

POSITION PAPER OF THE INGOS'¹ CONFERENCE OF THE COUNCIL OF EUROPE ON "CLIMATE CHANGE AND HUMAN RIGHTS"

WORKING GROUP ON CLIMATE CHANGE AND HUMAN RIGHTS
OF THE NGO'S COMMISSION "DEMOCRACY, SOCIAL COHESION AND GLOBAL CHALLENGES"

ANNEX 1

CLIMATE CHANGE IN AGRICULTURE: A QUESTION OF HUMAN RIGHTS²

Delimitation of new approach

Agriculture has had imposed upon it an **integrative perspective**.

The preoccupation with environmental issues, food safety crises, commodity price volatility, consumers' concerns, the development of human and women's rights, as well as family farming considerations, and the international community concern on the effects on the recent researches³ and events related to climate change⁴(needing action also at local level⁵) calls for a new approach recognizing agriculture's economic and social connotations⁶. A valued and viable rural territory will be assured only by incentivizing the exchange of information⁷ and the use of technology to assure sustainable development⁸.

¹ INGOS: International NGOs enjoying participatory status at the Council of Europe.

² Submitted by CEDR – European Council for Rural Law – to the Working Group *Climate Change & Human Rights*, Democracy, Social Cohesion and Global Challenges Committee, INGOS' Conference of the Council of Europe on June 2015. Written by Dr. Leticia BOURGES (Secretary General – CEDR) with the collaboration of Mr. Geoff WHITTAKER (Executive Board – CEDR) and contributions from Ms. Anne Hanndatter KISMUL and Mr. Erlend DALING (NO), Prof. Dr. Esther MUÑIZ ESPADA (ES), Prof. Michael CARDWELL (GB), and MinRat. Prof. Dr. Dieter SCHWEIZER (DE). Revised and approved by Prof. Dr. Roland NORER (Delegate General – CEDR).

³ IPCC 5th Assessment Report (AR5).

⁴ See Sendai Framework for Disaster Risk Reduction 2015-2030, Third UN World Conference on Disaster Risk Reduction, Sendai, 14-18 March 2015, A/CONF.224/2 (UNISDR). UNICEF, *The Challenges of Climate Change: Children on the front line*, 2014.

⁵ "...through a new perspective of "glocalization": the simultaneity, the co-presence, of both universalizing and particularizing tendencies" (Robertson, Harvard Business Review).

⁶ The increasing in payments related to environment, the extension of eco-conditionality and the implementation of a "green direct payment" has been seen as the recognition that agriculture produces both market and public goods. See regulation (EU) n°1307/2013 of the European Parliament and of the Council of 17 December 2013, preamble (37) et seq.; art.43 et seq.

⁷ Information is vital to assure using the most convenient production methods adapted to the local environment. It is also advisable to incorporate the local traditional/native knowledge – very common in rural areas and in some countries – and to protect that knowledge from misappropriation by use of appropriate intellectual property law. An effective management of traditional knowledge, genetic resources and local innovations must be organized.

⁸ Paris' negotiating text (FCCC/2015/ADP/1) is a bottom-up approach. The individual goals should be ratcheted up in order to strengthen countries' commitments gradually.

The practices of **agro-ecology/climate-smart-agriculture**⁹ or **ecological intensification**¹⁰, are based on respect for biodiversity, working with nature, rotating crops and rationalized use of water and other resources in a perspective of social responsibility, which requires the assumption of the **correct policies and regulations** for the practice of agriculture **increasing productivity and mitigating capacity against climate risks**, while **assuring farms' viability and agriculture's social and economic externalities**.

Needing regulation

Agriculture is one of the sectors that will be most greatly **affected by climate change**. Crop yields will be affected and so will the instability of farmers' income and costs of production which in turn affects development and food security. This puts in danger basic **human rights**. Poor farmers are particularly affected by this type of risk.

Most **countries**¹¹ **agree on the need to adopt coordinated measures** of adaptation and mitigation¹² and integrate them in agriculture and forestry policies more effectively in order to manage the risks of climate change (heatwaves – producing heat stress in lactating cows

⁹ FAO defines climate smart agriculture: "Climate-smart agriculture (CSA) is an integrative approach to address the interlinked challenges of food security and climate change, that explicitly aims for three objectives: (1) sustainably increasing agricultural productivity, to support equitable increases in farm incomes, food security and development; (2) adapting and building resilience of agricultural and food security systems to climate change at multiple levels; and (3) reducing greenhouse gas emissions from agriculture (including crops, livestock and sheries). CSA invites to consider these three objectives together at different scales – from farm to landscape – at different levels – from local to global – and over short and long time horizons, taking into account national and local specificities and priorities" and specifies that "what is new about CSA is an explicit consideration of climatic risks that are happening more rapidly and with greater intensity than in the past. New climate risks require changes in agricultural technologies and approaches to improve the lives of those still locked in food insecurity and poverty and to prevent the loss of gains already achieved. CSA approaches entail greater investment in: 1– Managing climate risks, 2 – understanding and planning for adaptive transitions that may be needed, for example into new farming systems or livelihoods, and 3 – exploiting opportunities for reducing or removing greenhouse gas emissions where feasible." <http://www.fao.org/climatechange/climatesmart/en/>. CGIAR Research Program on Climate Change, Agriculture and Food Security (CCAFS), *Climate-smart agriculture, Success Stories*, https://cgspace.cgiar.org/bitstream/handle/10568/34042/Climate_smart_farming_successesWEB.pdf?sequence=5

The issue is to improve technologies, methodologies and approaches for sustainable farm management/production methods. Agroecology is strongly enhanced by the French Minister of Agriculture. See Conference at UNESCO July 2015. See: Action contre la Faim, Rapport, *Ensemble, créons un climat contre la faim* (http://faimetclimat.com/docs/4PAGES_Climat.pdf) et *Call from Civil Society organizations to fight hunger and climate change* (<http://faimetclimat.com/appel.pdf>), 2015.

¹⁰ See: R. Bommarco, D. Kleijn, S.G. Potts, *Ecological intensification: harnessing ecosystem services for food security*, Trends in Ecology & Evolution, Vol.28, Issue 4, April 2013, pages 230-238. T. Doré, D. Makowski, E. Malézieux, N. Munier-Jolain, M. Tchamitchian, P. Tittonell, *Facing up to the paradigm of ecological intensification in agronomy: Revisiting methods, concepts and knowledge*, European Journal of Agronomy, Vol.34, Issue 4, May 2011, pages 197-210. Colloque *Utilisation du potentiel biologique des sols, un atout pour la production agricole* (in <http://www.academie-agriculture.fr/colloques/utilisation-du-potentiel-biologique-des-sols-un-atout-pour-la-production-agricole>) and *Agroforesterie tempérée et tropicale* (<http://www.academie-agriculture.fr/colloques/agroforesterie-temperee-et-tropicale>), Académie de l'agriculture de France, 2015.

¹¹ M. Cardwell, European Union Agricultural Policy and Practice: The New Challenge of Climate Change, Environmental Law Review, 2011. For the new PAC, see http://ec.europa.eu/agriculture/cap-post-2013/index_fr.htm and for Rural Development Policy as part of the European Common Agriculture Policy (CAP), see: http://ec.europa.eu/agriculture/rural-development-2014-2020/legislation/index_en.htm

¹² UNFCCC, *Clean Development Mechanism – Methodology booklet*, Sixth Edition, Nov. 2014.

or expanding disease vectors; droughts – increasing irrigation needs or reducing water availability; floods – affecting harvest and wildlife population, cyclones and wildfires)¹³ and build resilience to shocks.

Human Rights in Agriculture

The recognition of human rights is essential to the development of freedom, justice and peace in the world¹⁴. The recognition of right to adequate food, the evolution of women's rights and the concern on family farming¹⁵ and climate change, has served to emphasize the importance of agriculture for development.

The accent has been put on **rights related to food** (to adequate food¹⁶, to be free from hunger¹⁷, to food¹⁸, food security¹⁹, food sovereignty) which are indivisibly linked to the inherent dignity of the human person. Food being the principal destination of agricultural production, it becomes important to recognize that **agriculture is an activity that links several human rights**²⁰ which States should take into consideration when creating policies and regulations concerning agriculture.

¹³ IPCC 5th Assessment Report (AR5) identifies key adaptation actions for reducing the risks and minimizing adverse impacts on the agriculture sector – early warning systems for extreme events (FCCC/SBSTA/2015/MISC.1 and Add.1). The issue would be considered at SBSTA 43 (2015). See e.x. Norwegian Ministry of Agriculture and Food, Summary in English: Report No.39 (2008-2009) to the Storting, *Climate Challenges – Agriculture part of the Solution*.

¹⁴ UN Charter, International Bill of Human Rights, International Covenant on Civil and Political Rights (ICCPR).

¹⁵ L. Bourges and E. Muñiz Espada (dir.), *Agricultura Familiar – Reflexiones desde cinco continentes*, Ministerio de agricultura, alimentacion y medio ambiente, Madrid, 2014.

¹⁶ After ICESCR, World Food Summit in 1996. CEDR, XXIII European Congress in Rural Law, Commission I: Right to adequate food, <http://www.cedr.org/congresses/roros/rorosc1.php> in particular A.Ede, *General Report*.

¹⁷ ICESCR, art.11.1 and 11.2. Hunger threatens the freedom of thought and it may be seen as weapon of destruction or of political manipulation. See: Annual FAO Reports on world food insecurity. Between the right to adequate food and the right to be free from hunger, there all the grey tones between those two ends, which determine the grades of hunger, the requirements of citizens to satisfy their eating and the actions the State should take.

¹⁸ Oliver de Schutter and Kaitlin Cordes, *Accounting for Hunger: the Right to Food in the Era of Globalisation*: <http://www.hartpub.co.uk/BookDetails.aspx?ISBN=9781849462266>. World Food Conference, Rome 1974, governments solemnly proclaimed that "every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop their physical and mental faculties"

¹⁹ Rome Declaration on World Food Security, 1993, <http://www.fao.org/docrep/003/w3613e/w3613e00.HTM>

²⁰ To work and be remunerated; property (European Court of Human Rights, Lindheim and others v. Norway (applications nos. 13221/08 and 2139/10)); freedom of enterprise; self-determination and the freedom to pursue one's development without prejudice to others' rights or to state obligation; dignity; equal access to economic resources, including the right to inheritance and the ownership of land (land has become a critical issue, in particular because of land grabbing, so it is claimed, for responsible investments in agriculture (see: TNI, *The Global Land Grab – A Primer*, Revised edition, Amsterdam, 2013. Cotula, L., Vereulen, S., Leonard, R. and Keeley, J., 2009, *Land Grab or development opportunity? Agricultural investment and international land deals in Africa*, FAO, IIED and IFAD, London/Rome)); access to credit and appropriate technology; freedom from discrimination (article 2.2 ICESCR); religious freedom; freedom of thought (in extremis we may consider that hunger threatens this freedom and, even worse, it may be seen as weapon of destruction or of political manipulation (see: annual FAO reports on world food insecurity)); adequate standard of living (ICESCR, art. 11. Convention on the Rights of the Child (CRC) art.27.1, 27.3 and 24.2c, 24.2e.: stating the child's right to the highest attainable standard of health implemented through among other provisions the provision of adequate nutritious food and clean drinking water); safe environment; landscape (European Landscape Convention – at present, a landscape approach implies to integrate and ensure coherence between agricultural, nature conservation, forest management and territories policies); respecting equality and equity.

In addition, agriculture employs a large population in several poor regions and consequently it is becoming essential to development, especially in areas where food disruptions are relevant as well as where actions for climate change resilience are fundamental²¹.

Recommendations

- Call on governments, international organizations and stakeholders to **link the implementation** of the post-2015 development agenda to other relevant processes at international and regional level; to **set up programmes** to ensure the realization of the new integrative approach²² and to **implement existing** useful legal instruments;
- Call on governments, international organizations and stakeholders to **incorporate** the consideration of agriculture in climate change negotiations;
- Call on governments to **integrate** the different interests, and to **coordinate** the different policies²³ and regulations in a **coherent** and **effective** way, notably on territory, paying attention to simplification and avoiding bureaucracy;
- Call on governments, international organizations and stakeholders to commit themselves to maintain, respect and incentivize the **key role** and **contribution of agriculture** in sustainable development, notably its contribution to the balance of ecosystems, to mitigate climate change effects, and to the economical and demographic balance that influences in reduction of poverty and general economic prosperity;
- Call on governments to **incentivize** smart-climate and pro-sustainable development practices in agriculture; and to integrate climate **financing** with traditional sources of agricultural investment²⁴;
- Recognize the multiple destinations of agricultural products in order to fulfill human needs and social needs, in particular for food and for energy production from renewable resources;
- Call on Legislators to respect and fulfill **human rights**, paying due regard to the key role of **women**, the needs of **elder rural people** and to the different functions that **farmers** fulfill;
- Call on governments and authorities to improve training of farmers and rural people and to incentivize **civil participation** (notably of farmers) in information measures²⁵ and in mitigation, conversion and adaptation measures against climate change²⁶, giving priority to local strategies and taking into account the differences in agro-ecological zones and farming

²¹ The relationship between human rights and climate change has been put forward internationally. V. Human Rights Council, XXIX Session, A/HRC/29/L.21, 30 June 2015, Bangladesh, France and others, Draft resolution, 29/... Human rights and climate change: "Reaffirming the UN FCCC [...] emphasizing that parties should, in all climate change-related actions, fully respect human rights as enunciated [FCCC/CP/2010/7/Add.1, dec.1/CP.16] [...]".

²² In particular, it is to respect a balanced integration of the three fundamental pillars: environment, economy and social impact (See Position Paper of NGOs' Conference ... *op.cit.*).

²³ FCCC/ADP/2015/1, 82.1 *Option 1*, 82.1 *Option (a)* [climate finance]: c. support the integration of climate objectives into other policy-relevant areas and activities such as energy, agriculture, planning and transport, national fiscal accounts, development policy and plans in line with country circumstances and in accordance with countries' priorities."

²⁴ FAO, *Climate-smart Agriculture - Sourcebook*, 2014; <http://www.fao.org/docrep/018/i3325e/i3325e.pdf>

²⁵ The participation of actors like farmers may be a useful tool not only to make known the constraints of the profession but also to develop other type of tools like short circuit and eat-local.

²⁶ See of public and private sector actors, see http://climateaction.unfccc.int/?utm_source=UNFCCC+Newsletter%2C+French%2C+May%2C+2015&utm_campaign=UNFCCC+Newsletter+May+2015&utm_medium=email

systems; recognizing the importance of **information** in order to form social choices and to afford actions needed;

- Recognize the importance of **cooperation** to exchange information, to enhance and protect scientific, technical²⁷, traditional and indigenous knowledge and to ensure the conservation of cross-border protected areas, migrating species, bees and other pollinators, and to strengthen coordination and synergies when implementation;
- Recognize the right of access and benefit-sharing arising from the utilization of **genetic resources**.
- Implement programmes to inform and educate on nutrition and food consumption in order to prevent **food waste** and **nutrition disarrangements**;
- Implement programmes to invest in **renewable energies** taking into consideration the influence on the quantity and price of food production from agriculture.
- Call governments and authorities to regulate **cohesion policies**²⁸ with an integrated perspective taking into consideration the protection of rural areas and arable land, regulating and promoting **agriculture near or in cities**.

²⁷ See: Global forum for innovations in agriculture Africa edition.

²⁸ Europe promotes the adoption of a cohesive territorial policy (new target since Lisbon Treaty). Even though, there is a limited and ineffective treatment in regulatory instruments (see E. MUÑIZ ESPADA, *La urgencia de legislar sobre la cohesión territorial. Urbanismo y espacio rural*, RDAA, Segunda época, nº63, año XIX, 93-140). The development of a viable and competitive agriculture contributes to establishment of population in rural areas, to preservation of rural patrimony (buildings, cultural) and assurance of some public goods (landscape, biodiversity – see International Treaty on Plant Genetic Resources for Food and Agriculture; Gangwon Declaration on biodiversity for Sustainable Development; Nagoya Protocol on Access to Genetic Resources and the fair and equitable sharing on benefits arising from their utilization to the CBD). FAO statistics: 38,5% of land is dedicated to agriculture.

In this perspective, agriculture is an essential element of territorial structure. The diversity of the destinations of its products justifies the protection of the activity, but agriculture being the principal source of food, it is important to have a firm position and clear instructions to limit or control the advancement of urban areas and to prevent rural areas from becoming denatured (see L.Bourges, *Agricultura y Urbe: Ventajas y desafíos frente a la necesidad de un desarrollo integral*, Revista Española de derecho agrario y alimentario, año XXI, nº65. Position Paper of NGOs' Conference of the Council of Europe on Climate change and Human rights recommends "to steer urban planning and architecture towards less space consumption, energy savings and to seek thermal inertia". Ruralia Institute, *Effective Rural and Urban Innovation Policies* – International Conference in Seinäjoki 5.-6.2.2009. CEDR, XXVIII European Congress on Rural Law, Commission II, www.cedr.org)