

AGRICULTURAL BIODIVERSITY IN THE CONVENTION



GRAIN Biobriefing, No. 4, part one. June 1994.

This briefing on the Convention on Biological Diversity was drawn up by Genetic Resources Action International (GRAIN) for the second intergovernmental meeting on the Convention, held in Nairobi from 20 June to 1 July 1994. It is meant to stimulate discussion on important issues related to the Convention. It consists of 4 parts. This is part 1.

Summary

The Convention on Biological Diversity is seen by many as a landmark in the global struggle to conserve the biological treasures of this planet. However, many also realise that the Convention remains a commitment on paper at this stage, and that a lot needs to be done to make it truly operational. One of its current limitations is that the Convention paints biological diversity in very broad strokes. The vague language of the Convention underplays the critical social and commercial importance of agricultural biodiversity, which might imperil the fate of this resource base for the future of food and farming systems everywhere.

Agricultural biodiversity is of unquestionable importance. Its overwhelming value draws from it being the backbone of agriculture worldwide. Threatening its survival and availability are the industrialisation of farming and food systems and intellectual property schemes. The main actors in the conservation and use of agricultural biodiversity have been, and continue to be, the millions of farmers and local communities who use and maintain this resource pool as the basis for their livelihoods. It is not only logical, but also urgent that the issues affecting the future of agricultural biodiversity are dealt with in a clear and comprehensive matter. The most appropriate way forward is to bundle all these issues into a special protocol on agricultural biodiversity, as an integral part of the Convention.

Recommendations

The Second Session of the Intergovernmental Committee of the Convention on Biological Diversity should start deliberations on the need for a protocol on agricultural biodiversity. Carried out in close collaboration with the FAO — which is already preparing a Global System on Plant Genetic Resources to this very aim — such a protocol should:

- ⇒ establish effective mechanisms to conserve agricultural biodiversity in-situ, ex-situ, and on-farm;
- ⇒ provide for the recognition of the rights of farmers and local communities over their genetic resources and indigenous knowledge, and establish effective mechanisms to implement these rights;
- ⇒ establish international rules for access to and benefit from the ex-situ germplasm collections set up prior to the Convention.

The Convention on Biological Diversity is seen by many as a landmark in the global struggle to conserve the biological treasures of this planet. For the first time in history, one legally binding instrument — signed by virtually all nations — attempts to bring together national and international efforts to safeguard what is left of the biological resources on which peoples' basic livelihoods depend. It outlines a basis for committed national action in a framework of international cooperation. It firmly asserts that biological resources are subject to national sovereignty of the country that harbours them. It makes a worthy attempt to specifically consider local communities as valid actors in these efforts, and tries to be bold in looking beyond just how to conserve and use the planet's treasure chest and address the forces that are depleting that resource base in the first place: the current inequity in who profits from them.

However, many also realise that the Convention remains a commitment on paper at this stage. Perhaps exactly because of its broad ambitions, the Convention limits itself to providing a general outline for an agreement on what should be done, rather than a blueprint for a plan of action. The governments meeting for the Second Session of the Intergovernmental Committee have a tremendous task in front of them. Their agenda contains crucial issues to be resolved in the process of moving from a "paper agreement" into a true and comprehensive international plan of action. This "Biobriefing", prepared by Genetic Resources Action International (GRAIN), is offered as a contribution towards that objective.

Agricultural biodiversity: what's special?

The Convention is an important achievement, but also embodies a number of important shortcomings. As outlined in the box, one of them is the absence of a precise focus on agricultural biodiversity. Still, the Convention offers — within its limitations — possibilities to firmly entrench agricultural diversity conservation and management as a major concern and objective of the international community. But it can only do so if it takes into account the specific actors, recognises agricultural biodiversity's central importance, addresses the threats and devises special mechanisms to deal with it all.

Special Actors

Based on thousands of years of hands-on experience and a deep knowledge of their needs and their agricultural production systems, rural communities have developed multiple strategies for their farming systems, almost all of which hinge upon sophisticated management of genetic diversity. Farmers developed, and continue to develop, thousands of different crop varieties — each of them adapted to specific needs within their farming systems. While the public imagination in industrialised countries is dominated by concern for the biological diversity of the tropical rainforest ecosystems and rare or threatened animals, the biologically under-recognised wealth found in farmers' fields underpins global food security. The true actors in this mega conservation scheme are not nature park officials or environmental organisations, but the millions of small scale farmers and local communities in developing — and developed — countries.

Special Importance

Farmers develop crop varieties and maintain their diversity to meet the needs of their families and farming systems. But their contribution in the creation and conservation of this tremendous biological treasure goes much further. The importance of agricultural biological diversity is almost beyond imagination. Especially the citizens of the industrialised world benefit from this contribution by Third World farmers. For example, wheat growers in the USA gain as much as US\$ 500 million per year from the use of Third World wheat genes incorporated into their seeds. What is true for wheat is true for virtually any major crop grown in the industrialised world. Farmer-developed biological diversity forms the basis of much of our contemporary agriculture, moving tremendous amounts of resources Northward without any recognition or acknowledgement flowing back to those who developed and conserved this resource base in the first place. Beyond its monetary value, the richness of agricultural diversity allows for present and future stability and resilience of farming systems and the food supply.

Special Threats

Wild biodiversity gets lost when bulldozers move into the rainforests. Agricultural biodiversity goes

extinct when farmer-bred varieties are replaced with a handful of laboratory-developed uniform seeds. The loss of biological diversity in the farmers' fields undermines the very sense of "sustainable development" as it destroys options for the future and robs people of a key resource base for survival. Genetic erosion means more than just the loss of genetic diversity. In essence it is an erosion of options for development, especially at a time when humanity has to deal with radical climate

changes and other environmental hazards. While destruction of agricultural biodiversity is one threat, its monopolisation is another. In the past decade, some countries have passed legislation on intellectual property rights that give private interests ownership over genetic materials. Under such legislations, and free trade treaties such as GATT and NAFTA, most of the benefits from biological diversity flow to industries in the North.

The Convention: challenges & pitfalls

The Convention, the end product of a difficult negotiating process, has several important handicaps, among them the following:

* *Weak Language.* While the obvious strength of the Convention is its legally binding status, its obvious weakness lies in its often vague and confusing language. The text is littered with statements like "as far as appropriate," "as far as possible," leaving open multiple possibilities for abuse and deliberate misinterpretation of the negotiators' intent. Further deliberations are urgent on what exactly will be the rules of the game in the conservation and equitable use of biodiversity.

* *Bilateral Bias.* The Convention is biased towards bilateral agreements. The text makes repeated use of conditioners such as "on mutually agreed terms" even though the issues at stake are global, and significant sustainable solutions often cannot be reached among two parties alone. A more equitable South/North and South/South balance in the use of biodiversity requires broad multi-country negotiations. Bilateral deals pit rich Northern governments or corporations against resource-poor Southern governments, communities and farmers.

* *Equity for whom?* Although the Convention recognises in one of its articles the role and importance of indigenous and local communities in the conservation and management of biodiversity, it remains to be seen whether they will see any of the benefits resulting from its use by others. By its very nature as an agreement between nation-states, the voices of local communities hardly penetrate into the Convention's text. Unless specific measures are taken, there is a real danger that those who are currently the main stewards of biodiversity may remain out of the picture.

* *Patent Push.* The Convention specifically allows for the patenting of genetic materials, including those from the South. Resource-poor farmers and communities are ripped off by rich companies. Effectively, the current patent system as applied to biodiversity, recognises the inventive activities of individuals and companies with access to laboratories and technology, while completely ignoring the intellectual value of innovations carried out by farmers and communities at the local level. Unless this inequity is corrected, the Convention will legitimise this biased and unequitable situation.

* *Blurred Focus.* The Convention paints biological diversity in very broad strokes. The vague language of the Convention underplays the critical social and commercial importance of agricultural biodiversity, which might imperil the fate of this resource base for the future of food and farming systems everywhere. More specifically, the Convention excludes existing agricultural genebank collections — meaning that the four and a half million seed samples scrounged from farmers' fields throughout the South before the Treaty was signed remain outside of intergovernmental control. Since this is the material readily available to the breeding industry, it probably represents the Third World's heritage with the highest commercial value to the North.

Special Mechanisms

The dangers involved in the genetic erosion of our food base have prompted numerous reactions to do something about it. The formal scientific sector reacted by going out to the farmers' fields, before the seeds and breeds "disappeared", to collect samples for storage in genebanks. Currently some four and a half million samples of crop varieties are in ex-situ storage — most of them in, and under the control of, the industrialised countries. The "informal" sector — farmers, communities, their organisations and NGOs working with them — have taken a different approach: on-farm genetic resources conservation and management, in a system where farmers continue to use and breed the genetic diversity they have been custodians of for centuries. Both approaches have their problems, but both are necessary. At the international level, discussions have been going on for over a decade on how best to conserve and use this agricultural treasure chest. The UN Food and Agriculture Organisation (FAO), in particular, has tried to bring together the different concerns: those worried about scientific quality, those pushing for political equity, those working on ex-situ genebanking, and those concerned with grassroots approaches and farmer empowerment. The emerging Global System on Plant Genetic Resources is still under construction, but it embodies some consensus on the issues at stake.

A protocol for Agricultural Biodiversity?

Agricultural biodiversity is of unquestionable importance. Its overwhelming value draws from it being the backbone of agriculture worldwide. Threatening its survival and availability are the industrialisation of farming and food systems and intellectual property schemes. The main actors in the conservation and use of agricultural biodiversity have been, and continue to be, the millions of farmers and local communities who use and maintain this resource pool as the basis for their livelihoods.

Still, the Convention remains remarkably silent on all of these issues. Although the Convention ex-

PLICITLY includes within its scope that part of biodiversity that feeds people, its operational articles elude any reference to it. Considering the importance of agricultural biodiversity, and the specific dynamics of its conservation and use, this is a dramatic oversight in the Convention which needs to be resolved. In fact, this oversight was recognised when the Convention was negotiated and several countries tabled a special resolution on the interrelationship between the Convention and sustainable agriculture. Resolution 3 was adopted together with the Convention itself and forms part of it. In this resolution, all governments confirm the great importance of biodiversity in agriculture; urge that cooperation between the Convention and the FAO Global System be enhanced; and recognise the need to find solutions to outstanding matters such as access to current genebank collections and the rights of farmers.

One of the expert panels set up by UNEP after the signing of the Convention went a step further. At its March 1993 consultation, Panel II suggested that a special protocol could be devised to cover agricultural biodiversity in the Convention. Stressing the need for a truly multilateral instrument, the Panel notes that such a protocol would provide a package consisting of a forum and basis for negotiation, a source and mechanism of funding, governance and activities. It points to the need for a multi-year plan of action that includes ex-situ, on-farm, and in-situ conservation, with full participation of local communities. It also notes that, while the development of such a protocol obviously should be carried out within the framework of the Convention, the FAO International Undertaking can form the possible basis for negotiating the protocol, and its Commission on Plant Genetic Resources the forum within which it could be done.

It is not only logical, but also urgent that the issues surrounding agricultural biodiversity are dealt with in a clear and comprehensive matter. The most appropriate way forward is to bundle all these issues in a special protocol on agricultural biodiversity, as part of the Convention.

GRAIN

Genetic Resources Action International

Jonqueres 16-6-D, 08003 Barcelona, Spain

Phone (34-3) 310.59.09 Fax: (34-3) 310.59.52; E-Mail: GRAIN@gn.apc.org