric commons" as a way to understand that our global village shares the services provided by the atmosphere. Carbon emitted by one actor is relevant to all. Thus, it is appropriate to ask for an open accounting of everyone's emissions to the commons and to cooperate toward fair in-group distribution and discipline of free riders. The effectiveness of governance depends on several factors, including visibility. When people work together (farming, fishing, etc), there is a continuous process of observation and judgement that helps keep people within expected norms.

In the context of Australian farming, the locals know that there are always eyes on them, even though there are fewer neighbours now and more "do-gooders" (and satellites). Aside from the power of hunger, the power of shame (social rejection) and group recognition (social approval) are amongst the most potent forces humans are subject to. For example, the social license debate makes people feel very uncomfortable, and this is important: it makes people feel and act in a way that other motivating strategies do not. The commons can deploy these powers in ways that capital cannot.

The idea that thousands of city folk are looking over each farmer's performance and data streams is intolerable to most current farmers, but this is primarily a problem of the practicalities of farming for profit, in competition with everything and everyone. But, as proposed in this argument, a competitive ethos is inappropriate for the provision of food as a human right. This is particularly true when coupled with the realisation that farmland is more appropriately seen as a commons vested in all the peoples of a country. We all have a right to food, and we all seek to protect and enrich the quality of the lands that are ours to steward. These perspectives firmly shift farming out of the hurley-burly of crass commercialism and into the more sanctified realm of (genuine) public service.

For many producers, the idea of running their land as an open book to the public and the state is cause for alarm. Cultural norms change. The transitions begin when we commit to honest examination of the most uncomfortable matters.

- If we can imagine for a moment that farming ought to be nurturing the most health and abundance from the country as possible, what would a producer be doing that they are ashamed of?
- If there were no competitive pressure for the dollar, why would a farmer not want to share their experience (and data) with anyone who wants to look at it?
- Until all countries adopted a “farming as public service” policy, Australian producers can take their foot off the pedal, produce half as much, and spend their time regenerating country (and their communities).

We can’t know what debates raged in ancient Greece as the forests were cleared from the hillsides, only to be swept away and eroded to bedrock. Each age puts their tools and best intentions to work as best it can. Today’s tools are data-driven narratives that tell the story of land management in ways that the global village can access, understand, and comment upon.

Farmers have a central role to play in bringing our shared future back toward food security in the most profound sense. Farm practice data is a valuable stream of information that ought to first be applied to the problem of feeding the cities without depleting the land. City people are just as interested in food as farmers are interested in caring for their country. Thus, growing a global village of commoners is the best path toward a thriving future, and the place to start is with a culture of open data.

References

ABARES (2020). Analysis of Australia's food security and the COVID-19 pandemic. Available at: https://www.agriculture.gov.au/abares/products/insights/australian-food-security-and-COVID-19 [accessed 29 September 2021]

Attorney General, Commonwealth (2020). Right to an adequate standard of living, including food, water and housing. Available at: https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/right-adequate-standard-living-including-food-water-and-housing [accessed 16 September 2021]

Bookchin, M. (1982). The Ecology of Freedom. Available at: https://theanarchistlibrary.org/library/murray-bookchin-the-ecology-of-freedom [accessed 17 September 2021]

Bowden, M. (2020). Understanding food insecurity in Australia. Available at: https://aifs.gov.au/cfca/publications/understanding-food-insecurity-australia [accessed 29 September 2021]

ClimateWorks (2019). Natural capital summit. Available at: https://www.climateworksaustralia.org/news/land-use-futures-team-hosts-natural-capital-summit/ [accessed 30 September 2021]

Daly, H. (2015). Economics for a Full World. Available at: https://greattransition.org/publication/economics-for-a-full-world [accessed 29 September 2021]

Foley, M. (2019). 'Farming for the Long Haul: Resilience and the Lost Art of Agricultural Inventiveness'. (Chelsea Green Publishing.)

Graeber, D. (2011). 'Debt: The First 5000 Years'. (Melville House.)

Graham, M. (2021). The Law of Reciprocity.

Harari, Y. N. (2011). 'Sapiens: A Brief History of Humankind'. (Harvill Secker.)

Hickel, J. (2020). 'Less is More: How Degrowth Will Save the World'. (Cornerstone Digital.)

Mock, S. (2021). I tried to prove that small family farms are the future. I couldn't do it. *The Counter*. Available at: https://thecounter.org/sarah-mock-fails-to-prove-small-family-farms-are-the-future/ [accessed 5 November 2021]

NFF (2019). 2030 Roadmap: Australian Agriculture's Plan for a $100 Billion Industry. National Farmers Federation. Available at: https://nff.org.au/wp-content/uploads/2020/02/NFF_Roadmap_2030_FINAL.pdf

OHCHR (1976). International Covenant on Economic, Social and Cultural Rights. *United Nations Office of the High Commissioner*. Available at: https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx [accessed 29 September 2021]

Ostrom, E. (1990). 'Governing the Commons: The Evolution of Institutions for Collective Action'.

(Cambridge University Press.)

Pinker, S. (2011). The better angels of our nature: The decline of violence in history and its causes. Available at: https://sci-hub.do/https://books.google.com/books?hl=en&lr=&id=c3cWa-GnsfMC&oi=fnd&pg=PT13&dq=Steven+pinker+better+angels&ots=aMhClnSHbe&sig=cD6E3WquP0iFVzniH64dnRGy_68

Sapolsky, R. M. (2017). 'Behave: The biology of humans at our best and worst'. (Penguin.)

Timmons, G. (2014). Hammurabi. Available at: https://www.biography.com/political-figure/hammurabi [accessed 29 September 2021]

United Nations (1948). Universal Declaration of Human Rights. Available at: https://www.un.org/en/about-us/universal-declaration-of-human-rights [accessed 29 September 2021]

Yunkaporta, T. (2019). 'Sand Talk:How Indigenous Thinking Can Save the World'. (Text Publishing.)