It has been estimated that by 2050 there will be over 9 billion people on the planet. Inevitably, demand for food will increase. Yet the shift in agricultural production from food into biofuels coupled with the loss of agricultural land through urbanisation, soil erosion and desertification caused by climate change, means food prices will become increasingly volatile, with price spikes like those witnessed in the 2007-8 food crisis more likely. Price volatility is a problem particularly for the poor in developing countries as they are less likely to have access to nutritious food that is both socially and culturally appropriate for their needs. How to ensure all people have physical or economic access to nutritious, social and culturally appropriate food is one of the most pressing problems of the 21st century. There has been much disagreement amongst trade lawyers and human rights lawyers how best to resolve this tragedy. One solution advocated by human rights lawyers is to re-orientate international economic law away from the prevailing ‘free trade’ paradigm that underpins the existing rules, towards a ‘right to food’ paradigm that instead puts the individual’s needs rather than protection of the ‘market’ in food at the rules’ heart.

This paper argues that thinking in this way masks the complexity of the problem that the rules are designed to resolve and underestimates how law works actively to resolve that problem. It is by recognising international economic law as an dynamic part of the solution to food security challenges, especially in developing countries, that a new conversation about the ways we can feed the world’s growing population can take place.