

Seeking Common Grounds: Analysis of the Draft Proposals for the International Coffee Agreement

January 2007

The International Coffee Agreement (ICA) establishes the only dedicated intergovernmental forum for coffee-related matters: the International Coffee Organization (ICO). The ICO brings together various stakeholders—including coffee-importing and coffee-exporting countries, the private sector, and nongovernmental organizations (NGOs)—to discuss, negotiate, and cooperate on shared strategies and policies regarding the global coffee economy.

Coffee plays a crucial role in the livelihoods of millions of rural households in the developing world. Yet market volatility and declining terms of trade, along with inadequate access to infrastructure, financial resources, and market information, have increased the economic vulnerability of many of those households. Small-scale farmers and farmworkers have been particularly hard hit, and their condition has been linked to rural poverty, migration, and increased production of illicit crops, consequences which in turn contribute to a vicious cycle of social instability and conflict at the local, regional, and even global level.

The current ICA expires in September 2007. Negotiations regarding the next ICA are an excellent opportunity to implement policies to advance international cooperation on the development of a more sustainable, participatory, and equitable coffee supply chain. In May 2006, Oxfam International joined 12 coffee-producing and civil society organizations from around the globe in outlining policy recommendations for the next ICA in “Grounds for Change: Creating a Voice for Small Coffee Farmers and Farmworkers with the Next International Coffee Agreement” (available at www.maketrade-fair.com/en/assets/english/grounds_for_change.pdf).

In September 2006, the International Coffee Council (ICC) established a Working Group on the Future of the Agreement and gave it the mandate of submitting recommendations to the Council by May 2007. Oxfam urges ICC Member delegations participating in the Working Group to seize this opportunity by implementing reforms along three general themes:

- Enhancing participation by small-scale producers. The ICA should expand opportunities for small-scale farmer organizations to advocate for themselves to address the unique challenges and opportunities they face.
- Promoting sustainability. The ICA should further codify economic, social, and environmental sustainability as a focus of the ICO, and should provide for consultation with a range of stakeholders on these issues.
- Providing tools for small-scale farmers to compete in challenging and changing markets. The ICA should enhance information collection and dissemination, project selection and coordination, and quality improvement efforts. It should stimulate access to markets, rural financing, risk management tools, livelihood diversification, and technical assistance.

Purpose of This Briefing Note

In anticipation of the Working Group's first meeting in January 2007, Working Group Chair Saint-Cyr Djikalou directed the ICO Secretariat to incorporate the comments and suggestions of ICC Members into the text of the current Agreement. The Secretariat has produced five draft proposals, grouped thematically into the following areas: objectives, membership and votes, efficiency of deliberations and decision-making, structural and administrative matters, and new and expanded areas of work.

This Oxfam Briefing Note analyzes those five draft proposals. It is organized into the same thematic areas employed by the Secretariat and is intended to be read side by side with the draft documents. We do not comment on all of the proposals in the documents; rather, we provide feedback on the proposals that directly affect the broad themes for reform described above, as well as the specific recommendations articulated in "Grounds for Change."

References in this paper to Members' proposals and positions are taken from the written comments submitted between December 2005 and September 2006, as well as the minutes of the September 2006 ICC meetings. Since the United States (US) provided the most extensive proposals, its suggestions are the most prevalent in the Secretariat's draft documents. While much of our analysis therefore responds to the US proposals, we note that many other Members also submitted general comments with valuable recommendations. We appreciate the effort by the Secretariat to capture the spirit of those comments in the introductory paragraphs preceding many articles, and we strongly encourage the Working Group to consider them fully when drafting its recommendations for the Council.

Section I: Objectives

This section references Working Group document WP-WGFA No. 2/06 Add. 1, available at <http://dev.ico.org/documents/wpwgfa2a1e.pdf>.

Article 1: Objectives

As many Members have noted, the themes of promoting small-scale farmer participation in the ICO, sustainability, and effective tools for small producers should be formally enshrined in the Objectives section of the next ICA.

If a mission statement is to be adopted, Oxfam supports referencing sustainability as one of the two overarching objectives. However, for this reference to have operational significance, a comprehensive definition of sustainability along the lines proposed by Kenya and others must also be included in the Agreement (discussed in Section IV of this briefing note). Further, we note that proposed language to frame the ICA's objectives strictly within free market parameters might preclude future discussion at the ICO that may be of interest to some Members, and might be interpreted as limiting governments' implementation of domestic policies.

Paragraph (2): The language proposed by the US regarding long-term economic, environmental, and social progress appropriately places these issues among the central objectives of the Agreement. However, as Cameroon, Brazil, Ecuador, Tanzania, and others have noted, a fundamental determinant of economic and social progress is securing remunerative prices for producers. In light of substantial evidence that many coffee farmers have endured extended periods of selling their product for below the cost of production—and the serious implications this has had on escalating farmer indebtedness, abandonment of farmland, and diminishing rural economic viability—the language in the existing Agreement regarding remunerative prices should remain intact, if not strengthened (as is suggested in the proposal by Ecuador). Also, as is alluded to by Brazil, striving to achieve a balance between supply and demand through market mechanisms should remain a central objective of the Agreement, especially considering the ICO's stated role in promoting demand.

Paragraph (2 a): Indonesia's proposal to add an objective regarding "participation of small-scale farmers in the global marketplace in order to alleviate poverty and to achieve the objectives of the Millennium Development Goals" would be a strong contribution to making the ICO more participatory and more relevant in addressing the economic crisis facing small-scale coffee farmers and farmworkers. It would also effectively relate the coffee economy to broader efforts to improve conditions for some of the poorest people in the world (a group that unfortunately includes many small-scale coffee farmers). As was proposed in "Grounds for Change," participation in the global market would be facilitated by enhancing opportunities for participation by small-scale farmer organizations within the ICO's consultative forums. Further comments on this topic can be found in Sections IV and V of this briefing note.

Paragraph (6): The proposed reference to sustainable expansion of the coffee sector as an overarching objective does not eliminate the need for a specific objective regarding sustainability. While the current language is admittedly vague, this paragraph should be strengthened rather than deleted. For instance, Ecuador's proposal to reference explicitly the economic, social, and environmental aspects of sustainability would strengthen the current language. However, in order for this objective to have teeth, a robust definition of sustainability must also be included in Article 2 (Definitions), discussed in Section IV of this briefing note.

Paragraph (7): Several Members—including Indonesia, Madagascar, Kenya, and Honduras—have encouraged an increased focus on diversification efforts in the Agreement. Both horizontal diversification (cultivation of crops in addition to, or in substitution of, coffee) and vertical diversification (quality differentiation and/or adding value to capture upstream margins) are potentially viable strategies to enhance producer income. However, we question whether this paragraph—regarding coffee consumption—is the appropriate place to mention diversification. We suggest instead that diversification be included in the proposed paragraph (10 a), discussed below, as a specific strategy for small producers to employ.

Paragraph (7 a): The language proposed by the US to facilitate the availability of information on financial tools to access credit and manage risk could be a significant step in providing small farmer organizations with effective tools to compete in dynamic market conditions.

Paragraph (8): The proposed language is a much better description of the ICO's role in project work and should be seriously considered, as it will lend clarity to the intent of the proposed new chapter on project work (described in Section V of this briefing note).

Paragraph (10 a): The US has proposed inclusion of a new objective "encouraging Members to develop strategies to enhance the capacity of local communities and small producers to benefit from coffee production and adapt to fluctuations in coffee markets." We strongly support this recognition of the social aspects of coffee production at the producer community level, as well as the unique challenges faced by small-scale producers.

Section II: Membership and Votes

This section references Working Group document WP-WGFA No. 2/06 Add. 2, available at <http://dev.ico.org/documents/wpwgfa2a2e.pdf>.

While we recognize that the different proposals regarding membership and voting are rather contentious issues, they do not relate to Oxfam's core concerns, and therefore we have abstained from commenting on the matter.

Section III: Deliberations and Decision-Making

This section references Working Group document WP-WGFA No. 2/06 Add. 3, available at <http://dev.ico.org/documents/wpwgfa2a3e.pdf>.

Similarly, we have limited our comments regarding the structure of the ICO to those proposals that directly impact the issues with which we are most concerned.

Article 12: Sessions of the Council

Paragraph (3): We welcome statements made by several delegations regarding the importance of participation by organizations outside of the ICC's membership, and we concur with the European Community (EC) and the US that the current language regarding admission of observers is not sufficiently clear. However, the US proposal for this article (like the "Draft Procedures for the Admission of Observers," WP-Council 141/06) lacks criteria to evaluate applications for observer status, and it implies that applicants must travel to London not knowing whether they will be granted entry to ICC meetings.

Consistent with the spirit of Articles 16 (Cooperation with Other Organizations) and 37 (Consultation and Cooperation with Nongovernmental Organizations), we support vesting the executive director with the authority to grant provisional approval for observer status, pending a vote of consent by the Council during the opening sessions of ICC meetings. Further, absent a compelling reason to deny such a request, observer status should not be unduly withheld from organizations that have otherwise complied with the application procedures.

Article 15: Decisions of the Council

Paragraph (1): The US proposes that the simple distributive majority currently required for most votes be replaced by consensus. While we have no position on this proposal per se, the EC has noted that the lack of provisions for making decisions when a consensus cannot be reached could lead to an impasse.

Article 16: Cooperation With Other Organizations

Paragraph (1): The language proposed by the EC appropriately strengthens the directive to consult and cooperate with appropriate NGOs and civil society organizations. However, this language alone does not clarify the process for admission of observers, unless changes are also made to Article 12(3), as described above.

Section IV: Structural and Administrative Matters

This section references Working Group document WP-WGFA No. 2/06 Add. 4, available at <http://dev.ico.org/documents/wpwgfa2a4e.pdf>.

Article 2: Definitions

We strongly concur with comments from several delegations regarding the need to include a definition of sustainability. We note that a definition is currently being considered by the ICC (proposed in WP-Board 32/06 and further discussed in ED-1981/06). This process should be brought to a timely conclusion so the definition can be included in the Agreement.

The definition should be robust to give operational strength to references to sustainability in the Agreement. As Kenya and Ecuador have suggested, the definition should reference the economic, social, and environmental aspects of sustainability. Economic sustainability should include equitable remuneration for producers that covers production and living costs plus a margin for development; social sustainability should include promoting social development of producer communities as well as protection of farmworkers' rights within recognized international and national frameworks; and environmental sustainability should reference both minimization of adverse environmental impacts of coffee cultivation (on biodiversity, water quality, forests, etc.) and maximization of environmentally friendly production practices.

Article 22: The Private Sector Consultative Board

Paragraph (2): Oxfam agrees with the comments of many delegations recognizing the important function of the Private Sector Consultative Board (PSCB) as an adviser to the Council. However, we believe the Board would be strengthened if it were expanded to include designated seats for small-scale producer organizations.

Several delegations have commented that the Agreement should do more to address the challenges and opportunities facing the small-scale farmers who produce the majority of the world's coffee. The most effective way to achieve that goal is to give those farmers a seat at the table so they can advocate for themselves. Their presence on the PSCB would also result in more inclusive communication between all levels of private sector coffee supply chains.

Oxfam appreciates the recognition by the US and Ethiopia that the membership of the PSCB may need to be changed to include small-scale producer representatives. Although no specific language was included in the draft texts, we hope that the Working Group will give this idea fair consideration during the January 2007 meetings.

While some delegations have commented that the interests of small producers are already sufficiently represented, we believe the unique issues facing small producers would command more attention on the Board if it included organizations that solely represented their interests. And while some have commented that proposals to change the structure of the PSCB should originate with the Board itself, we note that it is the sole prerogative of the Council to determine the structure, mandate, and membership of subsidiary bodies.

Should the Council designate seats on the PSCB for small-scale producer organizations, attendance by representatives of these groups would be facilitated by inserting a new paragraph in this article to make resources available to help defray travel costs. Such resources could be secured through project funding or through a voluntary funding mechanism (such as the Partnership Fund for Sustainability, discussed in Section V of this briefing note).

Paragraph (7 a): The language proposed by the US encouraging the PSCB to seek the views of NGOs and civil society organizations on issues of economic, social, and environmental sustainability will strengthen the effectiveness of the Board. We applaud the recognition of the importance of these issues in private sector supply chains, and of the valuable perspective that NGOs and civil society organizations could bring to the Board's work.

Article 37: Consultation and Cooperation With Nongovernmental Organizations

The proposed language appropriately clarifies and strengthens the mandate for the ICO to coordinate with NGOs, especially taken in concert with the proposed changes to Articles 7 (Seat and Structure of the ICO), 16 (Cooperation With Other Organizations), and 22 (Private Sector Consultative Board), as well as the existing provisions of Article 21 (World Coffee Conference).

Article 39: Sustainable Coffee Economy

Regardless of whether sustainability is mentioned as an overarching objective in Article 1 (Objectives), and independent of the other references to sustainability in the Agreement, it is imperative to maintain a stand-alone article on this vital issue. This article should not be deleted as has been proposed by the US; instead, its admittedly weak language should be strengthened. As Cameroon, the Central American Group, and Kenya suggest, all three aspects of sustainability (economic, social, and environmental) should be referenced, as well as the importance of achieving these aspects in concert with one another.

As noted by ICO Executive Director Néstor Osorio, deletion of this article would also eliminate references to the 1992 UN Conference on Environment and Development. The "Rio Principles" offer a framework for international cooperation on issues of sustainable development, and they should absolutely be maintained in the ICA.

Serious consideration should also be given to the PSCB's suggestions related to sustainability, particularly with regard to establishing a clearinghouse on global sustainability initiatives [which could be implemented under the proposed Article 31A (Dissemination of Information) discussed in Section V of this briefing note] and hosting workshops and conferences on the subject.

These and other sustainability initiatives would be strengthened if a multi-stakeholder forum were established to promote strategic thinking and provide consultation to the Council on issues of sustainability. "Grounds for Change" called for such a forum through the creation of a Consultative Board on Sustainability (based on a proposal by the Sustainable Coffee Partnership, WP-Board 960/04).

While a rampant proliferation of subsidiary bodies could result in organizational inefficiencies, we believe that subsidiary bodies can play innovative and useful roles—as in the case of the PSCB—as long as the Council establishes clear guidelines and targeted mandates.

Article 40: Standard of Living and Working Conditions

Coffee farmworkers are perhaps the most vulnerable population in the coffee supply chain. Oxfam strongly supports Norway's suggestion to reference International Labor Organization conventions as well as Cameroon's proposal to strengthen the language regarding the standard of living for all populations engaged in the coffee economy.

Section V: New and Expanded Areas of Work

This section references Working Group document WP-WGFA No. 2/06 Add. 5, available at <http://dev.ico.org/documents/wpwgfa2a5e.pdf>.

Quite a few Members have submitted comments emphasizing the importance of the timely collection and effective dissemination of market information in promoting transparency and predictability in the coffee trade. The draft texts include important proposals to amend Articles 29 (Information) and 31 (Studies and Surveys) and, most significantly, to add a new article (31A) that would create a Coffee Observatory.

Article 31: Studies and Surveys

Paragraph (1): The addition of risk management strategies, access to credit, and labeling and certification programs as possible topics for studies, surveys, and reports appropriately recognizes the importance of these issues to producers. The topics of diversification and financing, as proposed by the PSCB, should be added to the list as well. Oxfam also supports adding the study of how and at what points in the supply chain differentiated coffees add value.

Article 31(A): Dissemination of Information—Coffee Observatory

Several delegations and the PSCB have called for the ICO to establish a Web-based clearinghouse of information on the coffee sector. Oxfam strongly supports this new article proposed by the US and endorsed by the Central American Group. While the collection and dissemination of information for the benefit of all participants in the coffee sector is the article's central goal, it appropriately gives special consideration to

the needs and challenges of small-scale producers—in terms of both identifying what market information is relevant and devising strategies for information dissemination.

In particular, we applaud the provisions regarding the collection and dissemination of information regarding the following: the production of coffees differentiated by geography, sustainable production, and quality; tools to help producers improve financial performance (including access to credit and risk management); and niche market trends in production and consumption. Nonetheless, there are a few areas where the proposed article could be strengthened.

Paragraph (2): For this information to be made available to the widest range of market participants and for the intent of this paragraph to be realized fully, a provision should be added to provide capacity-building and technical assistance for small-scale producer organizations. As Dr. Osorio notes in the draft texts, the provisions of this article will already have financial implications; we encourage the Secretariat to take into consideration the provision of technical assistance when estimating the cost impact of this article.

Paragraph (3): It should be clarified that “sustainability programs” in this paragraph refers to fair trade, organic, shade-grown, bird-friendly, etc., programs. This would remove ambiguity and eliminate the need to put the word “sustainability” in quotes.

NEW CHAPTER: FINANCIAL TOOLS FOR COFFEE PRODUCERS

The ICO has an important role to play in providing information on and facilitating access to financial credit and risk management tools. We encourage full consideration of the US proposal for a new chapter on financial tools, including a “Consultative Forum on Coffee Sector Finance,” and we offer the following observations.

New Article: Consultative Forum on Coffee Sector Finance

Paragraph (1): While we support both the proposed multi-stakeholder structure and the directive to emphasize the needs of small- and medium-scale producers and coffee-producing communities [in paragraph (2)], a clause should be added to paragraph (1) regarding participation of small-scale farmer representatives on the forum. This would facilitate a more inclusive discussion of finance in the industry and would avoid skewing that discussion in favor of finance providers without due consideration of the needs of finance recipients.

Paragraph (2): As was alluded to by Honduras, in addition to facilitating consultations and disseminating information on these topics, the forum should have as an objective the promotion of strategies to create policy environments that are conducive to providing access to working capital, long-term investment, and risk management tools (especially those relevant to small-scale producers) through traditional financial institutions, national governments, multilateral institutions, NGOs, and, in particular, alternative lenders.

NEW CHAPTER: PROJECT WORK

Many delegations have commented on the importance of project work and the need to better codify the ICO’s project activities. We support the calls by Honduras and the US to add a new chapter that would establish project selection criteria, better coordinate project activities, and more effectively disseminate project findings.

New Article: Reviewing and Approving Project Activities

Since the first criterion for project selection in paragraph (3) relates back to the objectives of the Agreement, it is all the more imperative to include the proposed Article 1(10 a), which would encourage Members to develop “strategies to enhance the capacity of local communities and small producers to benefit from coffee production and adapt to fluctuations in coffee markets.”

Several delegations have commented on the need to develop new project funding mechanisms. One approach would be to establish a voluntary Partnership Fund for Sustainability, which could raise funds from ICO Members, the private sector, NGOs, and other sources. Described in “Grounds for Change” and modeled on the Bali Partnership Fund (established under the 2005 International Tropical Timber Agreement to promote sustainable forest production), this fund could provide a more coordinated approach to funding supply-chain sustainability projects (those aimed at improving management and marketing practices, diversifying, strengthening small-scale producer organizations, etc.). It could also, as mentioned previously, facilitate small-scale farmer participation in activities of the ICO.

Conclusion

The current negotiations regarding the ICA have the potential to give direction to a coffee sector that finds itself at a crossroads. Although the price of coffee has improved since its 2001 crash, many small-scale farmers and farmworkers lack the resources to take advantage of improved market conditions and remain vulnerable to the boom and bust cycles of the market. Far from an occasion for complacency, the current debate on the future of the ICA should be an opportunity to affect urgently needed changes. In this briefing note, we have provided recommendations that would, if enacted, create space for small-scale farmer and civil society voices in the ICO alongside those of governments and the private sector. These recommendations would also promote economic, social, and environmental sustainability; create mechanisms to improve dissemination of market information; and promote support for credit, risk management, and technical assistance programs for small-scale producer organizations. Incorporating these measures into the next ICA would be a catalyst for reforms to the coffee sector that could improve the livelihoods and sustainability of millions of small-scale farmers and farmworkers around the world.

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