

Institution: University of Kent
Unit of Assessment: Anthropology and Development Studies UoA 24
Title of case study: Agricultural Heritage Systems
<p>1. Summary of the impact</p> <p>Professor Stuart Harrop's advice has informed and underpinned the UN Food and Agricultural Organisation (UNFAO) policy approach to 'Globally Important Agricultural Heritage Systems' (GIAHS).</p> <p>GIAHS are defined as '<i>remarkable land use systems and landscapes which are rich in globally significant biological diversity evolving from the co-adaption of community with its environment and its needs and aspirations for sustainable development</i>' see http://www.fao.org/giahs/giahs/en/. The UNFAO GIAHS project promotes and protects traditional agricultural systems to support food security/resilience strategies and preserve cultural and agro- and bio-diversity. Currently, there are GIAHS sites in Algeria, Brazil, Chile, China, India, Italy, Kenya, Japan, Madagascar, Morocco, Peru, Philippines, Tanzania, Tunisia, USA, Vanuatu (further details at http://www.fao.org/giahs/giahs-sites/en/).</p> <p>UNFAO requested Harrop to provide advice on the international law and policy that might support GIAHS. That advice continues to underpin the approach to the UNFAO's most recent work and meetings concerning GIAHS. In particular, Harrop's work has informed the UNFAO's decision not to engage in drafting an additional international legal framework. Instead, the organisation is using the existing legal arrangements to protect these land-use systems and landscapes.</p>
<p>2. Underpinning research</p> <p>Professor Harrop's (employed at Kent 1996 to 2013) research explores the relationship between trade and the environment, animal welfare, conservation and wildlife management law. Prior to joining academia, Harrop qualified as a solicitor and worked as a legal advisor for a range of organisations, including ICI and The London Stock Exchange, and he was Director of Legal Services for the Royal Society for the Prevention of Cruelty to Animals (RSPCA).</p> <p>His research dealt with two key areas that concerned GIAHS:</p> <p>Paper 1 (section 3, publication i) examined the challenges facing some rural communities, regarding the protection of intellectual property within their traditional agricultural and hunting practices, and the recent developments in international policy and law that are relevant to those challenges.</p> <p>Paper 2 (section 3, publication ii) examined the broader manner in which diverse instruments of international law and policy supported or hindered the role of traditional practices in biodiversity preservation. In particular, it analysed a wide range of law and policy within conventions deriving from the biodiversity preservation agenda, in addition to instruments dealing with indigenous rights.</p> <p>On the basis of this, Harrop was invited to advise the UN Food and Agriculture Organisation on the legal matrix and likely legal and policy arrangements required for the proposed full-scale GIAHS, to optimise its effect on the global community.</p> <p>The report Harrop, S. (2005) <i>GIAHS- An Examination of Their Context in Existing Multilateral Instruments</i> (UNFAO) was prepared in response; it clearly links into the underpinning research, and is available on the UNFAO site at: http://www.fao.org/giahs/giahs-inforesources/publications/publications-detail/en/c/143375/</p>

3. References to the research

- i. Harrop SR (2004). Indigenous peoples, traditional ecological knowledge and the perceived threat of the intellectual property rights regime. *Law, Science and Policy* 2: 207-239. ISSN 1475-5335.
- ii. Harrop S.R. (2003). Human Diversity and the Diversity of Life- International regulation of the role of indigenous and rural human communities in Conservation. *The Malayan Law Journal* 4: xxxviii-lxxx. ISSN 0025-1283.
- iii. Harrop, S. (2005). *GIAHS- An Examination of Their Context in Existing Multilateral Instruments* (UNFAO), available at: <http://www.fao.org/giahs/giahs-inforesources/publications/publications-detail/en/c/143375/>
- iv. Harrop, S.R. (2009). Globally important agricultural heritage systems: an examination of their context in existing multilateral instruments dealing with conservation and land tenure. *Journal of International Wildlife Law and Policy* 12 (3):127-165. doi: 10.1080/13880290903202286.
- v. Harrop, S.R. (2011). 'Living in harmony with nature'? Outcomes of the 2010 Nagoya Conference of the Convention on Biological Diversity. *Journal of Environmental Law* 23(1): 117-128. doi: 10.1093/jel/eqq032.

4. Details of the impact

The GIAHS project is designed to establish the basis for international recognition, conservation and adaptive management of Globally Important Agricultural Heritage Systems and their associated landscapes, agricultural biodiversity, knowledge systems, food and livelihood and cultures throughout the world. It is a UNFAO initiative supported by the Global Environmental Facility (GEF) (through UNDP during preparatory phases) and the full scale project is currently being implemented/executed by UNFAO, in close collaboration with United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organisation (UNESCO), International Fund for Agricultural Development (IFAD), The International Plant Genetic Resources Institute (IPGRI), United Nations University (UNU), bilateral donors, and others (a full list of partners is at <http://www.fao.org/giahs/giahs-partners/en/>; and see Terms of Reference for the GIAHS Steering Committee, detailed in section 5, point D).

The project document (UNFAO Implementation doc 2008-2013) is published on the FAO website: http://www.fao.org/fileadmin/templates/giahs/PDF/GIAHS_FSP_Document.pdf.

A key consideration in the formulation of GIAHS was the extent of interlinkage and overlap with existing international law and policy, and the agendas of other international institutions within the UN family. Expert advice was required to underpin the strategy of the then fledgling project in order to determine how it would develop and be implemented under a UN framework. A representative of the GIAHS team in UNFAO therefore approached Harrop after studying his publications.

Harrop's report (August 2005) formed the basis of the policy approach establishing and supporting the GIAHS project. Previously the GIAHS team had been considering a potentially counter-productive 'hard law' approach to GIAHS, which entails the development of new, global level, enforcement mechanisms (including systems of sanctions); instead, as a result of Harrop's advice, they pursued a policy that made use of existing legal frameworks. Harrop's report reviewed how existing legal mechanisms, at the global, national and local levels, could be used to protect important agricultural heritage systems. Harrop reviewed the capacity for current policy instruments under Agenda 21, the Johannesburg Declaration on Sustainable Development and Forest Principles to be used to protect agricultural systems. At the global level, Harrop identified existing legal support for such agricultural systems in the Convention on Biodiversity, World Heritage Convention, UNESCO Man and Biosphere Program, The RAMSAR Convention on Wetlands, The

World Trade Organisation (WTO), and The World Intellectual Property Organisation (WIPO), amongst others. The 2005 report also offers a summary of locally specific legal instruments including customary laws, legal arrangements surrounding community level land tenure systems, and legal instruments governing access to natural resources (especially for nomadic peoples) and the right to development.

The report was presented in Rome to senior members of UNFAO and representatives across divisions of that organisation, in addition to other representatives of international agencies and institutions of the UN including UNESCO, the Convention on Biological Diversity and the World Intellectual Property Organisation. It was also discussed and presented by Harrop at a number of other meetings in Rome with other key international organisations (section 5 points A, B).

Harrop's critical advice was to develop these existing legal instruments to develop protection for GIAHS; he states *'Whereas a multilateral convention would be the ideal solution to securely establish the GIAHS concept; it seems unlikely that this would be feasible having regard to the time it would take to negotiate and put in place. Further, there are some very sensitive areas of regulation to deal with such as trade and land tenure. Without a sensitive long-term strategy, these topics alone could frustrate the progress of an endeavour to achieve a complex regulatory instrument. A policy document reiterating the objectives of the project and its connections with other ventures; adding in as many of the potential components of a convention as possible may be a more practical solution as a medium term goal ... In terms of the steps that should be taken it would be best to aim high but with sensitivity and caution. Whereas the ultimate goal might be a convention or a sophisticated policy framework, the first step could be a simple supportive policy declaration detailing the concept, reciting both its benefits and the manner in which GIAHS would fulfil not only the FAO's objectives but also many of the other current key global aspirations. This declaration could be made by the FAO itself although either COAG or CGRFA might constitute a more practical choice'* (Harrop 2005).

The significance of the impact of Harrop's work is that the UNFAO approach to implementation now takes into account the complexity and difficulties associated with a hard law approach, as indicated in Harrop's report. Bearing in mind the extensive existing legal and policy framework indicated by Harrop, GIAHS is being implemented by UNFAO within current instruments, such as the Convention on Biological Diversity and resolutions of UN bodies at the Earth and World Summits. Its strategy is not to seek the establishment of a new hard law instrument but to deploy existing obligations and act as a coordinating centre (with countries and with other institutions such as UNESCO, WIPO etc.), and as the International Institution responsible for certification of GIAHS sites around the world (section 5, point B).

Harrop's advice continues to be the foundational legal and policy basis of the functioning of GIAHS and continues to be displayed on the UNFAO site <http://www.fao.org/giahs/giahs-inforesources/publications/publications-detail/en/c/143375/>. Harrop also continues to advise the GIAHS secretariat through, inter alia, his membership of the GIAHS Scientific and Steering Committee. The Terms of Reference of the Steering Committee state that *'[t]he primary objective of the GIAHS Steering Committee is to discuss the policy and strategic orientation and activities of the GIAHS, and make suggestions to the GIAHS to help to improve the relevance and impact of its work'* (details in section 5, point D).

As a member of the UNFAO GIAHS steering committee, Harrop has attended a number of meetings and at the most recent on 29-30 October 2012 in Rome he chaired the 3rd session entitled: Session 3 'GIAHS and links with CBD, ITPGRFA, UNESCO and other instruments'. The internal minutes of this meeting corroborate further Harrop's impact in relation to the GIAHS project: *'Prof Harrop cautioned that aiming for a GIAHS convention would require much detailed preparatory work and the negotiation path towards it could be arduous, with compromise along the way. Several other options would appear less complex and time-consuming, and some would lend themselves to a step-by-step or modular approach'* (p.10); and *'noting the excellent work of Prof Harrop on legal instruments and recently on the Aichi Targets, Mr Koohafkan enquired whether it would it be possible for him to prepare a concept note for a GIAHS instrument.'* (pp.17-18); (details

Impact case study (REF3b)

in section 5, point C).

At that meeting Dr Parviz Koohafkan, Director of the Land and Water division at UNFAO and global coordinator of the GIAHS project, described the 2005 report by Harrop as the fundamental basis for GIAHS policy and legal strategy, drawing on the links Harrop had identified to operate Joint Ventures between UN Agencies. Dr Koohafkan reiterates the nature of Harrop's impact in a letter dated 8 November 2012: '*Words are not enough to express the impacts of your Legal Report, as a comprehensive model of legal assessment, inside the FAO, and within the international community*' (statement detailed under section 5, point B). Thereafter, Harrop's report was re-appraised and one of his proposed strategies, that a protocol made under the express powers of the CBD, was recommended for further exploration as the next stage of the development of the GIAHS legal framework. A summary of the main points of the meeting are available at http://www.fao.org/fileadmin/templates/giahs_assets/case_study_annexes/6-CBD-Art-10c--8j-Aichi-Biodiversity-Targets-and-GIAHS-Mr-John-Scott.pdf. The development of such a protocol under the CBD is on-going, indicating the lasting impact of Harrop's advice (first provided in 2005).

5. Sources to corroborate the impact

The impact of this work is traceable to the initial presentation of the report in 2005 and continues to the present day because UNFAO use existing laws, rather than new international laws, to implement GIAHS.

- A. Harrop, S. (2005). *GIAHS - An Examination of Their Context in Existing Multilateral Instruments* (UNFAO)
<http://www.fao.org/giahs/giahs-inforesources/publications/publications-detail/en/c/143375/>
- B. Letter dated 8 November 2012 to Professor Stuart Harrop from Parviz Koohafkan, Director Land and Water Division, Natural Resources Environment and Management Department, United Nations Food and Agriculture Organisation. Comprehensive description of Harrop's impact made by the Director of the relevant UNFAO programme.
- C. Minutes of UNFAO GIAHS Steering/Scientific Committee meetings held in Rome, 29-30 October 2012, noting the excellent work of Professor Harrop.
- D. Terms of Reference for the GIAHS Steering Committee – states that the primary objective of the Steering Committee is to advise and steer policy to increase the relevance and impact of GIAHS work; it also lists current members of the Steering Committee, including Professor Stuart Harrop. Further details available at http://www.fao.org/fileadmin/templates/giahs_assets/case_study_annexes/ST-and-SC-Committees-TORs-and-members-2012-r.pdf