



# Planting the rights seed: A human rights perspective on agriculture and the WTO

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Around 70 percent of the world's poorest people live in rural areas and are dependent on agriculture for their income, food supply and livelihoods. Many of these are small-scale, subsistence farmers, and the vast majority produce food for local consumption. If we are to improve the lot of the majority of the poorest people in the world then we must develop and promote the rural sector, putting people, rather than production, at the centre of agricultural policies. Developing the farm sector is an effective way to generate employment and reduce poverty, as well as to increase levels of health, nutrition and education.

Human rights law provides tools that can help define an agriculture system that guarantees human rights for all. Human rights are particularly relevant to World Trade Organization members, because all have signed and ratified at least one of the international human rights instruments.

## **The human rights framework**

Human rights are legally binding for all countries of the world. Some of these rules are set out in countries' national laws, others are set out in international human rights treaties. All countries have ratified at least one of these treaties, which include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and

Cultural Rights and the Convention on the Rights of the Child.

Other recent international commitments affirming human rights relevant to agriculture include the Millennium Development Goals in which all countries of the world emphasized their commitment to combat poverty, hunger and disease. In 2004, the 188 members of the Food and Agriculture Organization adopted Voluntary Guidelines on the Right to Food.

Many internationally-recognized rights are affected by agricultural trade policy, including the right to life, to food, to health, to work and to be free from discrimination. Human rights law requires states to respect, protect and fulfill human rights. In relation to the right to food, for instance, the obligation to "respect" means that the state should not take actions that deprive people of their existing access to adequate food. The obligation to "protect" means that the state should enforce appropriate laws to prevent third parties, including powerful people and corporations, from depriving individuals of their access to adequate food. Finally, the obligation to "fulfill" means that the state should identify vulnerable groups and implement policies to ensure their access to adequate food by facilitating their ability to feed themselves. As a last resort, the

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Full report available  
at [tradeobservatory.org](http://tradeobservatory.org)

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government is also required to provide adequate food to those who cannot feed themselves.

The human rights framework provides useful tools for approaching economic and trade policy-making. Human rights' emphasis on the needs of the most vulnerable members of society, and on prevention of discrimination, provide a people-centered yardstick against which proposed policies can be measured.

### How does the Agreement on Agriculture affect human rights?

From a human rights perspective the AoA has four key failures:

1. **Promotes exports rather than livelihoods.** The AoA's approach to agriculture is based on the ideology of trade liberalization. It entrenches the "right to export" rather than human rights. The AoA is designed to open markets worldwide and expand trade. This export-oriented approach does not guarantee improvements in people's livelihoods. In fact, it benefits the privileged minority that have access to resources, infrastructure, credit and foreign markets.
2. **Fails to tackle corporate control.** Trade liberalization has increased the market power of transnational commodity traders and processors, while taking power away from producers. This threatens livelihoods of farmers all over the world leaving them either impoverished or dependent on subsidies to earn a living. The AoA contributes to the consolidation of corporate power by ignoring the dominant role that a handful of large companies play at all levels of the food system.
3. **Allows dumping to continue.** Opening markets to higher levels of imports can actually increase food security because imported food can displace local production. Higher levels of imports are particularly damaging when developed countries maintain artificially high levels of production and then sell surpluses abroad at prices below their cost of production, a practice known as dumping. Dumping is

a human rights issue because farmers in developing countries are unable to protect themselves and lose their livelihoods due to competition from dumped imports. The WTO does have rules designed to prevent dumping, but they are weak and do not address the root causes of dumping, namely excess production and the market power of corporations.

#### 4. **Locks developing countries into an unlevel playing field.**

Since the 1980s World Bank and International Monetary Fund (IMF) structural adjustment programmes have pressured developing countries to reduce most of their trade barriers. This has created the situation existing today, which sees many developing countries with low border protection measures, little scope for domestic price controls and little possibility to provide subsidies due to their limited resources. Conversely, developed countries are not subject to World Bank and IMF liberalization requirements to reduce and eliminate trade barriers and they have the financial means to provide support to their farmers. Instead of seeking to redress the imbalance, WTO rules have locked all developing countries into the existing unfair system. From a human rights perspective, this situation is problematic, as it deprives developing countries of the policy space they need to implement policies to protect their people.

The WTO AoA contains provisions that could protect particular countries, or groups of people within countries, from the harmful effects of liberalization. These include non-trade concerns, special and differential treatment, the special safeguard and the Marrakesh Decision on Net-Food Importing Developing Countries. Although these are not implemented in a way that ensures protection of livelihoods and human rights, they do offer openings within the existing structure of trade rules through which WTO members can meet their human rights obligations.



## Simple steps towards ensuring fair agricultural trade rules

1. **Support stronger and simpler rules to prevent and counter dumping.** The WTO should improve and strengthen the definition of dumping so that products are considered dumped when they are sold below their cost of production. Importing countries should have the ability to immediately impose countervailing and anti-dumping duties where goods are sold abroad for less than the cost of production.
2. **Take non-trade concerns into account and use safety nets.** Reflecting and incorporating non-trade concerns into agricultural trade policy can change the economic-centered perspective of the WTO and bring in social, environmental and cultural concerns. The category of special products and the special safeguard mechanism for use by developing countries on the basis of food security, rural livelihoods and rural development concerns, are a welcome mechanism through which to promote fairer and more people-centred agricultural rules.
3. **Make special and differential treatment provisions more meaningful.** Developing countries have long insisted that existing SDT mechanisms are insufficient to address the disadvantages they face. In response, they have tabled 88 proposals at the WTO to improve SDT. These proposals require urgent review and should not be delayed further.
4. **Conduct impact assessments.** Human rights laws requires states to monitor the enjoyment of human rights in their country. Given that liberalization, as defined and implemented through the WTO, has caused retrogression from the enjoyment of human rights, it is essential that human rights impacts of any new negotiations be assessed before entering into new commitments.
5. **Tackle corporate control.** The human rights framework is a powerful tool for holding private corporate actors accountable for the harmful human effects of their activities and should be used as a basis of efforts to tackle corporate control.
6. **Ensure coherence between governments' economic and human rights obligations.** States' human rights obligations cannot be discarded when countries are negotiating at the WTO or with the IMF or World Bank. The WTO's view of coherence needs to be broadened to ensure that countries do not enter into trade agreements that undermine their social policies or their ability to meet their human rights obligations.