

The human right to food and agricultural trade



For many developing countries agricultural exports constitute their only way of generating foreign exchange.

Photo: Guenay Ulutunçok

The number of people suffering from chronic hunger has not dropped in recent years; on the contrary, it rose from 820 million in 1996 to 923 million in 2007. Thus, the target of halving by 2015 the number of people in the world who are hungry, which the international community of states set in 1996, is beginning to look virtually unattainable.

The extent to which cross-border trade in agricultural produce could help alleviate poverty and hunger has been a topic of international discussion for a long time now. Whereas some actors see the integration of developing countries into international agricultural trade as an important contribution to promoting economic growth and combating poverty – and thus as a way of implementing the right to food – other observers stress how international trade can jeopardise local food security.

The relationship between agricultural trade and food security is complex. How can international trade promote the realisation of the human right to food and what are the inherent risks of liberalisation? This issue paper will point to the key factors involved, exploring in particular the international conditions. In addition to this, a number of recommendations for action within development cooperation will be outlined.

On the initiative of Germany and a number of other countries, the United Nations Food and Agriculture Organization (FAO) has developed a raft of recommendations on how different policy areas can be designed to promote food security and the right to food: these "Voluntary Guidelines to Support

The human right to food

Article 25.1 of the Universal Declaration of Human Rights proclaimed by the United Nations in 1948 states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food (...)." This human rights charter is not directly legally binding, but an obligation under international law to respect, protect and fulfil the human right to food does exist under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which entered into force in 1976 and has to date been ratified by 158 countries.

In 1999, the UN Committee on Economic, Social and Cultural Rights provided a definition of the human right to food in its legal commentary interpreting the ICESCR. It states that the right to food is realised when "every man, woman and child ... has physical and economic access at all times to adequate food or means for its procurement." (*General Comment 12 on the right to adequate food*)."

This means that countries have an obligation to progressively implement the right to food, using all available resources, by

- **Respecting that right**, i.e. not taking any measures that would make access to food more difficult;
- **Protecting that right**, i.e. preventing other actors from obstructing the access of their own population to adequate food;
- **Fulfilling that right**, which means pro-actively engaging in activities intended to strengthen people's access to and utilisation of resources and means to ensure their livelihood and giving direct assistance to people who do not have the resources to provide for themselves (e.g. through social welfare systems).

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the Realization of the Right to Food” were adopted by the FAO Council in 2004 and therefore by the Member States, which totalled 187 at the time. Guidelines 2.3 and 4.7 in particular are concerned with economic and trade policies. Section III on international measures notes that international trade can play a major role in promoting economic development, alleviating poverty and improving food security at the national level.

International trade, food security and the human right to food

Ideally the integration of developing countries into international agricultural trade should lead to more efficient use of resources and larger sales markets, generate higher incomes and generally have positive growth effects for national economies. This in turn can improve access to food and thus promote realisation of the right to food. Furthermore, for many of the least developed countries, agricultural exports are the only – or at least the most important – way of earning foreign exchange, which is used to finance imports, primarily capital goods and energy.

However, there is nothing automatic about this – trade does not automatically bring about economic growth nor alleviate poverty and hunger. Good framework conditions at national and international level and a strategic trade policy are crucial in enabling developing countries to make use of the opportunities provided by international trade.

Trade policy at national level

The issue of what role the state should play in promoting and regulating trade is complex. Neither the extremely overregulated agricultural markets and the highly state-controlled trade policies that were widespread in the 1960s and 1970s, nor the extensive liberalisation of trade combined with a total retreat by the state that was particularly advocated in the 1990s trigger long-term broad-based growth and alleviation of poverty in developing countries. The current debate on economic and trade policies concedes that both market forces and state intervention have a certain role to play in combating poverty and hunger. There is disagreement on the relative weighting given to the state and the market.

What is important is that a government’s trade policy takes into account the interests of different groups of its population and analyses the opportunities and risks of liberalising trade in the light of its impact on the right to food. A strategic decision might be, for example, to promote a region’s trade in food to compensate for crop failures in the region.

Furthermore, the state also has to assume responsibility for creating appropriate conditions for commercial actors to en-



Whether local producers can sell their products is largely dependent on the terms of trade of the global market. Photo: GTZ

sure that they enjoy favourable conditions for production and trading. Among other things, agricultural producers need legal certainty and easier access to essential input materials, services and sales markets. Particularly in recent decades, support for agriculture has been severely cut back, partly as a result of structural adjustment programmes imposed in developing countries by the state and by donors, so that current production levels in developing countries represent only a small fraction of actual potential.

The international trade regime

International trade regulations also play a major role in using agricultural trade to help implement the right to food. They determine the terms and conditions on which developing countries can become active in the regional and international market. The current international trade regime continues to favour industrialised nations and creates disadvantages for developing countries, particularly in the agricultural sector. For example, the OECD countries continue to subsidise their agricultural production to the tune of around EUR 180 billion each year, creating tough competition for produce from developing countries both on local and international markets. In particular, products from industrialised countries that benefit from export subsidies can jeopardise the human right to food, because they appear on the markets of the developing countries as cheap imports that domestic products are unable to compete with. Whereas cheap imports can be positive for the urban population, the imports mean that the rural population, whose main source of income is agriculture, face loss of income. Without adequate income, small-farming families cannot buy the supplies they need such as seed or fertiliser. People’s right to food can thus be violated twice over: first, directly – as a result of loss of income – and, second, indirectly – as a result of reduced opportunities to produce food themselves.

Multilateral and bilateral trade agreements can help improve the framework conditions for developing countries. They can open up sales markets for products from developing countries, attract investors and create new economic opportunities. They can also ban any regulations that are detrimental to people living in poverty and hunger, one example of which are the low purchase prices for agricultural produce that are often fixed by the state. Moreover, trade agreements can also restrict the harmful practices of trade partners, such as the above-mentioned export subsidies of the industrialised states that distort competition.

There can also be a positive impact if a set of regulations that is generally designed to reduce state intervention contains explicit exceptions that will promote food security and rural development. Thus, for example, “Special Products” and “Special Safeguard Mechanism” are two instruments that form part of the World Trade Organisation’s (WTO) multilateral negotiations.

Special Products

Special products are exempt from the rules on cutting tariffs on the grounds that they are of key importance in achieving food security, securing people’s livelihoods and promoting rural regions in developing countries. The idea is that each developing country should be able to specify its Special Products in line with certain criteria. These criteria are the subject of WTO negotiations.

Special Safeguard Mechanism (SSM)

The Special Safeguard Mechanism provides developing countries with prompt and flexible protection measures to counter very low import prices or acute surges in imports. The details of the SSM are similarly a subject of discussion in WTO negotiations.

When the current round of WTO negotiations is completed, it is – at any rate – vital to ensure that the regulations create the right conditions to facilitate the realisation of the human right to food. Bilateral agreements, such as the EU’s Economic Partnership Agreements with its partner states in Africa, the Caribbean and Pacific (ACP states), should also be designed in a way that ensures they help to implement the right to food.



Revenues from agriculture secure people’s living and constitute a precondition for further investment. Photo: GTZ

Recommendations for action to implement the human right to food

Agriculture for the poorest

Any strategy that seeks to use international trade as an instrument to promote the human right to food must include carefully targeted government policy measures to further the attainment of food security for population groups that are at risk. At a national level, these are primarily the same measures that are recommended overall to realise the right to food. They range from improving infrastructure and providing agricultural advisory services through to guaranteed access for small farmers to productive resources such as land or credit.

Assessing potentials and risks

It is crucial that the potentials and risks of trade liberalisation – especially for groups whose right to food is threatened – be assessed prior to liberalisation and constantly monitored during implementation. Governments must have the necessary latitude to exempt particular sectors in which the risks outweigh the potentials, either exempting them from liberalisation from the very outset or reintroducing restrictions in instances where severe negative effects unexpectedly occur. The groups affected must be incorporated into the assessment and monitoring processes and be integrated into general mechanisms intended to monitor the right to food.

International trade agreements and international responsibility

Multilateral and bilateral trade agreements must be designed in such a way that they do not obstruct the implementation of the human right to food, but instead create the conditions needed to implement it. That also means abandoning agricultural subsidies that have negative consequences for developing countries. To fulfil the international community’s responsi-



Over generations, trade agreements exercise their influence in the way the right to food is being realised or not. Photo: GTZ

For the human right to food, it is also important that industrialised states support developing countries in their attempt to flexibly use the mechanisms created in order to protect the sectors of the economy that are important for food security.

Development cooperation should take greater account of and support these recommendations and measures when providing policy advice to partner countries and when advising European decision-makers.

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Value chains bring in cash

A careful analysis of agricultural produce as it travels from the farmer to the consumer identifies weak points and opportunities for improvement. Management, organisation, improved quality, compliance with standards, new trade partners or better services there are many possibilities for intervention along the value chain.

GTZ, acting on behalf of BMZ, used these opportunities to support small farmers in Ecuador in accessing new sales markets in Europe. Since then the farmers involved are earning around three quarters more income from cocoa than they did before; with coffee they have doubled their earnings. That has strengthened their economic power and provided them with more money to buy food (*cf. the Issue Paper “Promoting the diversity of crop plants and animal breeds through marketing – Example: Fine flavour cocoa from Ecuador”*).

In Kenya, GTZ, acting on behalf of BMZ, is using a programme to promote value added activities in agriculture to provide advice and training to strengthen the degree to which farmers exercise their basic rights. An initial result is that democratic principles are being observed to a greater extent in farmers’ cooperatives and associations, and that farmers are now in a better position to negotiate with wholesalers. In parallel to this, advice is being given to the government on matters such as how to organise the national budget so that more funds are directed to rural areas.

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Nutrition security is key in the fight against HIV and Aids



Providing people with access to sufficient food is one effective contribution when it comes to contain the spread of HIV/Aids.

Photo: Guenay Ulutunçok

Where hunger and poverty are most widespread is also where most of those affected by HIV and Aids live. Especially in sub-Saharan Africa both have reached alarming proportions. Although only 10 % of the world's population live here, it is home to 60 % of all HIV-infected people. Women and girls are particularly hard hit, making up almost 60 % of all those infected; in the 15 to 24 age group the figure rises to 75 %. At the same time women in many countries are particularly affected by nutrition insecurity.

Malnutrition on one hand and the spread and progression of HIV and Aids on the other are subject to a variety of interactions. It is an undisputed fact that HIV has grave effects on the socio-economic situation in developing countries – particularly in Africa – and can exacerbate poverty and hunger. However, as yet too little attention has been paid to the reverse effects, that is, the repercussions of malnutrition on the spread of HIV and Aids, with the result that the potential of nutrition security in the fight against the immune deficiency disease has been too little exploited to date.

Meanwhile a few governments and international organisations have acknowledged the importance of nutrition in the fight against HIV and Aids. For example, in 2004 the World Health Organization passed a resolution calling on member

states to incorporate the issue of nutrition in their strategies to combat HIV, but this is still far from being implemented across the board.

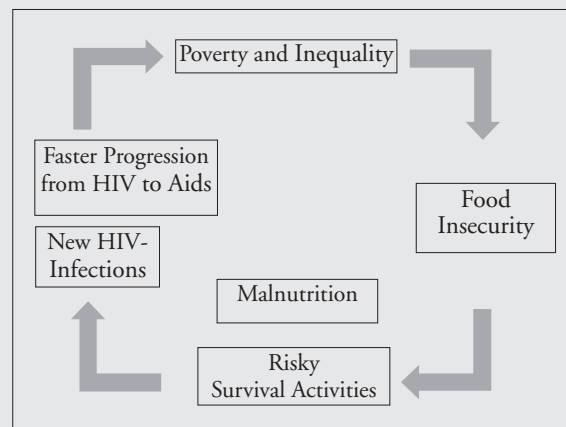
Food and nutrition security

The Food and Agriculture Organization of the United Nations (FAO) defines "*food security*" as a situation in which all people have, at all times, physical, social and economic access to sufficient, safe and nutritious food to satisfy their physiological needs and customary food preferences and to guarantee them an active and healthy life.

Food security is a necessary, but not a sufficient precondition to "*nutrition security*". The concept of nutrition security also includes the adequate utilisation of food as well as access to basic health services, clean drinking water, sanitation and sufficient welfare provision for all family members. Nutrition security has been achieved when all people exhibit an adequate nutritional status and are free of the symptoms of energy, protein, vitamin and mineral deficiencies.

As the term "nutrition security" is more comprehensive than "food security", it will be used throughout this text.

HIV/AIDS and food insecurity: a deadly relationship



Source: Save the Children/ Oxfam 2002

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Link between nutrition and the health status of HIV-infected people

„In Malawi I met a group of HIV-positive women. As I always do when I meet people with HIV and Aids, but also when I meet other groups from the community, I asked them what was most important to them. Their answer was clear and unanimous: “Food”. Not nursing care, not Aids medication, not freedom from stigma – just food.“

Peter Piot, Executive Director of UNAIDS
(Joint United Nations programme on HIV/Aids)

Macronutrient and micronutrient deficiency in the diet of HIV-infected people increase the risk of opportunistic infections, that is, illnesses arising because of the HIV infection and the resulting immunodeficiency, and lead to higher mortality. “Nutrition is first aid for Aids”, the United Nations Food and Agriculture Organization concluded in 2002. With the right nutrition body weight and physical capabilities can be maintained and the body’s defences strengthened. The time span between infection with HIV and the onset of Aids is extended, and the need for treatment with antiretroviral drugs (ARVs) delayed. A good diet helps to prevent the illnesses and complications which often occur with HIV infection, for example, fungal diseases, herpes, lung infections, tuberculosis, diarrhoea, weight loss, oral infections, nausea and vomiting. In addition it can improve the infected person’s quality of life and enable them to lead a longer, more productive life.

It should also be taken into account that people infected with HIV have a much higher energy requirement.

Good nutrition is essential for successful antiretroviral treatment

Antiretroviral treatment can be especially successful when access to appropriate nutrition is guaranteed. Severely undernourished people who take antiretroviral drugs are six times more likely to die than well-nourished people. It is also more difficult for them to cope with the side effects of the drugs, and their bodies need longer to build up sufficient resistance to the infection.

HIV-infected people who have no access to food are often reluctant to start lifesaving drug treatment. Others stop taking ARVs if they have nothing to eat – an action that can quickly lead to resistance to the medication and its consequent ineffectiveness.

Increased risk of infection and transmission

Malnutrition can raise the risk of infection for two reasons: firstly, it causes the physical barriers (skin, mucous membrane) and the immune defences of the mucous membranes to be weakened, thereby affording better entry possibilities for the HI-Viruses. Secondly, malnutrition reduces the production of CD4 cells, a particular type of lymphocytes which coordinate the immune system and help other lymphocytes to fight infection. A deficiency in vitamins with antioxidant effects (vitamins A, C, E) and minerals (selenium, zinc) and a low CD4 cell count all contribute to a higher virus burden, i.e. to the number of HI-viruses in the blood plasma and other body fluids. Thus malnutrition increases the risk of transmission from one sexual partner to another and from a mother to her child.

Furthermore malnutrition can increase the risk of genital ulcers, sexually transmitted diseases and inflammation of the mammary glands, which again have been shown to increase the risk of an HIV infection. If no preventive measures are taken, around one third of babies born to HIV-positive mothers will be infected during pregnancy or childbirth, or by breastfeeding. Malnutrition impairs the mother’s immune status, one of the most important factors in influencing the risk of HIV transmission. In addition it should be taken into account that women require increased amounts of certain nutrients during pregnancy and while breastfeeding.

A healthy and balanced diet is an important prerequisite for the optimal function of the immune system. Access to sufficient nutrition can help to reduce the vulnerability of households and individuals to infection. Therefore nutrition and nutrition security should become absolutely integral to the combat strategies. However, it should always be emphasised that a balanced diet is not a substitute for conventional prevention methods or for antiretroviral drugs.

Apart from influencing the biological risk of infection, poverty and nutrition insecurity can lead to behaviour patterns and survival strategies which in turn add to the risk of an HIV infection. Potential risk behaviour such as prostitution or transactional sex often represents a way for women and for men to obtain the money which is lacking for food. Empirical studies have shown that poverty in developing countries is one of the main reasons why women go into prostitution.

Recommended action

Current efforts to make access to adequate nutrition central to the strategies for combating HIV should be intensified. Governments should make this issue a fundamental compo-

ment of their national health plans, support the development of appropriate capacities, mobilise resources and develop guidelines based on the latest research. Improving nutrition security and supporting “at risk” sections of the population within the framework of community development requires close cooperation and coordination between agriculture, health, education and social services.

• **Health sector:**

Nutritional information and advice should be integral to health services and information campaigns. In order to prevent stigmatisation and to promote health for all, the aim should be that information and advice always reach the whole population, and not just those infected with HIV. The promotion of a balanced diet for people with HIV and Aids must form part of a comprehensive support strategy at all phases of the infection. This also includes therapeutic nutrition and nutritional supplements for malnourished people. Short-term nutritional support should be coupled with measures to achieve sustainable nutrition security as well as income generation programmes. The causes of malnutrition must be tackled separately. To ensure that this happens the health sector needs to work closely with other sectors.

• **Rural development and agriculture:**

The countries worst affected by the pandemic are the ones most heavily dependent on small-scale farming. Nutritional security can be improved by promoting smallholder farming and agrobiodiversity, by cultivating low-maintenance nutrient-rich crops and by diversification (*cf. Issue Papers “Agrobiodiversity – the key to food security” and “Agrobiodiversity – an option for cushioning the consequences of HIV/Aids”*). In this way working the fields and harvesting can be more evenly spread throughout the year. Likewise vegetables and fruit grown in home and community gardens increase variety in the diet and provide essential nutrients. Local knowledge about agrobiodiversity, farming and nutrition should be documented and passed on to the younger generation.

Agricultural advice services already in existence should also offer educational programmes and dietary advice, as well as advice on the subject of HIV and Aids. Access to health services can be improved for the rural population through cooperation between agricultural extension services and health facilities together with the establishment of referral systems between the two. Microfinance initiatives and income generating activities are further possible ways of ameliorating the nutrition situation.

• **Education sector:**

School garden programmes teach practical skills and can also contribute to the growth of home gardens. In areas with high

Home gardens

In Namibia the German Federal Ministry for Economic Cooperation and Development (BMZ) is promoting nutritional advice and the planting of home gardens. On behalf of BMZ and in cooperation with the German Development Service (DED), GTZ is supporting the Namibian Ministry of Agriculture in mainstreaming HIV. Following pilot training schemes and a trial period in 2008, the staff of agricultural extension services as well as other disseminators (NGOs, support groups) are due to be trained. The creation of home gardens forms part of *Positive Living*, the holistic approach devised by David Patient and Neil Orr. David Patient has been living with HIV for more than 25 years and, together with his partner, has already run training courses on the *Positive Living* approach in several countries.



Keyhole garden in Lesotho.

Photo: Julia Sievers

With the financial support of the German Federal Ministry of Food, Agriculture and Consumer Protection (BMELV), FAO carried out a multisectoral project in Malawi und Lesotho from 2004 to 2008. The aim was to improve the nutrition security of orphans and also children and their families who were affected by HIV and Aids. Amongst the schemes promoted were low-maintenance gardens in rural communities in Lesotho, known there as “keyhole gardens” on account of their shape. Once laid out, they require only minimal work, which can be carried out by the elderly, children and people in a weakened condition. These gardens can be watered with untreated water, need no inorganic fertiliser and are not very vulnerable to fluctuations in the weather. A keyhole garden produces enough vegetables for a family throughout the year. In addition training courses were offered on healthy diets and the preparation of nutrient-rich meals.



Pygmies preparing a meal in the traditional way: Local knowledge about nutrition should be documented and preserved.

Photo: Guenay Ulutunçok

levels of nutrition insecurity, school meals programmes can make attending school more appealing and improve the dietary condition of the pupils. Nutrition education and information on the connection between health and nutrition should form a core component of the curriculum.

Conclusion

The promotion of nutrition security can make an important contribution to the prevention of HIV and to the ameliora-

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tion and maintenance of the health status of HIV-infected people. Therefore nutrition should take considerably higher priority in programmes to combat HIV than it has until now.

Social security: The Kalomo Pilot Scheme in Zambia – Social assistance with cash

Social safety nets can mitigate social and economic difficulties and thus improve access to adequate nourishment, as experiences in Zambia show. In 2004 the Zambian Ministry of Community Development and Social Services set up a pilot project with the support of GTZ – social assistance for more than 1000 households on very low incomes in the Kalomo district. Recipients of the cash were mainly households headed by elderly women caring for Aids orphans or children whose parents are chronically sick. The heads of the recipient households spent most of the cash transfer they received on the children, using it to buy food and other essential items. Some of them invested part of the money in seeds and paid a neighbour to plough their land ready for sowing, and some bought chickens or a goat. The Kalomo Pilot Scheme led to the extension of social cash transfer schemes to other districts as well. These transfers have now become a central component of Zambia’s social security strategy.

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Governance of Agrobiodiversity

The International Treaty on Plant Genetic Resources – status of implementation



In 2007, the steering committee of the International Treaty on Plant Genetic Resources for Food and Agriculture adopted a resolution. Its aims include involving farmer organisations more closely in the work of the committee, as farmers worldwide make a significant contribution to the protection of agrobiodiversity.

Photo: ENB Bulleting

The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) was adopted by the members of the Food and Agriculture Organization of the United Nations (FAO) in 2001 and entered into force in July 2004. It recognises that farmers worldwide play a leading part in the conservation of agricultural diversity – a diversity which is essential if agriculture is to adapt to climate change and the food supply of the human race is to be secured. Available plant genetic resources form the basis for the breeding of new plant varieties both commercially and non-commercially.

To date the Treaty has been signed by 116 countries and the European Union. It commits contracting states to conservation of their plant genetic resources for nutrition and agriculture, sustainable use of these resources, and equitable sharing of the benefits arising from their use through information exchange, technology transfer and capacity building in the developing countries. The ITPGRFA is thus in harmony with the Convention on Biological Diversity (CBD), which gives sovereign states the right to utilise their biological resources and regulate access to them by law. ITPGRFA implementation is supported and monitored in the individual signatory states by a Governing Body made up of representatives of all the contracting states.

The Multilateral System

The Multilateral System is at the heart of the ITPGRFA. It covers 35 food crops and 29 forages, which are listed in Annex 1 of the Treaty and which “are under the management and control of the Contracting Parties and in the public domain”. It also includes the *ex-situ* collections in the gene banks of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (CGIAR) and other international institutions which have established relevant agreements with the Governing Body of the ITPGRFA. The Multilateral System is also open to other partners from the signatory states, including natural and legal persons.

The purpose of the Multilateral System is to facilitate access to plant genetic resources for research and breeding – although only in relation to food security. It covers the free distribution, propagation and breeding of such material. The use of genetic resources for other purposes (chemical, pharmaceutical, industrial) is not permitted. The selected crops and forages account for 80 % of world nutrition. They are represented by more than 600,000 varieties to which researchers and

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breeders currently have access to. Enlargement of the list, for example to include soya or other plants, is technically possible at any time but is not currently being considered.

The precise conditions of access to the genetic resources of the plants covered by the Multilateral System are governed by the Standard Material Transfer Agreement (SMTA).

Key terms of the Standard Material Transfer Agreement

The Standard Material Transfer Agreement (SMTA) was adopted at the first session of the Governing Body in June 2006 and has been in force since 2007. It establishes the rights and obligations of the parties and regulates the sharing of monetary and non-monetary benefits arising from the use and sale of plant genetic resources covered by the Multilateral System on the basis of individual agreements between the provider and the recipient of the material.

The SMTA's most significant regulations govern

- the form in which an agreement is concluded;
- the obligations of the provider of the plant genetic material;
- the obligations of the recipient of the plant genetic material, in particular payment, transfer of the material, intellectual property rights, information sharing and the sharing of non-monetary benefits.

The exchange of plant genetic material under SMTA conditions has increased enormously since the ITPGRFA entered into force. 100,000 samples of plant genetic material were distributed under the terms of the SMTA in the nine months following its introduction. Critics point out, however, that this success should not be allowed to conceal the fact that so far the majority of Material Transfer Agreements take place within the CGIAR system. Nevertheless, an increasing number of national gene banks are becoming involved, and in Europe Germany has joined the Netherlands in being among the first countries to promote this. The German *Leibniz Institute of Plant Genetics and Crop Plant Research* (IPK) in Gatersleben and the German National Fruit Genebank (*Julius Kühn Institute*) make more than 100,000 gene bank samples available under the terms of the Multilateral System.

The Ad Hoc Open-ended Working Group on Access and Benefit-Sharing of the CBD regards the Standard Material Transfer Agreement as being so successful that at its meeting in January 2008 the group decided to consider setting up a similar system for natural resources.

Farmers' Rights and their implementation

Alongside the Multilateral System, Farmers' Rights represent the second core element of the ITPGRFA. However, the Treaty does not define these rights in detail; it merely sets out in Article 9.2 the measures that should be taken by the governments of the contracting states to protect and promote these rights. The most important points are the protection of traditional knowledge, the right to equitably participate in sharing benefits arising from the utilisation of plant genetic resources for food and agriculture, and the right to participate in making decisions, at national level, on matters relating to the conservation and sustainable use of these resources.

The ITPGRFA is the first international agreement to recognise Farmers' Rights with binding force. Responsibility for implementation lies with national governments (see issue paper "*Farmers' Rights and Agrobiodiversity*"). Implementation is monitored by the international Farmers' Rights Project, which is based at the Fridtjof Nansen Institute and supported by the Norwegian Ministry of Agriculture and Foreign Ministry, by the *Development Fund*, a Norwegian NGO, and by GTZ acting on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ). The project also has the task of drawing up recommendations for the further implementation of Farmers' Rights. An electronic information platform on Farmers' Rights (www.farmersrights.org) was launched during the Conference of the Parties to the CBD in May 2008.

Implementation of Farmers' Rights in the contracting states has now commenced. However, the project's first interim report (2006) reveals that, while many countries have enshrined the protection of traditional farmers' knowledge in their legislation, other concrete measures have not been taken. The report states that, despite the existence of a large number of Standard Material Transfer Agreements, monetary benefit sharing exists only on paper, although some developing countries have adapted their legislation in this area. For benefit sharing does not become effective until marketable prod-



Plant breeding by small farmers conserves diversity; knowledge that has been passed down through the generations is further developed.

Photo: GTZ



The International Seed Treaty enables women farmers to exercise their rights in their work with local varieties.

Photo: Johannes Kotschi

ucts are developed from the shared resources, a process which takes at least ten years if plant breeding is involved.

With regard to non-monetary benefit sharing the situation is more favourable. Successes quoted include access to seed, plant material and relevant information; better cooperation between farmers and plant breeders; improvement of farmers' seed systems; more and better facilities for storing seed, for example in local seed banks; and greater use and sale of traditional varieties. (For more information on this topic see issue papers on promoting the diversity of useful plants and animal breeds through marketing: "Argan trees in Morocco", "Potatoes in the Andes", "Cocoa from Ecuador", "Stevia", "Tourism".)

In September 2007 an international conference on Farmers' Rights took place in Lusaka, Zambia. The outcomes of this meeting together with those of the Farmers' Rights project provided an important basis for the resolution on Farmers' Rights adopted by the Governing Body of the ITPGRFA in 2007. The resolution encourages countries to submit their views and experience on the implementation of Farmers' Rights. The resolution further confirms that the Governing Body will continue to include farmers' organisations in its work.

Despite the progress on implementation, many farmers and NGOs view the ITPGRFA very critically and call for it to be

suspended until the member states comply with its minimum requirements, particularly those relating to money. They take issue with the fact that, while the Treaty facilitates access for users – including the seed industry – it fails to provide farmers with the legal and political support that they need to maintain their traditional breeding and plant-growing practices. The FAO estimates that implementation of the ITPGRFA requires funds totalling up to 400 million USD, which at present are simply not available.

Funding and the role of the Global Crop Diversity Trust

The Global Crop Diversity Trust plays an important part in implementation of the ITPGRFA. The Global Crop Diversity Trust is an independent foundation located at the FAO in Rome; its purpose is the conservation of agricultural biodiversity. The Trust is funded by public and private donors, who provide funds at a level never before available for the conservation of agrobiodiversity. The Crop Trust has currently raised about 40 % of its target endowment of 260 million USD.

Activities supported by the Trust include in particular the conservation of collections of plant genetic material of global importance (for example in gene banks or *in vivo* collections), training, and information systems such as databases, the documentation of collections and information-sharing via networks. The Trust's funding guidelines are contained in regional strategies and strategies for individual plant species. Projects are not supported unless they meet these guidelines. Cooperation between the Global Crop Diversity Trust and the ITPGRFA was agreed in 2006.

Next steps

Much remains to be done to achieve full implementation of the ITPGRFA. The next steps are:



Seed storage by small farmers plays an important role in the conservation of agricultural resources. This must be scaled up in the future.

Photo: Johannes Kotschi

Funding

The parties must agree on a fair and reliable division of funding. The Secretariat of the ITPGRFA is dependent for its funding on voluntary contributions of the contracting states, which are currently very reluctant to provide the money.

Conserving

Measures for local conservation of plant genetic resources – *in-situ* and *on-farm* – must be extended – irrespective of the success of *ex-situ* conservation.

Building capacity

The implementation of Farmers' Rights and the Multilateral System cannot be achieved without additional capacity building in the contracting states. The following questions need to be resolved:

- How can rural development be promoted in such a way that farmers can continue to use and develop their traditional seeds?
- What is the relationship at national and international level between farmers' traditional seed systems and modern seed legislation? How can farmers be helped to continue functioning as "conservers and developers" of agricultural biodiversity?

The "People, Food and Biodiversity" Issue Paper Series is designed for individuals and institutions engaged in development cooperation. Its aim is to:

- Arouse interest in the issues surrounding food and biodiversity and spotlight the various linkages.
- Showcase new topics and approaches.
- Rapidly and lucidly present proven approaches and experiences.
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Further issue papers are available at <http://www.gtz.de/de/themen/umwelt-infrastruktur/22063.htm>

On behalf of the Federal Ministry for Economic Cooperation and Development, GTZ works with the Fridtjof Nansen Institute and other organisations to identify, evaluate and promote successful examples of implementation. In the field of capacity building, cooperation between GTZ and the Secretariat of the ITPGRFA is currently being developed.

Raising awareness

Public relations work must be increased, since many people remain unaware of the importance of agricultural biodiversity in combating hunger and poverty – particularly in the disadvantaged regions of developing countries and in the context of climate change (see also issue paper "Agrobiodiversity and Climate Change – a Complex Relationship").

Further information:

International treaty on plant genetic resources for food and agriculture: www.planttreaty.org

Farmers' Rights Project: www.farmersrights.org

German Federal Ministry of Food, Agriculture and Consumer Protection (Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz): www.bmelv.de

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