



**International Bar Association  
28th Annual Competition  
Conference:  
The Food Security Crisis and  
the Role of Competition Policy**

Eleanor Fox

Professor Emerita, New York University  
School of Law

Florence, 6 September 2024

# Thesis

---

There is a food crisis. Millions of people are starving. Why?  
Is this a crisis of human rights or a crisis of market failure?

Should the competition community say: Not my problem? Or  
should the competition community say: Let's fix it on the  
market side?

The competition community is consumed by the "goals' wars."

I will "prove" how the goals' wars dissolve in the face of the  
existential problem of hunger. Market failures stand in the way  
of life or death. The human rights community asks for more  
and more aid. The competition community asks for freeing up  
the market.

# outline

---

1. The food crisis
2. The backdrop: What is a competition problem?
  - The big battles: Are equity, deep inequality, poverty, distribution, neo-liberalism versus neo-Brandeisism/ordoliberalism relevant?
3. Food/hunger sidesteps the battles of antitrust
  - a. The Johannesburg CCRED program
  - b. The ICN project
  - c. Steps ahead
4. Convergence of the camps – or: The (mostly) irrelevance of ideologies in the face of hunger

# 1. The crisis



“In 2023, 281.6 million people or 21.5 % of the ...population faced high levels of acute food insecurity in 59 food-crisis countries/territories.”

*Causes:* Conflict, weather, economic shocks, less humanitarian funding. [Market obstructions?]

**“We produce enough food to feed 10 billion people. So why does hunger still exist?”**

Jeremy Erdman, Medium, 1 Feb. 2018

**“A Tragedy is Unfolding in the Poorest Countries,”**

Indermit Gill, M. Ayhan Kose, World Bank, 21 Sept. 2023

**“Extreme Poverty in Developing Countries  
Inextricably Linked to Global Food Insecurity  
Crisis,”** UN Press Release, 11 Oct. 2023

“

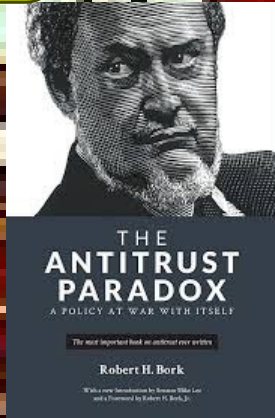
# UN Sustainable Development Goals



Goal 2 : zero hunger by 2030

## 2. But is this a competition problem? What IS a competition problem?

Feeding the poor is only about distribution

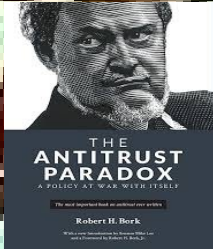


Hunger is heart and soul antitrust



## 2. But is this a competition problem? What IS a competition problem?

Only  
distribution



Inhumane is  
antitrust



Wait a minute! We are seeing  
REAL MARKET FAILUREs – of which  
we know a thing or two





# 3. Food/hunger sidesteps the battles of goals of antitrust

---

## a. The Johannesburg CCRED project

CCRED monitors market movements, including in food/ag

“The **African Market Observatory** (AMO) monitors prices within and across countries in East and Southern Africa at different levels of supply chains and assesses other market dynamics of the workings of markets for staple foods.”

<https://www.competition.org.za/africanmarketobservatory>

**Data reveal “suspicious” movements:** Why is grain not moving from country of oversupply to country of scarcity? Why are prices competitive in country A but monopolistic in neighbor B?

See Simon Roberts, Competition, trade, and sustainability in agriculture and food markets in Africa, 39 Oxford Rev. Econ. Pol. 147(2023)

## **b The ICN Project**

---

Simon Roberts, Mor Bakhom and I brought a project proposal to The International Competition Network

Adopted in principle on run-up to Annual Conference in Barcelona Oct. 2023; Kenya/South Africa co-chairs; COMESA/Brazil+ supporting

Questionnaire to ICN members to determine extent of their concerns and their actions on the issues; 47+responses

Data oriented at this stage 1; progress at Saiupe, Brazil

# c Steps Ahead

---

1. **Getting more data**; sharing; possible common template

monitoring for suspicious flows, differences in neighbors' prices

2. Interpreting the data; clues to **[cross-border] violations? pursuing**

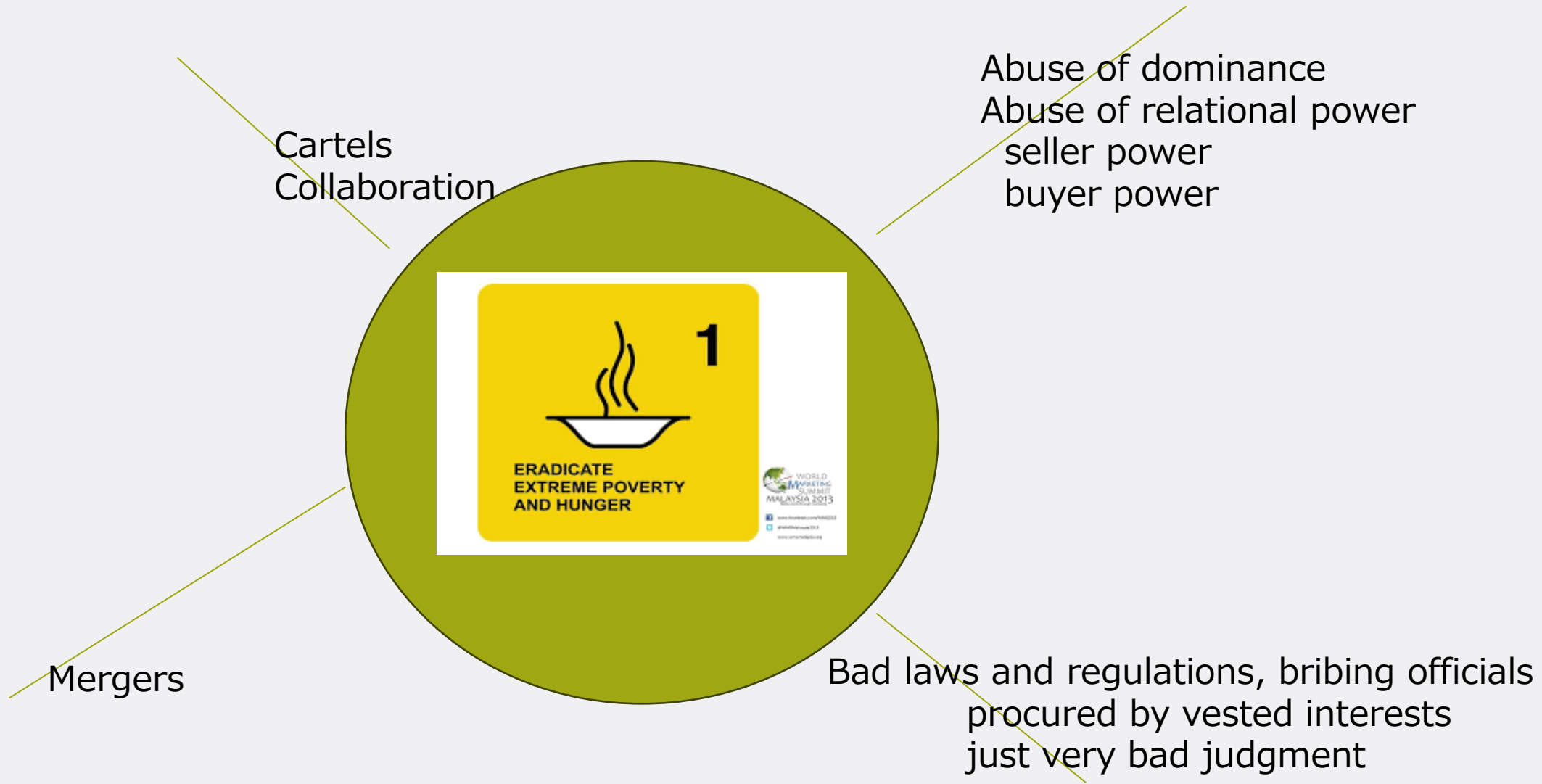
3. How much is probably NOT explainable by either antitrust violations or events (e.g. war) that are not competition-related?

Encourage agencies to develop a list: perverse regulations

Strategies to **challenge barriers beyond antitrust**

**Advocacy Plus; coordinate with Trade/FreeMovement**

# 4. Convergence of the camps – or: The (mostly) irrelevance of the ideologies in the face of hunger



# What has gone wrong and is below the surface? questions

---

**Cartels: eg potash, fertilizers – (overly) high cost of inputs to farmers; poultry – cartels exist but cannot be proved?**

**Food value chains – exploitation or efficiency by large-scale middlemen?**

**Grocery sector – why are prices so high? ACC, US FTC, India**

**Why is East & Southern Africa a net food importer?**

**Seeds and agro-chemicals – what is the effect of the megamergers?**

**Why do Malawi, Uganda, Zambia farmers get depressed prices for soy beans?**

# CONCLUSIONS

