



The Leipzig Process

Food Security, Diversity, and Dignity in the Nineties A Review of the Context, Issues, Events, and Strategies

Leipzig may no longer be the epiphany of the genetic resources solution that was hoped for a year ago. It could become the epitaph. If Leipzig does not re-affirm its commitment to realize Farmers' Rights and offer the world a clear Global Plan of Action and a clarion call for the financial and legal resources and mechanisms necessary to ensure the first link in the food chain, then the intergovernmental community may surrender our future to bilateral bargaining and the multinational genetic supply companies. If, on the other hand, the open-style spirit of the Leipzig Process maintains its momentum through to the World Food Summit and the Biodiversity Convention, there is reason for "guarded" optimism (in our cautious NGO way). If Leipzig fails - it fails "big". If Leipzig succeeds - there's hope.

Warning: On the eve of the Fourth Technical Conference on Plant Genetic Resources in Leipzig, these notes may not be as helpful to newcomers to the issue as to those with some background. This Occasional Paper does not fully describe the background to Leipzig, nor summarize the Global Plan of Action to be debated there. It assumes that readers are already familiar with the draft GPA and are looking for context and current political information.

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I. Content and Context

Not since the food crisis of 1974 (and the resulting World Food Conference) has the international community focused so fully on agricultural issues. Beginning with the fiftieth anniversary of FAO last October followed by the November decision of the Biodiversity Convention to focus on agricultural biodiversity, farmers, NGOs, and multilateral institutions have engaged in a multi-course "movable famine" of international debating fora on food security and diversity.

- **Five Year View** The Leipzig Technical Conference (June 17-23) can be seen as a *hyper*-PrepCom for both the World Food Summit in Rome (November 13-17) and for the Conference of the Parties to the Biodiversity Convention (COP), which overlaps with the Food Summit, and takes place in Buenos Aires, Argentina from November 4-15. The Leipzig process can introduce sustainability and farmer-based research initiatives into the World Food Summit, and can prepare for debates about agricultural biodiversity, Indigenous Peoples, and patents at the COP. Both these November events - but especially the Summit - feed into the World Trade Organization (WTO) Ministerial meeting in Singapore on December 9, where most (but not all) OECD States will be anxious to show that agriculture and the environment are unaffected by the GATT's Uruguay Round agreement.

The work of the Convention on Biological Diversity (CBD) will certainly flow into the UN General Assembly's Review of Agenda 21 (the five year review following the Earth Summit) in June of 1997. So will the FAO's Leipzig-Summit initiatives. Collectively, these meetings can set the stage for challenging the World Trade Organization on agriculture, intellectual property and the environment, during the WTO's planned reviews of agriculture and intellectual property in 1999/2000.. There are also proposals pending for a food security review (and possibly a second Summit) in 2000.

- **Near-Term View:** In the more immediate future, the political path branches into two routes after Leipzig. One is the Biodiversity Convention (CBD) track, and the other the FAO track. The CBD trail moves to Montreal in early September (2 - 6) where the Convention's Sub-committee on Scientific, Technical and Technological Affairs (SUBSTTA) reviews conference papers and sets the stage for the Buenos Aires meeting. The FAO trail moves on to the FAO Committee on Food Security's session, from September 25 - 27, in Rome and from there to the November Summit.

That the trails divide should not obscure their common destination. Both branches must be pursued closely, and must join up again in the WTO Review process. NGOs have at least five hard years of work ahead.

- **Related Routes:** Other trails also converge with the WTO highway. The proposed External Review of the CGIAR (to be launched in October this year and concluded in late 1997) will set the future direction of international agricultural research; its governance; and the final control of the world's largest germplasm collection. This is the CGIAR's first review since 1981, although they were to take place every five years. CGIAR is approximately the size of FAO but has no governance structure accessible to all governments or to farmers and NGOs. Beyond its major (expected) influence on research and production, CGIAR has a profound influence on land control, Farmers' Rights, the patenting of life forms, and the environment.

In a related development, the World Bank (one of the CGIAR's major donors) is rethinking its own role in agriculture (see below) and, during the course of 1996-97, will be strengthening its leadership position in agricultural funding among multilateral institutions. The FAO, IFAD (the International Fund for Agricultural Development), the WFP (World Food Program) and other institutions, according to Bank logic, should follow its lead. The Bank's initiatives - which are already influencing the Food Summit and the CBD - have a potential to swamp more progressive work in other fora. Here's a summary of the actors involved...

- **Comment** *A reader could justifiably conclude from the above catalogue of events that the final objective is the WTO Review and that everything else is a pawn on the trade chess board. While the pieces do all play together, it would be a fatal mistake to assume that a viable Global Plan of Action from Leipzig; a successful food security Summit; or a strong binding agricultural protocol to a Biodiversity Convention that adequately entrenches Indigenous and Farmers' Rights are not important end goals of themselves. To lose any one of these is to lose too much. Conversely, to live our lives in pursuit of an unending procession of international fora cannot be the solution to equity and justice. (See the concluding section for further discussion.)*

II. Parts and Partisans

The many institutional players in the Leipzig conference, with their diverse roles, create confusion even among those with long UN experience. The following is a brief historic sketch of the major parts being played and how each relates to the other.

- **Leipzig:** Leipzig is the latest in a series of so-called "technical" conferences on plant genetic resources begun, according to some, in the sixties and usually co-sponsored by FAO and IBPGR (the forerunner of IPGRI in the CGIAR system).

The Leipzig Conference was proposed by governments (especially the USA) at FAO in 1991. NGO interest at the time was to establish a funded local/global plan of action and to produce a definitive report on the current status of germplasm collections and exchange. In 1991, the U.S. had just joined the FAO Commission on Plant Genetic Resources. Many key members of the Commission had also just completed the three-year Keystone Dialogue which had made similar proposals and recommended an annual global PGR budget of not less than U.S.\$300 million. The overall mood in the Commission at that time was somewhat cooperative. In the run up to the Rio Earth Summit, there was modest hope for more progressive policies and for additional funding.

In preparing for Leipzig, governments agreed that its scope should expand so the overall process - in march-step with the Commission on Plant Genetic Resources- would culminate not only in a costed Global Plan of Action but also in a revised and legally-binding Undertaking on Plant Genetic Resources that could (if the CBD wished) become a protocol of the Biodiversity Convention. It was universally acknowledged that no Global Plan would be adequate politically, or funded, except under a binding protocol. And that none of this could happen without a clear international arrangement governing access to germplasm.

Serious NGO organizing for Leipzig got underway in February, 1995, with a seminar sponsored by the Dag Hammarskjold Foundation in Uppsala Sweden that brought together more than 30 NGOs from almost as many countries. Although any NGOs took an active role in national discussions - or attended regional meetings - it is worth noting that not a single NGO - volunteered a direct contribution to the FAO Secretariat during the year-long GPA drafting exercise. Despite the development of an inter-active Internet Home Page exclusively for the Leipzig process and repeated requests by the Secretariat for all parties (including NGOs) to make text proposals by mail, e-mail, or fax, none were submitted.

Then, at the FAO Commission session in June 1995, the North pressed for a divided approach separating the Global Plan from the revision of the Undertaking and from the negotiations related to germplasm access. As NGOs looked on in dismay, the South accepted the division. Meanwhile, Brazil, Canada, the UK, and the USA effectively filibustered on the Undertaking's revision, and soured the Commission's preparatory work on Leipzig.

- **Comment** *If NGOs cannot make a difference in these proceedings we will have to wonder if we can make a difference anywhere in global fora. It remains the declared intent of governments, and of FAO, to place the*

Leipzig Plan of Action (for information purposes) and the revised Undertaking (for protocol purposes) before the Biodiversity Convention. At its meeting in November, 1995, the CBD concurred with this intent.

• **FAO Commission:** The FAO Commission on Plant Genetic Resources (CPGR) was created in 1983 following resolutions pressed by Mexico and Libya in 1981. The Commission was intensely opposed by the USA, UK, Canada and some other industrialized countries - many of whom initially refused to join. Its first sessions were, by UN standards, stormy and controversial. Nevertheless, the Commission proved itself to be an effective policy forum and focal point for biopiracy debate. The South was effective in pressing Farmers' Rights and Codes of Conduct for Germplasm Collection and (less so) Biotechnology.

In the aftermath of the Rio Earth Summit, the Commission began to adapt its 1983 Undertaking and PGR mandate to become a protocol of the Biodiversity Convention and to expand to include all "genetic resources for food and agriculture". NGOs have pressed for this expansion on the grounds that peasants deal with agricultural germplasm more holistically, and that the 1992 CBD was legally-binding and, in some respects an advance beyond the 1983 Undertaking. The strengths of the Commission continue to be its UN style membership (one country - one vote, accessible to any UN state that wishes to participate); that the national delegates attending generally have an agricultural background; that the Commission has an institutional history and memory that allows it to address and understand highly-charged political issues; that NGOs are well-accepted parties to the debates whose views are taken seriously.

Undermining the effectiveness of the Commission is the formidable bureaucracy of FAO - an institution notorious for shooting itself in the foot and turning its most creative initiatives into institutional nightmares. Added to this has been an awesome pomposity and posturing in which FAO has pretended to be at the helm of a "Global System" for agricultural biodiversity steering its great Ships of State through the shoals of international diplomacy. This ludicrous ("The Pauper Has No Clothes") performance has earned FAO no friends and no sympathy and has tarnished one of its most courageous political and practical initiatives in the past two decades. Despite this, FAO, at its most senior levels, has come to support the Commission and Leipzig with unusual, and commendable, passion.

It is clear to NGO observers that the Commission Secretariat has lost its sense of direction and of reality. By burying itself in paper rather than pursuing political goals, the Secretariat has lost control of the Undertaking/Protocol process and left the debate on Access to germplasm, by default, to IPGRI (the International Plant Genetic Resources Institute). Much of the momentum for Leipzig was lost at the Commission meeting in June 1995, because the Secretariat was indecisive about whether to maintain the link between the Leipzig process and the revision of the Undertaking. In fact, the Secretariat exhibited disastrous confusion, being unable to decide whether or not to align itself with the Leipzig process.

A further backward step took place on the final Saturday evening of the April FAO Commission meeting, when the North insisted, and the South accepted, that the negotiating meeting of the Commission related to the revised Undertaking and Access would take place in December, 1996 *after* the CBD (and not before as had been agreed). This simple decision, which could easily have been prevented had the Commission Secretariat been alert, increased the vulnerability of the overall protocol process and opened additional opportunities for conventional environmentalists to derail the political work into the CBD.

• **Comment** *The Commission continues to be the world's premier forum for policy and programme debate on agriculturally-important biological diversity. If the Commission's role cannot be maintained and strengthened through its work with a new protocol to the CBD, the world will lose an important voice for Farmers' Rights and genetic resources. The next meetings of the Commission (December and beyond) will be critical lobbying occasions for NGOs.*

• **Convention on Biological Diversity:** Originally proposed by mainstream environmentalist organizations such as IUCN, WWF and WRI with UNEP, the Biodiversity Convention adopted in Rio in 1992 still carries the stigma of traditional environmentalism along with very mixed (good and bad) language relevant to peasants and indigenous communities.

In the Nairobi Final Act, weeks before the Rio Earth Summit, Ethiopia, FAO, NGOs and the Scandinavians fought to include reference to Farmers' Rights, and to leave open the question of *ex situ* germplasm collections acquired prior to the coming into force of the Convention. Almost exclusively through the energetic lobbying of Ethiopia in Rio, these points survived and are still matters for debate within the CBD.

Although the CBD is legally-binding and fully recognizes national sovereignty, it has many disturbing weaknesses. Most worrisome among them is a bias toward bilateral germplasm negotiations that will inevitably pit the South's small countries against the South's large countries in bargaining with the North. Critics have described the Convention as a *multilateral* facade promoting *bilateral* deals for the *unilateral* benefit of Northern companies. While this is true for those countries looking to trade, countries looking to conserve and develop their own diversity can find international legal support within the CBD *not* to trade. With care, mechanisms can be developed within the CBD to protect against some of the dangers and encourage some of the advantages,

A second key concern is that if *ex situ* collections remain outside the CBD, then 85% of the biomaterials we know to exist and suspect to have value will remain outside of the CBD and will be internationally ceded to the countries of storage rather than remaining the property of the countries of collection. In this sense, the CBD sanctions the piracy of more biodiversity than has ever before been accepted under international law.

Thirdly, while there is useful language related to indigenous peoples and Farmers' Rights, there are no viable enabling mechanisms. This is critical because other language in the CBD supports intellectual property rights, for which the corporate world has an abundant repertoire of binding mechanisms including the WTO, WIPO and UPOV. Some patent lawyers have gone so far as to suggest that the CBD is a stronger intellectual property tool than GATT since it surrenders past collections to their captors and legally obliges member states, even without national legislation, to honour corporate patents.

In institutional terms, the Montreal-based CBD Secretariat has only one programme officer at the moment and may never exceed a dozen professional staff. The Secretariat is in fact subordinate to UNEP in Nairobi. There are clear tensions between the CBD staff and UNEP and still other "turf" tensions between the CBD and FAO concerning the definition and limitations of "agriculture".

• **Comment:** *The COP sessions of the CBD are gradually becoming the most important multi-disciplinary international fora, not only for biodiversity conservation, but also for broad debate on Indigenous Rights, intellectual property, biotechnology, and the manipulation of human genetic material. If it now operates something like an old jalopy with a racing car engine, one can only hope that someday soon it will have a driver. It has enormous potential - constructive and destructive. NGOs should work to ensure harmony between the CBD's initiatives and FAO's.*

• **World Food Summit:** Anyone who expects that a Food Summit convened at this point in history will be an unfettered offensive against hunger is not living in the real world. The Summit, at its best, is a tactically defensive move intended to shore up eroding support for food security and agriculture in the face of evaporating economic resources and multiplying pressures to abandon food self-sufficiency in favour of WTO agricultural trade liberalization. The Summit is in extreme risk of becoming a high-profile *apologia* for the Uruguay Round and a biotechnology-based *Double-Green* Revolution. Some of the governments, and (encouragingly) the FAO Secretariat, however, offer some hope in a carefully-crafted Plan of Action that proffers sufficient elements of popular participation; agro-ecological sensitivity; and monitoring signposts to make the exercise

important and potentially constructive. The vicissitudes of nature and the vindictiveness of markets have also conspired to embarrass the WTO and, especially, the USA and to offer the South peculiar allies from Japan and other powerful food-importers.

There is also concern that FAO, in severe financial straits holding the expensive Summit, has received substantial funding from the World Bank and that an unspoken *quid pro quo* is assumed that will make it difficult for FAO to challenge the World Bank's growing influence over agriculture in general and CGIAR in particular. This concern is strengthened by other rumours that FAO, in recent weeks, was willing to trade policy access to agribusiness transnationals in return for million dollar sponsorships for the Summit.

FAO is never monolithic in its operations, however. It is what governments make it. Some documents drafted for the Summit and others discussing the negative impact of the Uruguay Round give ample room for constructive debate. Leipzig affords an important opportunity to introduce constructive perspectives including the central role of indigenous peoples and Farmers' Rights as well as sustainable agriculture, both for their own sake, and to counter the biotech/Double-Green Revolution/pro-market drive of industrialized countries in Summit preparations. Leipzig has a direct line to the Summit.

There is also the possibility that the Food Summit will send a direct message to the parallel meeting of the Biodiversity Convention in Buenos Aires encouraging the agricultural Protocol. Even more significantly, the Summit comes just weeks before the Ministerial session of the WTO in Singapore (December 9th, ominously just before UN Human Rights Day on December 10th). With sky-rocketing grain prices and dropping food aid commitments, the WTO agricultural accord and the concept of trade liberalization is at least embattled. The USA's edict, that the poor should forget about food self-sufficiency and rely instead upon the generosity of the marketplace - could be called into question. The South will find a dubious ally in the world's largest grain-importer, Japan, and will also be able to call upon countries such as Egypt to oppose the WTO. The backflow effect is that the United States and its hardline allies will want to mute discontent in Singapore by success (or optimistic noises) in Rome. All this gives the Summit more potential clout than anyone expected two years ago.

With all the above caveats, there is still little doubt that the Summit affords peasants and NGOs an excellent opportunity to address fundamental issues.... even if the prognosis is poor.

- **Comment** *The linkages between Leipzig and the Summit need to be more secure. The Summit, however uncomfortable the calendar, must also be linked to the CBD COP III in Argentina. The connection to the WTO will be made by the entire world. To the surprise of all the experts, nature and GATT may make this Summit more important than any since Rio.*

- **CGIAR:** The Consultative Group on International Agricultural Research has an annual budget of almost U.S.\$300 million (about the same as FAO) spread among 16 associated research institutes and about 1200 scientists. CGIAR has no collective legal identity - although each of the 16 institutes has a national legal status and Headquarters agreement with their respective host countries. The CG is "co-sponsored" by the World Bank, FAO, UNDP, and UNEP with its major funding coming from the World Bank, USAID, Japan, and Germany. Funders are also governments and U.S. Foundations (Ford and Rockefeller).

CGIAR's semi-independent institutes hold more than a half million seed samples collected from farmers prior to the CBD. Pressured by NGOs, CGIAR signed a legal contract with FAO in 1994 that places this germplasm under the policy control of the FAO Commission. The agreement comes up for review in 1997. Either party can cancel the agreement.

As already noted, CGIAR will undertake the first full review of its programme and management in 15 years (missing its reviews of 1986 and 1991). The Group is weathering a crisis in finances and confidence that has plagued it throughout the Nineties. Donors feel that it has responded poorly to new demands for agricultural sustainability and research coherency. What the CG calls "clients" (the South) have become increasingly

remote as recognition of the CGIAR's scientific and governance orientation has widened. Funding support from USAID has dropped substantially and many other donors have found it difficult to maintain old levels. Under the leadership of the World Bank, a drive has been underway since 1994 to shore up funding and to revitalize the System. This effort though hailed by the Bank as a victory - has been only a partial success on the financial front and something of a debacle on the institutional front.

Effective control of the CGIAR rests with an *Agree-Culture* of Australians, Americans, Canadians and Brits who occupy almost all of the key Centre and System-wide posts. The South's participation in CG governance (as expressed through membership on the 16 Boards of Trustees or key staff and board posts) has withered over the years. Nevertheless, CGIAR today is a house divided, with neither clear goals nor agreements and with splits among and between North and South participants.

IPGRI (formerly IBPGR) is the CG institute with direct system-wide responsibility for germplasm. IPGRI has been working closely with the FAO Commission and has formally acknowledged the Commission's policy authority. It would be a tactical mistake to assume that IPGRI is only the renamed IBPGR. It may be the only CG institute that is undergoing genuine change.

IPGRI has also worked cooperatively with the Leipzig Conference Secretariat and has prepared the important "MUSE" paper on germplasm exchange at the request of the Commission. The issues raised by the MUSE paper are of vital interest to everyone in Leipzig and are arguably more critical than the Global Plan of Action or State of the World Reports at this stage in negotiations. The MUSE paper will not now be addressed, however, until the December session of the FAO Commission - when many NGOs will either be in Singapore or sitting, germplasm-weary, at home.

- **Comment** *The CGIAR is a non-UN consortium of semi-independent institutes managing \$300 million in annual research funds and the world's largest germplasm collection. Its financial future is in doubt and it is struggling to find security. These facts naturally bias the CG System toward large institutional protectors such as the World Bank and incline the CG leadership toward "soft privatization" possibilities whereby some of its research products and its bank and laboratory assets can be associated with the private sector as a source of new revenue. Thus, the World Bank's talk of negotiating with the WTO on the CGIAR's behalf is particularly attractive to some CG institutes. The task in Leipzig is for the South and NGOs to secure the future of the banks and to ensure that the CGIAR moves toward - and not away from - the intergovernmental community. As the draft Global Plan of Action (GPA) implies, the Global Plan's budget should take over funding for the CGIAR gene banks so that both policy control (through the FAO Commission) and financial control (through the GPA) is firmly in UN hands. Of course, funding should not come unless legal ownership of the banks is explicitly surrendered to the United Nations.*

- **World Bank:** (Please also note the "CGIAR" discussion above and the "Banks and Banks" discussion below.) The World Bank is the major international funder of agricultural programmes including agricultural research. The Bank houses the CGIAR Secretariat and the Bank's Vice-President (for sustainable development) chairs CGIAR and also heads the GEF, which may become the financial base for the CBD. A critical point about the Bank is that it is not a UN institution and does not adhere to the principle of one country - one vote. Weighted voting mechanisms mean that the G7 (and not the G77) determine the Bank's policies and programmes.

The Bank's approach to food security, CGIAR and the Leipzig Process, and to agricultural trade is reflected in a memorandum dated February 23, 1996, sent by the Vice-President to the President...

"In addition, the [proposed World Bank] action plan proposes three complimentary high-profile initiatives at the international level: (A) to promote further liberalization of agricultural trade - a necessary condition for ensuring that countries can rely on international markets - rather than self-

sufficiency policies - for their food security; and also necessary for ensuring markets for agricultural and agro-industrial products in which partner countries have comparative advantage; (B) to coordinate with other actors to help low-income food deficit countries cope with the recent sharp rise in world cereal prices; and (C) to coordinate with others to discourage major exporters and importers from adopting inappropriate policies which could worsen the situation."

And later in the same memorandum, the drive to discard self-sufficiency in favour of trade dependence is attached to biotechnology and the role of CGIAR ...

"All too frequently developing countries have equated food security with agricultural self-sufficiency and have pursued highly-distortionary policies, leading to inefficiency, and resource degradation. However, to develop an open-economy food policy, countries must be assured of access to, and stability in, international markets. The challenge to the global community is to maintain a stable and open trading environment so that developing countries can rely on international markets in developing their domestic food strategies. In the area of technology, revolutions in molecular biology and information have the potential to reduce the location-specificity of applied agricultural research. The development over the last 25 years of an effective network of international agricultural research centres [CGIAR] has greatly enhanced the international exchange of germplasm and research results. These developments mean that scientific information and technology are less bounded by national borders, despite increased attention to intellectual property rights."

With respect to negotiations with the WTO, the memorandum proposes that the Bank take a high-profile role in the Food Summit and in the 1996 and 1998 WTO rounds on behalf of the CGIAR and other multilateral actors in order to promote further agricultural trade liberalization. (At two points in the internal memorandum, the Bank places CGIAR within its own column of branches and divisions. In one table, CGIAR is assumed to be a unit of the World Bank while CGIAR's other co-founders (FAO, UNDP, UNEP) are placed in an outsiders column along with the WTO, IFAD, and WFP.)

- **Comment:** *The view of the Bank and the view of CGIAR (at least in recent years) is probably the same. Not only is the Bank Vice-President for agriculture and the environment also Chair of CGIAR but he hired the Chair of CGIAR's Technical Advisory Committee (its science policy group) to become Director of Agriculture within the Bank. The same Vice-President also hired the Director-General of CIMMYT in Mexico (the IARC most actively exploring privatization possibilities) to take over the TAC Chair. Inevitably, the Bank approach to agricultural trade liberalization assumes new public-private linkages in agricultural research implying the need for intellectual property protection and for the management of CGIAR banks as negotiating assets. The conundrum facing the Bank is that it was pressured into accepting the FAO-CGIAR Accord that ceded policy control to FAO in 1994. At least some inside the Bank and many inside CGIAR would like to see that Accord lapse in 1997 based upon the collapse of the Leipzig Process. This would allow the Bank to step in, create a new alliance with the CBD, and proceed with its negotiations with the WTO.*

- **World Trade Organization:** The WTO Ministerial meeting takes place in Singapore hard on the heels of both the Food Summit and the CBD COP III round. If concerns for biodiversity and for food security arise from these November conferences, the WTO will be hard-pressed to convince the world that agricultural trade liberalization and the patenting of life forms are solutions to the world's woes.

A second Ministerial meeting will be held in 1998, after the UN General Assembly's unavoidably scathing evaluation of Agenda 21, and just before the formal review of GATT TRIPS and Agriculture in 1999/2000. If the Food Summit agrees to a second session in 2000, the WTO will be hemmed in by a very unforgiving environment/agriculture analysis that should place it on the defensive.

The heavy focus on the WTO could seem surprising but, for many, the agricultural, environmental, and intellectual property edicts in the WTO are central. If TRIPS (its intellectual property agreement) can be weakened to allow the South to sidestep the current WTO requirement to provide intellectual property over

plants and micro-organisms (including human cell lines) and if the agro-environmental concerns can be pressed to loosen the WTO agreement in these areas, the world will not only return to the slightly more secure pre-GATT state, but also achieve the decisive moral victory of having defeated these negative initiatives.

• **Comment** *The FAO and CBD trails merge in the WTO review process. The merging mechanism, however, could well prove to be the International Court of Justice. The World Court can receive requests from FAO and from the UN General Assembly (but not from the CBD) to give "advisory opinions" on legal matters. Based upon debates at CBD COP III and at FAO Leipzig/Summit, the UN General Assembly should, when it reviews Agenda 21 in June of 1997, ask the advice of the Court on two issues:*

(1.) Are current international intellectual property protection systems inevitably predatory in nature since they usurp and exploit the intellectual integrity of indigenous peoples and farming communities?

(2.) Are issues such as intellectual property over living materials fundamentally moral in nature and therefore to be determined at the personal, community, and national level and not proscribed by international trade or other agreements? Does the Uruguay Round Agreement as it relates to TRIPS impose arbitrary moral values upon signatory States in this respect?

If the June 1997 UN General Assembly poses these two questions to the World Court, the Court will return with its conclusions, normally, within 12 months and well in advance of the WTO TRIPS Review. Given an impressive history of adherence to Court opinions, it is likely that the WTO TRIPS Review would be amended to allow governments wider latitude in life-form patenting based upon the Court decision.

III. Issues and Images:

A number of important issues and misunderstandings have complicated the Leipzig process and added to confusion at the most recent Commission session. Here is a quick summary of some (not all) of the items...

• **Constitutions and Commissions:** Some governments are concerned that FAO's Commission runs counter to the CBD or that the Undertaking/Protocol is a competitor to the Convention. The CBD can best be understood as the UN's "biodiversity constitution" under which member states and all UN agencies must operate. To the extent that any UN organ deals with biodiversity (WHO for medicinal plants, FAO for agriculture, UNEP for forests !?), they must adhere to the CBD constitution.

Governments at FAO see the proposed protocol on "biodiversity for food and agriculture" (the redrafted Undertaking) as a legally-binding agreement within the CBD constitution answerable first to governments at FAO (at the biennial sessions of the Commission and the FAO Conference) but also to the CBD's governing body (at its annual meetings). Translated into national parliamentary terms, the CBD is like a national constitution under which ministerial departments and parliamentary committees all function.

• **Food and Forests** Some traditional environmentalist organizations are arguing that the Commission is trying to capture forests under the FAO "food" mandate. The revised mandate of the FAO Commission includes agro-forestry and livestock. NGOs have supported this expansion on the grounds that peasant and indigenous communities (especially women and children within these communities) depend heavily upon the famous "hidden harvest" of animal and forest food sources for their survival. NGOs have supported the food-forest connection, especially since Rio, because there is no Forest Convention and only a highly-dubious International Panel on Forestry which is industry-dominated and which not only supports logging and clearing but also prevents the CBD from exercising its full constitutional authority over forests. (Although forest biodiversity should obviously be of major CBD concern, as with the Convention on Desertification, there is an uncertain

overlap of interests that robs the CBD of the political will to act since its governments have created the International Panel on Forestry (IPF) mechanism separate from the CBD. The same complaint could equally be made of FAO's Commission except that all parties agree that it will, as a protocol, be subordinated to the CBD.)

FAO's history in addressing forest conservation is one of the worst in the UN System. In recent years, however, there have been staff and policy changes at least with respect to forest genetic resources and there has been good cooperation with the FAO Commission and the Technical Conference Secretariat. Nevertheless, any activity by FAO with respect to forests should be strictly confined to the relatives of cultivated species and to "hidden harvest" species. It might also be possible to press for a "bridging" initiative that would ensure that FAO's work in this area is linked to other UN initiatives also under the CBD.

It has been clear for sometime that major forest product exporters do not want to see food interests in forests developed and would like to keep this complicating issue away from FAO. While this puts NGOs at odds with some countries that are otherwise allies, the interests of peasants and indigenous peoples should dominate. Regrettably, this is a contest we will probably lose.

- **Banks and Banks:** There is ongoing concern that the World Bank will take control of the CGIAR gene banks. In 1994, on the eve of a pre-session of the Biodiversity Convention, the Vice-President of the World Bank (and Chair of CGIAR) wrote that the proposed accord between FAO and CGIAR over gene banks might be delayed or even rendered unnecessary by other developments including initiatives at the WTO. The Vice-President also wrote that the World Bank should undertake negotiations related to intellectual property and germplasm with the WTO on behalf of the CGIAR collections. NGOs protested at the CBD and in the world press and the Bank capitulated. Despite a second counter-move in August, 1994, the binding three year agreement was signed that October.

Many governments and NGOs believe that the World Bank has an inevitable and innate tendency toward the accumulation of power and that the Bank sees the CG gene banks as an undervalued asset that could be exploited with the WTO to underwrite international agricultural research and set the direction for agriculture in the future.

In February, 1996, the same Vice-President sent a major internal document to the Bank President proposing a one-third increase in agricultural staffing at the Bank and making a number of critical assumptions. The central assumption was that G77 developing countries must abandon the notion of national food self-sufficiency in favour of agricultural trade liberalization and interim price stabilization measures. To achieve this, the World Bank should play a major role in the FAO Food Summit and in negotiating agricultural and TRIPS chapters of the GATT Agreement with the WTO. In discussing the potential negotiations with the WTO - and in other places in the report, the author assumes that the CGIAR is either a part of the World Bank, or certainly managed by it. Some tables and charts actually include the CGIAR as a subsidiary body of the Bank.

This internal paper circulated widely among NGOs. The CBD Secretariat also made direct statements that it was trying to "sidestep" FAO and Leipzig and that it had asked the Bank to prepare the lead paper on agricultural biodiversity for the CBD's Argentinean meeting (statements made to, and reported by, CBD government delegates). On the basis of this information, NGOs challenged both the Bank and the CBD in late April. The World Bank Vice-President was explicitly warned that many are concerned that the Bank will work with the CBD Secretariat and the CGIAR to end the FAO-CGIAR policy agreement when it is reviewed in 1997 and to develop a new accord directly under the CBD through the auspices of the Bank. Although the Bank has affirmed that it will not undercut the existing agreement it has said nothing about the renewal in 1997. From the CBD side, indigenous peoples' organizations meeting in early May with the Bureau of the CBD (something like an intergovernmental executive committee) also raised the issue. The result is that the Norwegian Government has offered to act as a mediator between FAO and the CBD on these tensions, and an acceptable solution is expected before Leipzig.

In summary, on three occasions in the past two years, the World Bank has made moves toward the takeover of the CGIAR's massive gene banks. If the Leipzig/Commission process is derailed, the Bank and CGIAR can be expected to end the accord with FAO in 1997 leading to a situation in which, de facto, CG germplasm will be controlled by the World Bank.

- **Cash and Control:**The April session of Commission session clouded who has been saying what about financial mechanisms. As mentioned above, a great deal was lost in 1995 when governments in the FAO Commission agreed to de-link the financial mechanism from the Global Plan of Action. While an intellectual argument can be made for the de-linking (unconstrained discussion on substance ahead of budget level commitments), the decision effectively moves finance and control concerns off centre stage into back rooms. It is important for NGOs to continue to press for at least some discussion of these critical issues in Leipzig and for a clear agreement on a transparent process for their negotiation following Leipzig.

- **On-Farm versus In-Bank:**The in situ - ex situ debate in Leipzig will be confusing to everyone. Countries without national gene banks (especially in Africa) feel that the draft budget guarantees that they will never have their own bank and national sovereignty over their own seeds as a result. Countries that have gene banks are desperate for the financing needed to keep their seeds alive, rejuvenated and replicated so they will not be accused of destroying the foundation of the world's food security. NGOs (well-supported by the State of the World Report) largely believe that the longstanding emphasis on gene bank technologies for seed conservation has been overrated and, in fact, has facilitated biopiracy. Major flows of seeds to banks in industrialized countries have been defended with the excuse that the best banks are in the North.

Depending on the starting premise, the draft budget in the Global Plan of Action either surrenders future gene bank control to the North (if countries don't have their own bank already); entrenches discredited technology (if countries want more on-farm conservation); or supports the rescue of endangered collections in the short-term while gradually shifting long-term emphasis toward on-farm initiatives (from the FAO perspective).

Whatever the opening bias, the truth is that most of the world's existing gene banks are poorly-funded and their collections are tragically endangered. Much of the farmers' material in the banks has not been duplicated anywhere else and may not be found in fields any longer. Much of the material is also in desperate need of emergency multiplication or it will soon be dead. If money is not spent on saving this material in the short-term, world food security could suffer terribly in the long-term. Recognizing this fact does not contradict the need to swing the conservation pendulum toward farm-based conservation/enhancement. Not only is the on-farm approach scientifically more sound and economically less expensive, it is also politically more secure and appropriate. On-farm strategies ensure dynamic conservation and stimulate effective utilization. Wherever possible, in situ and ex situ approaches should work closely together as two parts of a common strategy. There is no reason for it to be otherwise. If governments cannot be assured of long-term funding for national gene banks, they should use the Leipzig Process and revised Undertaking to establish the legal safeguards and resources necessary to ensure sovereignty over their seeds in regional or world repositories under UN control. In fact, the GPA argues strongly for negotiated "black box" systems that would be under UN responsibility.

- **Farmers' Rights and Indigenous Rights:**Confusion abounds over whether a conflict exists between Farmers' Rights as expressed in FAO and the CBD and Indigenous Rights as understood in the ILO Convention and by indigenous peoples in their organizations. Some governments in FAO and the CBD attempt to rewrite UN history by rejecting the term. "indigenous" altogether and by not acknowledging the long procession of UN agreements and documents that do acknowledge Indigenous Peoples.

Many would assume that since indigenous peoples domesticated every crop and livestock species, and play a lead

role in nurturing agricultural biodiversity today, that they should be seen to be the First Farmers and, logically, are entitled to all that is implied by Farmers' Rights. In addition, of course, indigenous peoples have an internationally-acknowledged legal status that speaks to their right to self-determination. The right of indigenous peoples to land has to be recognized in a sense that is wider than is conveyed by Farmers' Rights. Indigenous Rights, therefore, are not contradictory to Farmers' Rights but subsume and support Farmers' Rights within their wider framework of rights.

IV. Code Language and Co-option

In the years since the FAO Commission/Undertaking were first proposed (1981) and implemented (1983), the "code language" used by governments to address issues has shifted and become more direct.. The early Eighties used the language of The Law of the Sea and of a time when the patenting of life forms was seen as an aberration and the notion that the "commons" should prevail was still central. Today, the aberration of life patents has become the unacceptable norm and the commons have been defiled. In some cases, language has merely been co-opted. Those coming to Leipzig should not be tricked into misunderstandings...

- **Common Heritage:**In the early eighties, the G77, in the Law of the Sea, argued that the seabed was "common heritage" while the USA argued that it belonged to whoever got to it first. The G77 used this language at FAO to argue against private intellectual property monopolies over seeds, claiming that the global distribution of crop germplasm was too basic to be monopolized. OECD states opposed this language recognizing it to be a not-so-subtle attack on patents.
- **Full and Free:**Similarly, the G77 called for the "full and free" exchange of germplasm of all types as a counter to patent monopolies and Plant Breeders' Rights. The most intense debates in the eighties surrounded the categories of germplasm included in this language with the North insisting that "improved", "enhanced" or "private" seed stocks would not be fully and freely exchanged but that materials from farmers' fields could be exchanged. The South argued (very rightly) "all or nothing". After 1991, both sides seemed to compromise by giving independent definitions by which the South could opt not to exchange fully or freely and the North could do likewise. The CBD's acknowledgement of national sovereignty is a helpful step forward here but it only states clearly what had been implicitly accepted in the FAO Undertaking already.
- **Farmers' Rights**NGOs introduced this concept in 1985 as a first counterpoint to the North's pressure to recognize PBR as an "agreed interpretation" to the Undertaking. After intense opposition from the North and passionate support from Latin America and Africa, Farmers' Rights was entrenched in the Undertaking in 1991. The concept was inserted, as well, into Agenda 21 and the Biodiversity Convention. Since the original FAO Undertaking only dealt with crop germplasm, Framers' Rights was considered a term that applied to indigenous farmers as well. The concept cannot include the wider indigenous rights relating to self-determination and land, however, and it is appropriate that both the revised Undertaking (protocol) and the CBD should address these wider issues. (See Farmers' Rights - Indigenous Rights above.)

V. Leipzig and Lobbying

The April session of the FAO Commission was a wake-up call for many countries that had not fully understood the importance of the issues on the table or the complexity of some of the choices posed by the draft Global Plan of Action. Between April in Rome and June in Leipzig comes another negotiating round (also in Rome) from June 10-12 when two diplomats from two countries in each region will gather to review Leipzig preparations and the draft GPA. In this small, closed meeting, governments will try to come up with a consensus view of the

GPA that could speed negotiations in Germany. Those slated to attend this round include the North's hardest-liners. The South, however, is also represented by some of its strongest and most experienced negotiators. Since the 1995 Commission session, different factions are appearing among countries. Some of the divisions are along classical South-North lines, but some are not.

There were 99 governments at the April Commission meeting in Rome, but only 94 members of the Commission. Although two-thirds of the individual delegates (from member states) were from the South, the average size of national delegations from the North almost doubled their South counterparts. While the average South delegation had one to two members, the USA and Italy (representing the EU) had ten, Canada, Australia and Netherlands each had seven delegates and Germany and Sweden had six each. The Latin American delegations overwhelmed the South, with Brazil matching the Americans and the Italians with ten members followed by Colombia and Mexico - each with six diplomats and experts. The following is our best understanding of everyone's current position.

- **OECD:** To the extent that agriculturalists and geneticists have been engaged in past debates, the North has maintained a generally positive view of the overall Leipzig Process. Germany and the USA have provided substantial extra-budgetary funding and Canada has financed the participation of a number of South governmental delegations. The mood soured markedly in June, 1995, however, and has worsened over the intervening year for reasons discussed above. Although in favour of a Global Plan of Action and, in principle (but not in public), willing to provide some financial support for such a plan, the North remains cynical and distrustful about Farmers' Rights; sceptical about on-farm enhancement; and deeply reluctant to make commitments in the absence of a revised Undertaking and an agreement on germplasm access. By and large, however, many (not all) could "live with" the Secretariat's draft seen as a "rolling" GPA. If Leipzig degenerates into a line-by-line debate, however, the OECD will weigh in with literally hundreds of (mostly banal) amendments.
- **The Agree-Culture:** The USA, Canada, and the UK are hard-liners in the OECD group. (France, generally more open on financial issues, could be described as less a hard-liner than a "petty-liner" when it comes to largely inconsequential detail ... a role France understudies for Canada whose delegates have made "hard" and "petty" national diplomatic signatures.)

There is a case to be made that both USDA and U.S. State Department diplomats associated with Leipzig are basically supporting the draft GPA but that the Americans are strictly prohibited from endorsing any text with financial implications. While there is truth in this, it is also true that U.S. Government lawyers can see ghosts and shadows where mere mortals see nothing at all. The U.S. also comes to these meetings as one of the largest, and unquestionably the least organized, of all OECD countries. What can seem to be a plot is very often mind-numbing incompetence hard to expect from the world's only remaining Superpower. To be fair, USDA (agriculture) officials tend to do their homework well and approach FAO with a grudging decency and intelligence that is lost on their war-like State Department brethren.

Since the rest of the world can do very little to help the USA organize itself (maybe a technical assistance programme is needed?), we are obliged to operate on the assumption that the USA expects to join the CBD after the U.S. elections in November and that the USA would rather concentrate its efforts under the CBD - a body generally more disposed to bilateral agreements. This view is supported by the concern that the USA might pull out of FAO (as it has the ILO) and doesn't want to leave germplasm behind. Other observers believe the USA wants to reduce the impact of both the CBD and FAO in favour of regional and bilateral agreements more to its advantage. Certainly, the USA has been playing a blocking role in negotiations. The anti-FAO stance (if it exists) is given weight by the presence of key members of the USA's CBD delegation showing up at the last FAO Commission. In the working group round immediately prior to Leipzig (Rome, 10-12 June), the U.S. seat will be taken by one of its toughest CBD negotiators.

It should be noted that Canada probably takes a harder line than the USA. Canada too will be represented in the small group meeting just before Leipzig. In Canada's case, however, it is always difficult to know whether the delegation is speaking on behalf of national policy or private pique.

- **European Union, Norway:** Norway and Sweden have always been the progressive leaders in FAO Commission and CBD debates, and this continues. France and Netherlands also indicated unusual support for financial negotiations, however. Germany, as host of the Leipzig Conference, is most anxious for a success and is also pushing EU colleagues to take a more progressive position in June. There are small signs of improving support for the financial debate.

In the crucial pre-Leipzig meeting on June 10-12 in Rome, Europe will be represented by France, Germany and Georgia. Combined with the Canadians, Americans and Australians coming to Rome and Leipzig, it amounts to a very conservative OECD force. Within this group, Australia and Germany may prove the most progressive.

- **G77 and China:** The G77 almost crumbled under the burden of Brazil in the June, 1995 Commission session. The key delegate (who did not return to the latest round) openly insulted South and North delegations and showed open disdain for his colleagues. Most observers felt that Brazil was intentionally creating disharmony for the purpose of blocking progress on the revision of the Undertaking and in order to de-link Leipzig from financial and institutional issues.

In the recently completed Commission meeting, it was evident that African and Asian states were struggling hard to maintain G77 solidarity in the face of a very different Brazilian agenda. It could well be that the toughest work will not lie in the South-North battles but in the debates between Latin America and the rest of the G77 to maintain solidarity.

China has its own seat in the meeting in Rome and it appears that China will continue the constructive line it adopted in April. It could well be that China will be in a position to moderate between other South perspectives.

- **Africa:** Governments that do not have national gene banks are understandably alarmed that the draft GPA does little to encourage their hopes of funding for banks. Thus, in a region which has pioneered the most exciting work on formal-informal in situ conservation and has both the best national gene bank and the most critical understanding of gene bank limitations, governments are questioning on-farm research.

This does not deny that Africa has serious reasons for concern about the GPA and a desperate need to ensure national sovereignty over genetic material in regional or global gene banks. Still more important, African researchers (be they farmers or formal sector breeders) must be assured access to their breeding materials. The GPA speaks (but too humbly) to these concerns. As noted earlier, there are proposals for legally-binding "black box" and UN protected storage agreements. However, the final resolution will more likely come through the financial debate (whenever it occurs) and in the Access debate around the revision to the Undertaking in December. The painful reality is that there is not going to be enough money to both save the unique seeds already in storage and to build many additional gene banks. Those who dream otherwise are risking the world's food supply almost as surely as those who deny the money. In the latter stages of the April Commission, some African governments became concerned that GRULAC (the Latin American Group) was using G77 solidarity to press purely regional interests. Africa will be well-represented by Ethiopia and Tanzania in the pre-Leipzig negotiation in Rome. Delegates from both States showed skill and leadership in April.

- **Asia:** With leadership from Malaysia and Iran (who, along with China, will be attending the June working group in Rome), Asian states are generally more supportive of agricultural biodiversity protocol and more open to in situ and Farmers' Rights initiatives. Nevertheless, timber-exporting countries want to remove forestry resources from the GPA and are also critical of indigenous peoples' concerns. Along with the Africans,

some Asian states were dissatisfied with GRULAC's G77 role in Rome in April.

- **Latin America:** With ten delegates, Brazil's delegation matched the U.S. list and swamped that of other G77 countries. As in 1995, Brazil worked hard to delay proceedings. Unlike 1995, when it openly attacked other G77 members, however, Brazil this time led GRULAC with the support of Venezuela to lead the G77. Aside from delaying tactics intended to discredit the Commission, some Latin American states worked to eliminate GPA text supporting land reform, indigenous and Farmers' Rights, and provisions to diversify agriculture, include agro-forestry, and protect small farmers from inappropriate regulations. Most of the square bracketed text ("[]" indicating reservations or alternative language) coming from the drafting committee related to progressive sections of the GPA were provided by the OECD and by GRULAC. It appears that GRULAC (or, at least, Brazil) want to shift all biodiversity to the CBD where bilateral negotiations prevail. In the process, Latin America is taking the lead in the removal of agro-forestry from the food security agenda of the poor. As intellectually absurd as it may be, Brazil is actually attempting to divide the wild and weedy relatives of the world's major food crops (in-laws now outlawed in the forests) from Leipzig debate. At the June round in Rome, Latin America will be represented by Brazil and Colombia.

- **Industry:** As a "rolling" and loosely-defined text, industry has very little interest in the draft Global Plan of Action. Industry's dominant concern is to establish a sense of progress and an environment of international good will that will ease the way toward the much more critical Access and Undertaking debates yet to come. For this reason, industry will come to Leipzig anxious to encourage agreement and willing to apply some modest pressure on the North to achieve agreement.

Even though the debate on Access lies much closer to industry's pocket book, most genetic supply companies do not think in the long-term. Indeed, they are seldom able to look beyond their own quarterly and annual reports to see five years down the road, much less plan for the crop wipe-outs and disease problems of the year 2020.

Herein lies a contradiction. Some private breeders and seed company managers do see the urgency for constructive conservation and are anxious that the North's seed banks be well-funded and secure. They are also concerned to have access to the South's germplasm. They believe that governments should pay to secure this material through taxes but are less-than-enthusiastic about being taxed themselves for this purpose.

However, since seed companies are almost entirely in the hands of Life Industry multinationals with much broader biotech portfolios, their senior management have little or no interest in Leipzig. Indeed, if seed company profits dip below the performance levels of other industry segments (their pesticides or specialty chemicals divisions, for example) the seed company is in real danger of being gutted or sold off. Long-term strategies are almost impossible in most companies.

For this reason, even the access debate is largely theoretical for most of industry. The area that is not theoretical is the conversion of the much-despised Undertaking into a legally-binding protocol under the CBD constitution. Industry lives in fear of legal commitments and regulations. It is especially fearful that acrimonious debates such as have been common in FAO, could transform into anti-intellectual property provisions (even ambiguous language that some countries might interpret "negatively" from industry's viewpoint) that could undermine company markets and monopolies in the near-term.

To add to their anxiety, industry is hardly more comfortable with the ambiguity and uncertainty surrounding the CBD. It was, after all, the biotech industry that prevented the Bush Administration from bringing the U.S. into the CBD and that has kept Clinton out as well. Faced with these competing evils, industry will come to Leipzig more to monitor than to participate.

- **NGOs:** Civil Society (compared to the UNcivil Society proffered by the United Nations System and Industry) has a long and constructive history in the genetic resources debate. There are few issues in global

debate where NGOs are taken more seriously. Nevertheless, history records that at key times (the Rio Earth Summit, the Nairobi Final Act, the Social Summit) NGOs have a monumental capacity to courageously and incisively ferret out lint in their navals rather than engage in the critical debates. Whether NGOs will recognize the Leipzig battle for its true dimensions - or just another opportunity for naval exercise - remains to be seen. If the Leipzig Process is taken seriously, NGOs could take make a major difference to the outcome.

- **Comment** *The wild cards in the upcoming negotiations lie in the extent to which the USA will place its agricultural interests above its biodiversity politics and the degree to which Germany will work to convince the EU that genuine progress in Leipzig requires a financial timetable and commitment. The wild card in the South will be in the extent that the G77 and China allow Brazil's national enthusiasm for bilateral biodiversity deals to dominate their own needs for national and global food security. Meanwhile industry will be sitting nervously in the corner with its fingers and legs crossed.*

VI. Summary and Strategies

The Leipzig Process offers peasants both risks and opportunities. The food and agricultural community, at the global level, has never experienced a more participatory and country-driven process and NGOs have never had a more direct capacity to intervene and influence agricultural policy-making. For this reason alone, the opportunities offered by Leipzig should be addressed seriously.

Nevertheless, the risks dominate. At this point in history, "good" is not winning many battles over "evil" - nationally or internationally. It would be hopelessly naive to believe that the international community is going to suddenly come to its senses and adopt, fund, and implement a truly wonderful Plan of Action to sustainably use genetic diversity. This was never a possibility.

This leaves NGOs in Leipzig with three possible starting points. They could - but need not - be mutually-exclusive...

- **Cooperative Self-Reliance:** Recognizing world realities, NGOs treat Leipzig as a largely defensive exercise (which does not preclude taking strongly offensive positions against industry or the North) intended to ensure that governments not surrender power and become lulled into a negotiating rhythm, or financial expectations, that could lead to bad deals related to access or the Undertaking revision. The strategy would be to encourage community, national and (possibly) regional germplasm self-reliance and South-South cooperation, but to discourage the North's access to the South's germplasm. Issues of repatriation and compensation could be addressed and work could be done to ensure national and/or UN control over CGIAR gene banks, etc.

- **Echo-logical Amendments:** As a separate or complimentary strategy. NGOs could also take on the detail of the draft rolling GPA in order to press for constructive amendments that could help strengthen the position of peasants back home. Strengthened language in support of Farmers' Rights, indigenous peoples, women as innovators, on-farm breeding, formal-informal sector collaboration, crop diversification, land reform, and the negative impact of patents and biotechnologies, could help NGOs in some countries influence national policy makers, if it were adopted in Leipzig.

Conversely, of course, if constructive language is removed from the text in negotiations, NGOs may have no choice but to oppose the entire text as directly as possible.

- **Movable Feast or Famine:** (Again, not necessarily exclusive of the other options) NGOs could lobby in Leipzig with a view not only to the Access/Undertaking negotiations later this year but also to introduce positions in the World Food Summit and the CBD that might, of themselves, be useful and might also strengthen

the South in the review of the WTO agricultural and patent provisions in 1999/2000. This requires seeing discussions in Leipzig not as an end point but as a point along a continuum running several years ahead. As attractive as this logic can seem, it is also easily self-deceiving. NGOs can lose their sense of direction without knowing it. Conversely, not to bear the longer-term goals in mind is to accept other risks that could also prove dangerous.

• **Critical Positions:** Whatever our starting premises, many might agree that the following points are essential ...

- Farmers' Rights must be affirmed as a pre-requisite to the implementation of a Global Plan of Action;
- A revised Undertaking must become a legally-binding protocol under the constitution of the CBD (and this document must entrench Farmers' Rights);
- The Leipzig Declaration, Report and GPA should strengthen support for indigenous peoples and farmer-led food security, including on-farm germplasm enhancement;
- Access issues must not be tied to either Farmers' Rights or the Undertaking;
- CGIAR gene banks and germplasm must come under the legal authority of the UN;
- Leipzig must ensure the security of existing, unique *ex situ* germplasm collections and, where they are not maintained by the country of origin, guarantee their accessibility to countries of origin by re-affirming the principle of repatriation;
- Nothing in the Leipzig Declaration or Report should in any way support agricultural trade liberalization, privatization, or intellectual property;
- Nothing in the Leipzig Declaration/Report should support biotechnology or the proposal for a Double-Green Revolution.

List of Acronyms and Short Forms Used in the Text

CBD	Convention on Biological Diversity/Biodiversity Convention
CGIAR (or CG)	Consultative Group on International Agricultural Research
Commission	FAO Commission on Plant Genetic Resources
COP	Conference of the Parties to the Biodiversity Convention
FAO	UN Food and Agriculture Organization
IBPGR	International Board for Plant Genetic Resources (became IPGRI)
IFAD	International Fund for Agricultural Development
IPGRI	International Plant Genetic Resources Institute (formerly IBPGR)
G 77	Group of 77 (now many more) developing countries
GATT	General Agreement on Tariffs and Trade
GEF	Global Environmental Facility
GPA	Global Plan of Action
GRULAC	Group of Latin American Countries
IPF	International Panel on Forestry
IUCN	International Union for the Conservation of Nature
OECD	Organization of Economic Cooperation for Development
SUBSTTA	CBD Sub-committee on Scientific, Technical and Technological Affairs
TRIPS	Trade Related Intellectual Property Agreement
Undertaking	International Undertaking on Plant Genetic Resources
UN	United Nations
UNEP	United Nations Environment Programme
UPOV	Union for the Protection of New Varieties of Plants
USAID	United States Agency for International Development
WFP	World Food Programme
WIPO	World Intellectual Property Organization
WRI	World Resources Institute
WTO	World Trade Organization
WWF	Worldwide Fund for Nature/World Wildlife Fund



The Leipzig Process (and Goals)

The Question is... Do Any Roads Leave FROM Rome?

