

Introductory note

Establishment and terms of reference

This is the report of the third session of the Panel of Eminent Experts on Ethics in Food and Agriculture, which was established by the Director-General in accordance with Article VI.4 of the FAO Constitution and Rule XXXV of the General Rules of the Organization, for a period of four years as of 1 January 2000. It met twice in its first four years of existence.¹ The term of the Panel was extended by a further period of four years beginning on 1 January 2004. The Terms of Reference of the Panel, to raise public awareness and advise the Director-General on ethical issues in food and agriculture, are provided in Annex 1.

Membership

The Director-General appointed eight eminent experts of recognized competence in ethics, philosophy, humanities or a relevant economic, legal or scientific discipline with experience of ethics, and of high moral authority and international or regional standing, to serve as of 1 January 2004 on the Panel in their personal capacity for four years. The members of the Panel appointed for 2004–07 are Mr Francisco J. Ayala from the United States of America, Ms Ruth Chadwick from the United Kingdom, Ms Chee Yoke Ling from Malaysia, Mr Carlos María Correa from Argentina, Mr Souleymane Bachir Diagne from Senegal, Mr Asbjørn Eide from Norway, Ms Cecilia A. Florencio from the Philippines and Mr Tewolde Berhan Gebre Egziabher from Ethiopia. Mr Ayala and Mr Eide were members of the first Panel; the others were new appointees. A summary biography for each Panel member is presented in Annex 2.

Organization of work

The Panel held its third session at FAO headquarters in Rome from 14–16 September 2005 with Mr Eide as Chair.

The Panel reiterated the basic ethical concerns and responsibilities set out in its second report and emphasized the increasing need for ethical considerations in the decision-making process regarding food and agriculture at both the national and international level. This need is especially pressing at the present time, given the rate of depletion of the earth's limited resources, the development of powerful technologies making use of them and the increasing level of interdependency and globalization, which may put at risk the earth's balance and reduce options for future generations. While recognizing the low level of awareness and the need to increase systematic analysis of many of the issues discussed, the Panel noted that significant developments are taking place both within and outside FAO. Within FAO, an interdepartmental Committee and Subcommittee have allowed for in-house reflections and

¹ See FAO. 2001. *Report of the Panel of Eminent Experts on Ethics in Food and Agriculture, First session, 26–28 September 2000*. Rome (available at: <http://www.fao.org/DOCREP/003/X9600E/X9600E00.htm>) and FAO. 2003. *Report of the Panel of Eminent Experts on Ethics in Food and Agriculture, Second session, 18–20 March 2002*. Rome (available at: <http://www.fao.org/DOCREP/005/Y8265E/Y8265E00.htm>).

useful periodical publications and reports, while the United Nations Secretary-General has established an Inter-Agency Committee on Bioethics to ensure cooperation and coordination, and the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) will consider for adoption the text of a *“Universal Draft Declaration on Bioethics and Human Rights.”*²

FAO experts introduced the various items on the agenda of the third session of the Panel, which is provided in Annex 3. In addition, a separate meeting was held with members of the internal Committee and Subcommittee on Ethics in Food and Agriculture in order to exchange views between the Panel and FAO staff. In view of the fact that this was the first time the members of the new Panel had met and that the Panel had three days available, it was recognized that it would be premature to draw detailed conclusions at this session. It was therefore agreed that more preparatory work would be done before the next session, in part through working papers prepared by the members of the Panel and further interaction between its members. What is set out in this report are basic considerations and identification of concerns that will be more fully developed in the report of the next biennium. This report should be read in line with the reports of the two first sessions, which took place in 2000 and 2002.

Documentation

The Panel had before it recent publications by FAO on ethics in food and agriculture, drafts currently being prepared on ethics and a number of other documents. A full list is provided in Annex 4.

The views expressed and the conclusions reached in the report are those of its independent members, and are not necessarily shared by FAO or its Members. ●

² Subsequently adopted by UNESCO on 19 October 2005.

Panel considerations, conclusions and recommendations

The global problems of hunger and malnutrition raise a range of ethical issues. The overarching concern is to move towards a situation where there is adequate food available to all and accessible both economically and physically for everyone, ensuring that the food consumed is safe and healthy and that the production of food ensures environmental protection where non-renewable resources are preserved. The world now has the ability to produce sufficient food, but has not found ways to ensure its adequate distribution and consumption. To remedy the unacceptable gaps in access shown by

the fact that hundreds of millions suffer from hunger and malnutrition in a world of plenty, and to ensure sustainable production, measures have to be taken in many fields, all of which can give rise to ethical issues.

At its third session, the Panel focused its discussion on nine main themes: i) Ethical issues in fisheries; ii) The ethics of food safety; iii) Ethical issues in food aid; iv) The ethics of sustainable agricultural intensification; v) Ethical perspectives on animal welfare and the intensification of animal production; vi) Ethical perspectives on the globalization of food and agriculture; vii) Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security; viii) Global goods, global services and privatization; ix) Intellectual property rights. Brief recommendations regarding each of these issues are set out in this chapter; more detailed considerations including issues for further discussion at the next session are set out in the subsequent chapter.

ETHICAL ISSUES IN FISHERIES

The Panel appreciated the document, *Ethical issues in fisheries*,³ and recommends that steps should be taken to help operationalize the concepts contained therein. To that end, the Panel suggests that Technical Guidelines in support of the FAO Code of Conduct for Responsible Fisheries could be created on how to use an ethical framework to assist in the implementation of the Code; such guidelines should be developed by the Fisheries Department, taking into account relevant recommendations of the Panel and other informed sources.

THE ETHICS OF FOOD SAFETY

The plants and animals that we eat as food can become unsafe by various causes and processes, including disease-causing organisms, the presence of contaminants not intentionally added to food, or through deliberate adulteration. Both national and international laws

³ FAO, 2005. *Ethical issues in fisheries*. FAO Ethics Series 4. Rome (available at: <http://www.fao.org/DOCREP/008/y6634e/y6634e00.htm>).

exist intended to ensure the safety of food and to ensure that contaminant levels in foods are as low as reasonably achievable.

Our knowledge of food safety is inherited from past generations. Genetic engineering introduces a new uncertainty, as it affects the genetic design of plants and animals and thus the composition of our food. The Panel reiterated the concern expressed in its earlier sessions over the potential environmental, health and socio-economic impacts of genetic engineering and genetically modified organisms (GMOs). Unless there is an overriding advantage that is apparent, the Precautionary Principle, which is the foundation of the Cartagena Protocol on Biosafety, would point to a preference for non-genetically engineered food. Even when there is an obvious advantage, an exhaustive testing of the safety of the genetically engineered food is required. A particularly heightened sensitivity to the cultural and religious norms of what food can be consumed and how it has to be handled to be acceptable to particular cultures and religions is required. The globalizing society has to heighten its sensitivity to these concerns, which are usually local in nature. Such sensitivity should exist also in the choice of transgenes in genetically engineered food.

ETHICAL ISSUES IN FOOD AID

The Panel recognized that the international community has developed significant institutional capacity to provide food aid in crisis situations, but recommends that more preparatory measures should be taken to ensure that food given is sufficient, adequate, culturally acceptable and safe, and provided in ways that help to restore sustainable food security in affected areas as quickly as possible.

ANIMAL WELFARE AND THE INTENSIFICATION OF ANIMAL PRODUCTION

The Panel recommends that FAO take a comprehensive approach to these issues, including the spectrum of relationships between humans and animals in different cultures and societies, and their respective ethical underpinnings. FAO should also examine the ethical implications of the application of new and emerging technologies, including genetic engineering of animals for pharmaceutical production and cloning.

THE ETHICS OF SUSTAINABLE AGRICULTURAL INTENSIFICATION

The Panel reiterates the recommendation it made at its second session in 2002 that agricultural intensification could be and should be ecologically sound and avoid greater dependency on non-renewable resources, which causes their further reduction, and should maintain respect for the global biosphere. Ethical considerations regarding agricultural intensification go beyond the utilitarian consideration of satisfying hunger and avoiding malnutrition and should take into account the preservation, and even enhancement, of distinctive traditions that define the character of nations and the cultural diversity of human populations.

HUNGER, MALNUTRITION AND THE RIGHT TO FOOD GUIDELINES

The Panel reiterated the deep concern expressed at its second session in 2002 over the global problems of hunger and undernourishment in a world of plenty. It welcomed the adoption by the FAO Council in November 2004 of the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security (“Right to Food Guidelines”) and recommends that States make full use of the guidelines to ensure more resolute action to end hunger.

Intensified efforts to ensure the elimination of undernutrition and micronutrient deficiencies are an ethical imperative, but the forms of malnutrition vary within and across regions of the developing world. In some places, undernutrition and overnutrition co-exist, resulting in the so-called “double burden” of malnutrition. The Panel reminds States of Guideline 10.2 of the Right to Food Guidelines, which encourages States to take steps, in particular through education, information and labelling regulations, to prevent overconsumption and unbalanced diets that may lead to malnutrition, obesity and degenerative diseases. In all their undertakings, States should take important human rights principles into account, including non-discrimination, participation and accountability, and should not use food as a tool for political and economic ends.

GLOBALIZATION OF FOOD AND AGRICULTURE

At its first and second sessions, the Panel had observed the opportunities that globalization opens for some groups, as well as the devastating consequences that it may have in developing countries, particularly for groups of marginalized farmers and those deprived of land and access to other related resources in rural areas. At its third session, the Panel discussed the ongoing analytical work of FAO on the ethical dimensions of globalization and encouraged further work on the subject. The Panel firmly believes that the growing concentration of economic power, erosion of cultural diversity, reduction of the national policy space and other processes associated with globalization can only deepen inequalities between and within countries. The implications of globalization for food and agriculture need to be analysed in the light of ethical principles and internationally accepted human rights, particularly the rights to food and health. Such analysis must be interdisciplinary and involve stakeholders from different cultures and regions. The Panel therefore calls upon FAO and other international organizations, national governments and civil society to engage in research and monitoring of the consequences of globalization for food and agriculture, and to develop the global institutions and cooperation mechanisms required to address such consequences effectively, particularly as they affect the poor. The Panel decided to study this matter at greater length at its next session with a view to adopting more detailed recommendations.

GLOBAL GOODS, GLOBAL SERVICES AND PRIVATIZATION

The Panel stressed the importance of what is called “ethics of the future” in defining our

tasks and responsibilities concerning the “common heritage of humanity”, of which global public goods (GPGs) and services are part, and emphasized the importance of promoting a global society and global citizenship, not just global finance or economy. While noting the uncertainty of the term “global public goods”, the Panel stressed the underlying concepts of *equity* and *intergenerational responsibility*.

The Panel calls on governments and relevant international organizations to put GPGs at the centre of international cooperation, which requires a clearer understanding of the nature and scope of these goods. The Panel calls on the international community to place discussions on international conventions and treaties under the auspices of the ethical notion of humanity when dealing with financing and management of GPGs and services, protection of natural resources (biodiversity), ownership (private and communal), usufructuary and access rights.

The trend of privatization of natural resources and commons (from the local to the global) in the pursuit of economic liberalization policies was noted with concern, and the Panel calls for a deeper understanding of this phenomenon, its ethical implications for local communities, nation states and the international community, and appropriate responses. It is crucial to orient our thinking towards the idea that GPGs and global services are an important aspect of peace-building and security.

INTELLECTUAL PROPERTY RIGHTS

The Panel calls on governments and relevant international organizations to adopt measures to correct distortions in the use of the intellectual property rights (IPRs) system and ensure that it rewards genuine creation and invention, while preserving genetic information and biological processes in the public domain and allowing legitimate trade in agricultural products. ●