

Preface

In recent decades, the world has seen a steady increase in international agreements dealing with environmental issues. And so, we should assume that the international governance of serious environmental problems has improved, even if the precise impact of international regimes may vary. At the very least, we should assume that the international regimes themselves are not making things worse.

The research presented in this book tells a different story. Despite the original intentions, international regimes pertaining to plant genetic resources in agriculture have in fact led to a situation where many actors now have the possibilities to exclude each other from the access to, and use of, these vital resources. Not only is this a threat to the conservation and sustainable use of plant genetic diversity in agriculture, but it may also seriously affect food security and the outlook for combating poverty in the world.

This situation came about largely as a result of interaction between international regimes and the driving forces behind them: the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), the Convention of the Union for the Protection of New Varieties of Plants (UPOV), the Convention on Biological Diversity (CBD), the International Undertaking on Plant Genetic Resources (IU), and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). This book investigates their interaction in depth, showing how the driving forces behind them transformed and channelled their interests and ideas along various patterns – mechanisms of influence – which are traced across scales from the international to the national level: (1) structural power, that is the power to shape political-economic structures; (2) learning and norm diffusion; and (3) institutional capacity. We will see how the driving forces shaped regime interaction regarding the management of agricultural plant genetic resources through these mechanisms of influence at the international and national levels, and across scales.

With the International Treaty on Plant Genetic Resources for Food and Agriculture, which was adopted in 2001 and entered into force in 2004, the international community has an instrument with the potential to change this negative trend. Whether that will happen, however, depends crucially on the political will of the contracting parties to the Treaty. This book highlights how the identification of mechanisms of influence and their patterns can provide entry points for actors to shape governance in agrobiodiversity at the international as well as national levels. Moreover, it indicates possible ways of breaking out of the vicious circle of today's management of agricultural plant genetic resources, so that we may ensure the continued maintenance of these resources so vital to food security and poverty eradication.

In terms of regime studies, the book develops an analytical framework and a methodology for the analysis of relative aggregate regime effects. Many regime studies have focused on the effectiveness of international regimes – where effects

are measured against the norms and rules of the regimes themselves. By contrast, in this study, the aggregate effects of international regimes are measured against a set of criteria developed independently of these regimes. These criteria have been formulated on the basis of a problem analysis. The analytical framework provides a method for precisely identifying the overlap of functional scopes between international regimes, from which regime interaction and assumptions as to aggregate effects can be derived. It further offers a method of tracing these effects across scales to the national level, systematically taking other influencing factors into account.

The focus is on the developing countries. Most of our agricultural plants originate from these countries, and today this is where the greatest genetic diversity can still be found in the fields. Genetic diversity is a form of life assurance for traditional small-scale farmers in developing countries, as it helps to spread the risk of crop failure due to pests and diseases or adverse climatic conditions like drought. Thus, the topic is crucial also from the perspective of poverty eradication. And yet, with their weak institutional capacity, the developing countries face special challenges in implementing the wide array of international regimes. This makes it important to understand the conditions for such implementation processes in developing countries, the driving forces behind them, and, not least, the mechanisms of influence through which these driving forces work.

To enable in-depth investigation of the effects at the national level, case studies were carried out in the Philippines – a developing country that, in addition to being representative in terms of various criteria and rich in agricultural biodiversity, was known for its work in pioneering the sustainable management of biological diversity. Thus, I anticipated, it would be possible to highlight some much-needed positive examples of the effects of international regimes.

Even during my first field trip to the Philippines in 2000 I found my assumptions seriously challenged. This became even clearer in the course of the second field trip two years later. Although considerable effort had been undertaken to conserve hot spots of wild biodiversity in the country, scant political attention was paid to the value of plant genetic diversity in agriculture and the necessity of sustainable management. Gene-bank conservation had some support, but otherwise, all incentive structures pointed towards the accelerated use of modern high-yielding, genetically homogeneous varieties of plants – so important for meeting the food demands of a quickly increasing population – but without measures to compensate for the rapid loss of genetic diversity in the fields. There were a few highly promising projects being carried out by non-governmental organizations – but not enough to balance the picture.

Moreover, I found that the legal space for sustainable management of these resources was being steadily reduced, particularly through legislation on bio-prospecting of genetic resources and on intellectual property rights.

How, I wondered, could this situation come about in a country that had worked so hard to pioneer the implementation of the Convention on Biological Diversity to ensure the conservation and sustainable use of its rich biological diversity and equitable sharing of benefits from the use of these resources?

This book charts the history of the advocacy coalition that promoted the bio-prospecting regulation, and how its short political time-horizon combined with the

election of a new president in the Philippines undercut the very foundations for implementation of the much-praised regulation. The book also tells how powerful foreign interests intervened in the promising Philippine efforts that sought to produce legislation on intellectual property rights in line with the needs and priorities of the country as well as the CBD – and, through infiltration and incentives, managed to change the direction of the whole process. When this story came out – along with revelations of similar patterns in a number of other legislative processes – politicians and the public raged, and the newspapers were filled with headlines about foreign take-over and imperialism in the Philippines. But it was too late. The legislation had already been adopted – and it was largely in line with precisely those foreign interests.

International regimes played an important role in both cases. The bio-prospecting regulation was derived from parts of the CBD, selected in an effort to counterbalance the anticipated effects of the TRIPS Agreement. The intellectual property regulation was adopted to comply with the TRIPS Agreement by following much of the UPOV Convention. The precise ways in which implementation took shape were much the result of the interplay between these regimes, the driving forces behind this and their mechanisms of influence.

A key challenge in my research project was to see whether the findings from this one case country had relevance for other developing countries as well. After additional data had been collected from a large number of countries, several important parallels emerged. Low political attention paid to agrobiodiversity issues was found in most developing countries. Furthermore, it could be seen that intellectual property rights, access legislation and seed laws were reducing the legal space required for the sustainable management of these resources in more and more countries. And there were clear indications that some of the same mechanisms of influence that I had found in the Philippines were at play in many countries.

The book has been written with a broad target group in mind. Scholars in the field of environmental studies will find information on the scope for implementing environmental regimes at the domestic level in light of other influencing factors, particularly other international regimes. For scholars of development studies, the book provides an in-depth account of how international agreements are dealt with in developing countries, the factors contributing to their implementation in situations with weak institutional state capacity, and the effects of these dynamics. And scholars of regime studies will find a new analytical framework for grasping the relative aggregate effects of international regimes pertaining to an issue area.

For delegates to the Governing Body of the ITPGRFA and other stakeholders, the book offers a detailed historical account of the developments of these regimes and their interaction. Furthermore, it offers central information on the challenges to, as well as options for, promoting implementation of the Treaty. For stakeholders of other international agreements like the CBD, the TRIPS Agreement and the UPOV Convention, the book provides insights into the effects of the interaction between the regimes, and, it is to be hoped, a basis for better balancing the various concerns involved. Decision-makers and practitioners involved in agrobiodiversity issues will find points of orientation in the jungle of international agreements, as well as prospects and options for policy development and action at the national level.

It is my sincere hope that this book can contribute to the many efforts already underway, aimed at improving the management of plant genetic resources for food and agriculture. I also hope that it will advance our understanding of how international regimes can better be employed as instruments for strengthening global governance in environmental issues.

Regine Andersent
Senior Research Fellow
Fridtjof Nansen Institute