

# Rewriting the Rules...

## ...to secure our future food

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Good morning. I was really pleased when I heard about the title for this conference because having worked for over 10 years on how the global rules, especially those on patents and other forms of monopoly or exclusionary privileges are made, I've become convinced that unless we change the frameworks, laws, rules and regulations we will never achieve the kind of fair, sustainable, healthy and vibrant food system we need for our future well-being on this planet. I was also pleased to see the focus on bringing African Farmers' voices into European policy making as I first became involved towards the mid 90s with work that led to my recent focus on global rules through a Quaker programme to enable participation by sub-Saharan governments in the negotiations that led up to the International Treaty on Plant Genetic Resources for Food and Agriculture. This then developed into working with African and other negotiators in Geneva in the review of Article 27.3(b) of the TRIPS Agreement. But then I was daunted by being asked to give the keynote address to such a group of experienced, well-informed people who each know the different aspects of the food system that you work on far better than I do.

Anyway, here I am and here we go. First of all I'd like to take the problems as read – from continuing and rising levels of hunger and ill-health related to food consumption patterns, worker exploitation, neglect of smallholders, soil and water degradation, exhaustion of fisheries, the challenges of climate change and so on. Taken together and along with the huge geo-political shifts underway, we are a bit like people were in 1909. By then, most of the technologies that were to shape the 20<sup>th</sup> century were known, (but not computing which so affected the latter part of the century), the collapsing empires and potential for geo-political changes could be seen and yet few if any would have predicted the revolutions, the 2 world wars, major depression that ensued. Pretty well most of the ingredients that are likely to shape the next few decades are also here, along with a joker in the pack they did not face in 1909 – climate changes induced by the development path pioneered by this country and copied globally and which is still the fundamental model to which everyone with power clings. Yet, I also fear that if our politicians, scientists, and people react as people did in the last century then the wars and conflicts and suffering of the 21<sup>st</sup> century will be far greater than that of the 20<sup>th</sup> – despite all out technological brilliance, and given that we still devote huge amounts of human creativity and ingenuity to producing ever better means of destruction.

Today's challenge requires us, as a human race grouped into many and varied societies and cultures, and politically into nation states, to behave in a way we have not yet managed in our relatively short history as a species, except rarely and then usually after some great conflict or catastrophe, such as the creation of the welfare state in the UK or the UN after the Second World War. That is, we need in a deliberative, thoughtful, cooperative and planned way to manage and share the resources we have on the planet out fairly, be prepared to deal with all kinds of disruptions to climate, and food supplies in ways that minimise suffering and avoid the wars and conflicts over resources for which there is such a dreadful potential. I believe working through food could be one way to connect, cooperate, and unite people globally – as we all need food, all the time, all our lives. Also food illustrates the enormous diversity of human societies and cultures, our amazing omnivorous capabilities, our creativity within many diverse environments and food involves all aspects of our being – social, cultural, psychological and physiological. It also highlights where the key battles are being fought over the future kind of world in which we'll live, who'll have control over what and how

we will relate to each other. And that's the real question about rewriting the rules – for a lot of rewriting has been going on. The question is who makes the rules in whose interest and what kind of world is it we're talking about?

There are a growing number of voices saying in various ways that we have to do things differently on this planet if we are to survive and thrive. From the latest Sustainable Development Commission report on Prosperity without Growth, which argues that the economic growth model is mad and must be changed – beginning in the rich countries, to the International Assessment of Agricultural Knowledge, Science and Technology for Development, which argues the way we farm must change from the industrial, fossil fuel intensive system dominating today. So major change is needed. But will we get it – and in the direction we need? Do our leaders show any signs of grasping the enormity of the task ahead? If the response to the crisis brought on by financial fiction capitalism is anything to go by, no they don't. Indeed, food shows well why the current capitalist model of continuing economic growth and consumption makes no sense for our individual and environmental well-being. We don't need that much food to live a healthy life, we can meet those needs from a variety of staples supplemented with fruits, vegetables and protein sources be they animal or vegetable and certainly don't need to increase our consumption of it beyond a sufficient level for a healthy life. Otherwise, like the fat man in the Monty Python Meaning of Life film, we explode – which indeed is what is happening in the global obesity epidemic – at the same time as others barely subsist.

I think we can characterise into two main streams the visions for our food and human future – provided that is we avoid the still very possible collapse of the complex but vulnerable technological systems we have developed through the release of weapons of mass destruction, disease pandemics, financial meltdown or climate destabilisation. The first, which I don't want to detail – and I'd recommend Pat Mooney fictionalised scenarios to read here - but which I think we should make a better job of making clear to people just what is looming, is the techno-fix. This is the technological dominance vision, that is a continuation of the industrial model, corporate-controlled and led, monocultural and homogenising, future with 'development' as a process leading to being like the west. In this view humans are seen as the only thing that really matters on the planet, that we have the creative scientific and technological abilities to find out way out of any problems (or at least the rich and powerful do and as long as it is the poor who suffer adverse consequences and can be controlled then it's not a problem for them), and because of this ability we will be able to carry on without major change. It's a future in which people will no longer own things as they do now but increasingly be licensed to plant seeds, listen to music, read books, and maybe breathe the air around as we slowly commodify everything and move it into market relationships. It's the future of seeing 'vertical farms', 'in vitro meat', genetically engineered organisms and a geo-engineered plant and synthetic biology as the solutions to complex environmental, political and social problems. It might be called a kind of corporate feudalism. That's where the current framework is taking us, that's where the type of intellectual property rules that have been imposed globally lead, that's where we are heading unless we change the framework and the paradigm.

The other approach is characterised by the kind of approaches most of you are familiar with – seeing us humans as animals who are part of the biosphere and needing it to be well functioning to survive, who see processes happening in cycles, of sustainable farming working with the flow, in an agro-ecological manner, marrying traditional indigenous knowledge about how to farm sustainably in a myriad of environments with science. In this we know history matters, things are like they are because of particular histories, because of the way power had been exercised, commodity patterns are linked to past imperial interests, that we've got things wrong about land before – from the dust bowl in the USA in the 1930s to the Romans destruction of the granaries of North Africa and we could – indeed are doing it again – unless we use the wisdom developed over millennia by people surviving in very diverse environments. Indeed as I saw recently in India, and earlier in Ethiopia, Turkey, Mongolia and other places as Eric Holt-Gimenez noted in a recent article

*There are many highly productive, equitable, and sustainable alternatives to the present industrial practices and corporate monopolies holding the world's food hostage, and literally millions of people working to advance these alternatives. Contrary to conventional thinking, these practices are highly productive and could easily feed the projected mid-century global population of over nine billion people.*

It's just that they are complex, not simple, uni-linear and not easily mechanised, or managed with little labour with little interest in the land or knowledge of it. Yet these activities go on despite the system not because of it. So the challenge is how to change the system – and here I do not just mean the food system – for we cannot achieve the transformation that we need to a fair, sustainable and healthy food system for people and planet simply from within – because food is embedded in an economic system that fails humanity. Yet food is also a beacon that could help lead us out of that bigger system by showing the ways to go both within the food system and beyond it. Let us accept the paradigm shift to the agroecological, disseminated, open systems of innovation, model as the paradigm and ask how do we frame the rules to make this the easy way, not the hard way? Then see which laws, rules and regulations we need to tackle. After all, they are only human laws, legal fictions, not laws of nature like gravity. We need to be clear about the specific ones that each of our particular experiences informs us about. But also let us create the space to connect them together and join the dots to get the bigger picture. In my years working with NGOs, and as campaign consultant for WDM in the late 80s early 90s, it was clear that because there are so many pressing problems, that there were always fires to fight and so there was little time to devote to removing the reasons why the fires broke out. Moreover, for those engaged in fund raising and public support, rather like any consumer device manufacture with the constant new models, there was a need to move to a new campaign or effort every so often to keep the supporters happy. Yet, in fact, a lot of things that need doing take a lot of time, persistence and effort. Note, for example, the 20 odd years that the 4 major industries – pharmaceuticals, music, film and software - that reshaped the global monopoly privileges rules spent to make sure they got a Trade-Related aspects of Intellectual Property Agreement, TRIPS, into the WTO and their continuing effort put into enforcing it and expanding upon it through Free Trade Agreements and the new Economic Partnership Agreements of the EU – and I gather there is a new briefing launched about EPAs and IP today by the UK Food Group. Their re-writing of the rules is all about a conservative and protectionist approach to the world by various industries to make it safe for their business model to survive, when in fact technological changes make it obsolete.

Today we will focus on the laws, rules, regulations and measures that will facilitate the kind of food system we want. That will deliver the food sovereignty and democracy and an agroecological approach which benefits small holders, landless workers and poor people, in which their voice comes through loudly and clearly both nationally and internationally, and in which tackling poverty and hunger is the yardstick by which change is measured.

I found Donella Meadows experience on thinking in systems, posthumously published in the book of that name, very helpful in reflecting on this. In her reflections on a lifetime's work on systems – she was lead author of Limits to Growth in the 1970s – she talked about the leverage points for bringing about change. She identified about a dozen. She noted that many people often worked on the lowest level levers that were most easily accessible but least effective in getting system change, such as the numbers of people affect by problems. The most effective lever in getting system change, but also hardest, focused on paradigm shifts, out of which a whole new set of approaches follows. Closely related to changing paradigms were three other leverage points.

One is being clear about the goals of the system – its purpose or function. This is a core issue and we need to be both clear about it and who can promote change. As I've argued before the goals of the food system – and indeed food policy - are multiple, complex and interconnected. They are to ensure

a safe, secure, sustainable, sufficient and nutritious diet for all, equitably. These are the measures and outcomes by which change should be judged.

The second lever concerns enabling the ability of self-organisation within the system. This facilitates the power to add, change, and evolve the system's structure to meet those goals. And this in turn means losing central control – be it corporate or state and seeing the capacity for resilience and adaptation rooted in the many and diverse cultures, communities and environments in which food is produced and consumed. This to me links closely with the approach taken in the food sovereignty and democracy movements and is all about ensuring knowledge, experience and voices of farmers, fisherfolk, pastoralists, and household food providers, urban and rural, not just in Africa but everywhere, are heard in national and international policy making circles.

And the third leverage area, which is where we'll focus on for the rest of the day, concerns the laws, rules, regulation, frameworks, incentives, punishments and constraints that shape what the actors do in this food system – indeed the economic and political system too. And to date it is the most powerful who have been setting these rules in their interest, interests that have failed to deliver the kind of food system we need. So if we can shift the paradigm from a fossil-fuel intensive, industrial farming model serviced by ever large companies across all sectors – from input supplies to traders, manufacturers, retailers and caterers, in which the ever fewer and larger elephants in each group compete between and amongst each other for what money is to be made from food, while trampling the farmers, workers and consumers underfoot - to a new, diverse, multiscale, agroecological model, what are the rules, laws and incentives which will facilitate people and businesses to work in that way and help them blossom, because of the system rather than despite it as at present.

I'd now like to briefly run through a number of areas where we need new rules, new incentives and disincentives to support this change in paradigm. We cannot cover all of them today, and this is not an exhaustive list. There are people working in different fields in different ways on all these aspects – but too often not in a sufficiently joined up, mutually reinforcing way so that the sum of these parts will be much greater than each of them individually. Now I think we can join them together through food.

So what are some of the areas where we need new rules and frameworks?

A really big one is Economics. We need a new conception of economics, which grows out of ecology, which challenges the simplistic economic growth model as the recent SDC report does. There are now many people out there working on this, from the likes of Herman Daly to the New Economics Foundation and the Green economics groups. We can help ground that work by bringing it back to sustainable food systems, practices and livelihoods. It requires new measures of progress and abandoning simplistic, inaccurate measures such as GNP – as even President Sarkozy and the orthodox economists like Stiglitz and others acknowledge, and who have just reported on the President's Commission on the Measurement of Economic and Social Progress, as well as far more trenchant critics of corporate capitalism like David Korton. Various imaginative proposals are coming forward, including some to shift the burden of taxation from income to assets and environmental impact of activities, others to alter the privately issued debt-based money supply, others to cap wealth and income. They need to include requirements to disallow short-term discount rates, for example, which lead to future generations' interests being rapidly discounted in investment decisions.

Another area for change is in rules governing land access and use policies. These may include stopping the use of good agricultural land for industrial and urban development and biofuels. And this takes us into the more general area of how we deal with property – both real and imaginary. Land reform, rules governing land-holding and land use are crucial to realising the kind of sustainable

food system we are talking about. What is needed will vary from place to place but this is a central issue about power and the need to shift power.

The biggest shift in the rules over property recently concern imaginary property, such as patents, copyright, plant breeders' rights, and trademarks, where these privileges are now being given priority over those of people with real property. As Chris Rogers wrote in our book on the Future Control of Food, the GE contamination cases show that the claims of holders of such imaginary property are being given greater weight than those of farmers working real land. These judgements seem to contradict the polluter pays principle. We need countries both to use the flexibilities allowed in the existing rules and to work to change them by, for example, removing the exclusionary element from patents affecting food security and climate change technologies. More radically, we need a different means of promoting innovation far more widely and in ways that go beyond the control of a few players. More immediately, as Olivier de Shutter noted amongst many other things in his report to the UN General Assembly this year on seed policies and the right to food, countries should refrain from imposing TRIP-Plus condition in free trade agreements – The EU and its EPAs take note.

One area I'd like to dwell on a little more is the whole question of research, development and innovation. What a great deal of the work people here have been involved with, and which I've seen in Ethiopia and most recently in India shows, is how innovative and knowledgeable different farming communities are in managing complex ecosystems and balancing the risk and benefits gained from different production patterns, using biological and environmental control mechanisms to increase their power over undesirable outcomes, whether from pests or weather events. Moreover they have multiple uses for the biomass produced. Indeed, the history of farming is one of open systems of innovation subsequently supported by public good R&D made available for farmers to build on. That is until recently. There has been a move away from applied R&D and a shift to private provision under ever-stronger intellectual property regimes, more like that in the pharmaceutical sector, and all that allied to a more uni-linear, industrial model of farming focussing on a few elements of production, such as grain yields and use of external means of control such as pesticides and fertiliser, to overcome the need for sophisticated but often knowledge and labour intensive local environmental management practices.

Furthermore, what R&D has been done has often failed to help the smaller peasant farmers. In part, because it is too technocratic and does not take into account the political and economic conditions in which such farmers find themselves; in part, because of the way such R&D is conceived accompanied by arrogant and contemptuous attitudes among 'experts, who do the R&D and rarely have a rural farming background or understanding; in part, because of opposition from commercial entities to R&D that farmers could easily copy or breed from and which reduce the market for their products.

There is another more fundamental aspect that I've also been struck by which is the reductionist approach to science and the rather simplistic focus of R&D on specific disciplinary aspects – be that improved seed, pesticide or fertiliser use and response, which is also linked to the input-output industrial approach to farming developed in the rich world. When you look at how farmers manage complex tropical ecosystems and maintain and optimise production from them they deal in complexity, multivariate analysis of their needs and their environment's ability to respond to production of different crops under different climatic and stress conditions. Indeed, GE continues this simplistic, uni-linear approach, while claiming to incorporate many different elements into the seed – but seed, which is controlled by a few suppliers and cannot be developed further by farmers. We need different incentives, research structures and academic organisation and reward systems to promote behaviour change here. The way researchers are judged and rewarded must change if we are to see an agroecological approach to farming that melds traditional, empirical and scientific knowledge.

Other rules need to look at power relations, social, political and commercial. This takes us into the realm of rules on the nature of corporations themselves and rules on competition – over retail concentration for example. Other laws concern liability and redress so those introducing and benefiting from selling new technologies face as strict a liability regime as they want on owners of real property whose land is contaminated with their technology. Moreover, given the uncertainties and time scale that may be involved in unintended consequences from these technologies being made manifest clear redress regimes are also needed. Unsurprising perhaps, then, that the biotech industry is fighting tooth and nail against the liability and redress negotiations in the CBD at present.

Another complex area concerns how we frame rules that link nutritional well-being and dietary patterns to minimise non-communicable diseases like heart disease, many cancers and diabetes to food production and marketing patterns. This will require changes in marketing and advertising rules, to altered subsidy regimes and full cost accounting, linking health needs and costs with production practices and consumption patterns and rewarding positive areas and penalising negative ones. Other areas for change which may be both legal and cultural are in attitudes and practices over avoidance of waste.

Others rules relate to subsidies, trade and the economics of farming –neither for dairy farmers in the UK nor as was pointed out to me recently small farmers in India, does it pay for them to produce – their margins are squeezed, the access to markets inadequate, the profits go to others between them and the consumer and so on.

We also need to focus not simply on production and products but also processes and power. Empowering people, especially women, to have control over their lives and be confident actors in their own right is a key ingredient to a fair food system. I've seen it demonstrated recently in the work of the Deccan Development Society with the Dalit women with whom they've worked for over 20 years and who have become transformed – both in their ability to act together, have access to and farm land, and to communicate about their experiences and concerns directly to the outside world by enabling some of these women to become movie makers and radio broadcasters. This is one example where African Farmers and NGOs might want to link up on some South-South cooperation – although for all I know you may already be doing that.

Another area where change is needed is in the international governance systems – not just of food and agriculture, and I know there are many discussions going on about this now, but also about holding to account the most powerful international actors today – the transnational corporations. These increasingly play governments off against each other and influence their policies to support the corporate interests. Both national and international action is needed on commodity trading and returning hedging to its original purpose of risk minimisation not speculative gambling. Creating and managing real food stocks and emergency response mechanisms to deal with the undoubted crisis likely to arise over the next few decades are also needed.

We might also draw some lessons from the promoters of an ever stronger intellectual property regime. They are now focussing on enforcement mechanisms. Well it is time we looked at enforcement mechanisms for the right to food, and other human rights. We need mechanisms for holding both state and private actors to account for how far their policies and practices support and diminish these rights. We also need control mechanisms for the potentially highly destructive use of modern biotechnology and the many dual use applications currently being researched and of such concern to colleagues at Peace Studies in Bradford.

Changing systems is challenging and difficult but it is possible. And times of danger and crisis are times of opportunity for such changes. In looking at the various areas for changing the rules today, it will be helpful to link proposed change to specific examples of how this works. With this mixture we will have both stories to tell and frameworks to propose that show a humane, vibrant, inclusive way

out of the problems that lie ahead. This approach recognises the complexity and knows how to work with it and build on it, rather than steam-roller over it. But when we do succeed in shifting the paradigm we will still have to be ready to transcend it – for no paradigm or model is wholly true, and accurate. We have to remain open and flexible.

And finally I'd like to highlight a couple of Meadows reflections on the system wisdoms. One is to expand the boundary of caring – as she said and we know 'No part of the human race is separate from other human beings or from the global ecosystem'. Here we are trying to look at the best we humans can do and spread it. Good luck now as we move on to the rest of the day in focussing on specific rules, laws and norms to change, and highlighting others we may not have time or knowledge to deal with but which also need attention. The goal is to build that diverse, thriving well-fed world which is there to be created and which so many here have good examples of.

Thank you for your attention.