

CONSERVATION AND SUSTAINABLE USE OF PLANT GENETIC RESOURCES: A QUESTION OF GLOBAL FOOD SECURITY GOVERNANCE

How does it relate to the realization of the right to food?

Today, 150 species are under cultivation in the world but only 12 of them provide 80 percent of our food needs. We have shown great capacity to boost food production and to place it into global markets but while the production has augmented the diversity of crops has significantly decreased. Improvements in technology and research to increase food production are meaningless if governments do not develop adequate policies, laws and institutional frameworks ensuring sustainable use and access to these resources. Dealing with genetic resources is actually a matter of global food security governance. The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) adopted in 2001 is a global response to promote the conservation of genetic resources and to protect farmer's rights to access and have fair and equitable sharing of benefits arising out of their use. Indeed, the Treaty creates a Multilateral System of Access and benefit-sharing that provides a global pool of genetic resources which is freely available to potential users in the Treaty's ratifying nations. There are two aspects in the Treaty that are essential for the realization of the right to food: the recognition of the importance of traditional knowledge to protect biodiversity and the need for increased participation of farmers in decision making processes related to the use of such resources. **Article 9** of the Treaty establishes that:

*In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to **protect and promote** Farmers' Rights, including: **a)** protection of traditional knowledge relevant to plant genetic resources for food and agriculture; **b)** the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and **c)** the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.*

Sustainable use of plant genetic resources is fundamental for a progressive realization of the right to food. This human right is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. From a larger interpretation, it is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear¹.

¹ For a comprehensive interpretation of the right to food, see the General Comment 12 established by the Committee on Economic Social and Cultural Rights as well as the definition commonly used by the Special Rapporteur on the right to food in www.srfood.org

The Right to Food Guidelines², adopted by FAO in 2004, underline the importance of ensuring people's access to plant genetic resources. Guideline 8.12 recommends Member States to protect biodiversity and local communities' rights by creating institutions and mechanisms including civil society and private sector's participation in decision making processes. The *State of Food and Agriculture* (SOFA 2010- 2011) issued by FAO, revealed a tremendous gap in women's access to resources for food production. By bridging this gap, there would be a meaningful contribution in the reduction of hungry people in the world. For that, the participation of women and vulnerable groups such as indigenous communities and landless peasants is crucial to shape efficient and inclusive policies.

Institutions coordinating all aspects related to food security and nutrition should include the work related to conservation of plant genetic resources. The latter is only one component among other valuable assets required to ensure farmers' livelihoods. Access to land, credit, technology and education are other elements that would need to be facilitated by coherent policies, laws and institutional settings. Seeds distribution programs for instance, should be part of a comprehensive strategy for food security and nutrition. Programs aiming at increasing food production should go hand in hand with those aiming at improving access to food. Contradictions in policy making can lead to strange situations in which a country producing large quantities of nutritious food crops is affected by high levels of malnutrition precisely in the area of higher levels of food production. Local farmers might produce large quantities of nutritious food crops -derived from local plant genetic resources- being exported to global markets where prices and economic benefits are higher. In such cases it might happen that local population does not benefit from its own resources for reasons such as that they simply cannot afford buying those products in local markets. In such cases, the right to food of local populations is severely undermined.

Availability and accessibility to food are not the only aspects affected by the lack of conservation. It also undermines the cultural dimension of the right to food aiming at protecting people's traditions in food consumption. Beyond cultural reasons, traditional knowledge constitutes a main vehicle for preserving biodiversity. Empirical evidence points out the continued extinction of crops. FAO estimates 75 percent of crop diversity was lost between 1900 and 2000. This is equivalent to a loss of more than three-fourths of known food crops during the last century. The latest State of the World's Plant Genetic Resources for Food and Agriculture of 2010, predicts that as much as 22 percent of the wild relatives of important food crops of peanut, potato and beans will disappear by 2055 due to climate change. The protection of biodiversity and its accessibility are essential to avoid a situation of dependence on a reduced number of crops. Whether we stand on an economic perspective or taking into account health considerations, increasing dependence is likely to affect vulnerable populations at a bigger scale. In some regions of the world, intellectual property rights claimed by private companies over resources are currently affecting local communities' rights in a dramatic way.

² FAO Voluntary Guidelines to support the progressive realization of the right to food in the context of national food security.

Beyond the economic damage, this situation creates high dependence on technical capacities and knowledge requiring additional expenditures for developing countries.

Increasing the number of gene banks in the world is a positive sign for conservation but it does not ensure equitable access from all countries and populations in the world. Taking into account that only 12 countries preserve 45 percent of the total resources being conserved in gene banks, the increasing concentration of collected and preserved genetic diversity in fewer countries and research centers highlights the importance of mechanisms to ensure facilitated access.

At national level, policies and legal frameworks should protect sustainable access to plant genetic resources by creating mechanisms to monitor their outcomes. By putting in place clear indicators and benchmarks to assess the impacts on food security and nutrition, those policies would implement a human rights based-approach in efforts towards reducing hunger and malnutrition. Moreover, recourse mechanisms and access to justice are key points to ensure accountability from private actors and from public institutions involved in the conservation and use of plant genetic resources for food and agriculture.

- Adopted by the FAO Conference in 2001 and entering into force in 2004, the implementation of the **International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)** should go hand in hand with the implementation of the **International Covenant on Economic, Social and Cultural Rights (ICESCR)** recognizing States obligations to respect, protect and fulfill the right to food. The protection of biodiversity and farmer's rights is a common interest of both legal instruments ratified by several Member States.
- The implementation of such legal instruments can be practically guided by the **Right to Food Guidelines**, soft law instrument providing a policy framework with general recommendations on food security responses from a human rights-based approach. They particularly address genetic resources for food and agriculture in Guideline 8.12.
- Conservation and sustainable use of plant genetic resources is a key element for the progressive realization of the right to food.