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**Climate change, food security and rights of peasants:
how this complexity is addressed in the international
legal framework.**

by

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Abstract

Climate change will probably constitute the most serious security challenge that humanity will face in 21st century. The extreme complexity of both the causes and the consequences of this phenomenon makes it very hard to be studied in overall terms. The aim of this paper is indeed to begin to tackle this complexity, starting by analysing how does the international legal framework addresses the relationships amidst climate change, food security and rights of peasants. The focus on food security and rights of peasants is not arbitrary. Food security is one of the first security dimensions that risks being jeopardised by climate change, as well as peasants are one of the categories of workers whose security and rights are going to be most severely challenged. If we add to this the fact that agri-food sector is one of the most polluting one in terms of GHGs emission and impact on climate change, we start to make sense of the complexity of the picture.

Key-words

Climate change, Food Security, Rights of Peasants, UNFCCC, Kyoto Protocol, Paris Agreement, UNDROP



1. Introduction

If you increase the temperature of an isolated physical system, at a constant volume, there will be an increase of its entropy. In other words, the increasing energy of the system will make every phenomenon within it more extreme and unpredictable. Then, what does it happen if the system we are referring to is the Planet in which we live? A partial answer to this question was already provided in 2008 by the EU¹, that used to define climate change as a ‘threat multiplier which exacerbates existing trends, tensions and instabilities’ (Climate change and International Security, 2008).

The rapid shift in climate’s behaviour is under anyone’s eye as well as the effects of climate change on our biosphere rise always more concern. The most important alteration in terms of international politics that the climate change will cause, will be probably the beginning of processes of political destabilizations, climate conflicts and mass migrations, that will be caused by dramatic global changes as soil desertification, streams and rivers drying but also increasing floods and storms. These changes, that continue to get worse (H. Fountain, 2019), already make one quarter of ice-free lands degraded (V. Masson-Delmotte, 2019) and force people to move because lands get sterile and unusable for crops. Still, given that a large part of the population of developing and third world countries is formed by farmers, e.g. in India agriculture employed 59% of the country's total workforce in 2016 (World Travel and Tourism Council, 2017) and given that the most direct and severe effects of climate change will affect the agricultural sector (Cumhur Aydinalp and Malcolm S. Cresser, 2008), it is evident that factors as climate change, food security and rights of peasants are strongly intertwined. Nevertheless, is this link considered in the international legal framework?

The aim of this paper is to understand how the complex relation among climate change, food security and rights of peasants is addressed in the international legal framework. In order to provide a satisfactory answer to the research question, this paper will firstly clarify the concept of food security it will refer to. Secondly, it will try to understand if and how treaties as the UNFCCC (1992), the Kyoto Protocol (1997) and the Paris Agreement (2015), deal with the issue of Food Security. Thirdly, it will examine the



UN declaration on the Rights of Peasants (2018), focusing in particular on article 18. Finally, the conclusions will be drawn.

2. Which Food Security?

First of all, the first formulation of Food Security was provided by the 1974 ‘Universal Declaration on the Eradication of Hunger and Malnutrition’ⁱⁱ, that defined it as ‘availability at all times of adequate world supplies of basic food-stuffs’ (art.12). This originally supply-based definition of food security was then enlarged and deepened, also thanks to the contribution of the Nobel laureate Amartya Sen, that in his work ‘Poverty and Famines’, published in 1981, introduced the theory of ‘entitlement’. According to the Indian economist and philosopher, the problem of hunger is not merely related to availability of food: ‘The mere presence of food in the market place does not entitle a person to consume that food.[...] What we can eat depends on what food are we able to acquire’ (Sen A. 1981). Accordingly, the notion of food security that this paper will take into account is the one provided by the ‘Rome Declaration on World Food Security’ resulting from the World Food Summit (WFS) of 1996ⁱⁱⁱ, stating that ‘food security exists when all people, at all times, have physical and economic access to sufficient safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life’. This definition of food security will be used as a benchmark in this paper, since it is the one from which the four pillars of food security emerged. Indeed, it does not only refer to the quantitative dimension (availability of food), but also the logistic and financial dimension (access to food), the non-food factors (utilization of food), and the temporal dimension (stability over time).

3. Climate Change and Food Security addressed by the international legal framework

Secondly, one should try to understand how the main international treaties on climate change deal with the issue of food security.

The United Nation Framework Convention on Climate Change (UNFCCC)^{iv} is an international environmental treaty, adopted on 9th May 1992 and signed by 165 parties, that become effective in 1994 (when it reached the minimum number of 50 ratifications). The



analysis of this treaty is considered consistent with the aim of this paper, since it is with the UNFCCC that a new institutional framework within which addressing the issue of global climate change, i.e. the mechanism of the Conference of the Parties (COP), was established. As long as the UNFCCC is considered, we can observe that a reference to food is just present once in article 2^v, and it exclusively pertains to food production. ‘Article 2 [...] paid much more attention to physical and biological vulnerabilities as sources of danger, and rather less attention to economic issues. Ethical and cultural considerations have been nearly absent’ (M. Oppenheimer and A. Petsonk, 2005). Clearly, three of the four pillars of food security are not mentioned in Art.2, but this is not surprising since the UNFCCC was adopted in 1992, four years before the World Food Summit of 1996. By contrast, the reference to food present in Art.2 is much closer to the one given in the ‘Universal Declaration on the Eradication of Hunger and Malnutrition’ of 1974, since it is supply-based and hence mainly focused on the availability of food.

The Kyoto Protocol^{vi} was adopted with COP 3 in 1997, and although it was immediately signed by 84 parties, it became effective just in 2005. This document is considered as of major importance, given that it is the first (partially) binding treaty produced within the UNFCCC framework. Although no mention of food is present in the Kyoto Protocol, there are references to agriculture. However, while Art.4 of the UNFCCC considers the sector of agriculture as both causing pollution (All parties [...] shall [...]reduce or prevent anthropogenic emissions of greenhouse gases[...] including agriculture sector) and needing to be protected from climate change (All parties [...] shall [...]cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for agriculture [...] particularly in Africa, affected by drought and desertification, as well as floods), the Kyoto Protocol just considers the first of the two aspects. Both art.2^{vii} and art.10^{viii} of the Protocol, as a matter, refer to agriculture as long as they are focused in the reduction of GHGs emission. Also, the literature on the Kyoto Protocol mainly stresses the importance of acting on agriculture so to mitigate climate change, instead of mitigating climate change in order to improve the agricultural yield (Dumanski, J., 2004).

The Paris Agreement^{ix} was adopted with COP 21 in 2015 and it became effective in 2016, it has reached 195 signatures and 189 states have become party to it. It is object of our analysis, given that, up to date, it is the last treaty that was developed in the COP



system. Concerning the Paris Agreement, references to food are both present in the Annex of the agreement and in Art.2. Although in the Annex there is an explicit reference to Food Security, ending hunger and food production (The parties of the agreement, [...] recognizing the fundamental priority of safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse impacts of climate change [...] have agreed as follows: [...]), among the articles of the agreement there is no reference to food security but just to food production in Art.2^X. This article acknowledges the bidirectional nature of the relationship between food production and climate change, since it deals with food production both by underscoring the urge to ‘adapt to the adverse impacts of climate change’ and the necessity to foster ‘low greenhouse gas emissions development, in a manner that does not threaten food production’. However, Art.2 just covers one of the four pillars of food security, and does not provide any measure related to food access, utilization and stability.

So far, it has been established how the issue of food security is addressed in the three main treaties on climate change of the last three decades, and it has been discovered that in this context just a partial view of food security has been taken into account (mostly focused on the element of food production and food supply). Moreover, as long as the relationship between food security and climate change is concerned, the paper acknowledged that both the UNFCCC and the Paris Agreement bear in mind that the two phenomena are mutually constitutive and mutually reinforcing. However, given the important repercussion that climate change and new challenges of food security pose to people working in rural areas, and given that the aim of this paper is to understand how this complexity is addressed in the international legal framework, a fourth document will be examined: the 2018 ‘UN Declaration on the Rights of Peasants and Other People Working in Rural Areas’.

4. Climate change, food security and rights of peasants in the UNDROP

Although peasants, as human beings, enjoy all human rights enshrined in the Universal Declaration of Human Rights^{XI}, their fragility remains of particular concern, due to the high level of extreme poverty, food insecurity and discrimination they suffer (see Christophe Golay, 2013). This situation firstly led the global movement ‘La via



Campesina^{xiii} to adopt the ‘Declaration on the Rights of Peasants – Women and Men’ in 2008. Then the UN moved from this document to develop the ‘UN Declaration on the Rights of Peasants and Other People Working in Rural Areas’, that was adopted by the Human Rights Council in 2018. The ‘UNDROP’ was written considering that peasants suffer disproportionately from poverty, hunger, malnutrition and ‘from the burdens caused by environmental degradation and climate change’ (UNDROP, Annex, 2018), contingencies that led to an increasing number of forcibly displaced peasants, and to an high incidence of suicide among them (see UNDROP, Annex, 2018). Therefore, given the massive impact of climate change on the life of peasants (see H. Pakrashi, 2014), the UNDROP cope with the climate issue, dealing with it in article 18^{xiii}. In particular, the article entrusts to states the responsibility to ‘comply with their respective international obligations to combat climate change’ and gives peasants the right to ‘contribute to the design and implementation of national and local climate change adaptation and mitigation policies’ (UNDROP, Art.18). The UNDROP has the merit of recognizing the necessity to mitigate climate change in order to both improve the agricultural yield and to handle the problem of food security. It sheepishly tries to establish the basis of a system of multi-level governance^{xiv} in which states, ‘in partnership with peasants and other people working in rural areas’ (Art.15) are called to participate to the policy making process. Last but not least, it provides us a picture in which problems of climate change, food security and rights of peasants are addressed together.

However, we can observe that the Declaration of 2018 does not describe the way in which peasant activity affects climate change, and more in general, it assigns no responsibility nor obligation to peasants. The Declaration ignores that the fixing of some ideal best practices for farmers could reduce the environmental impact of agriculture, could increase the agricultural yield and would improve peasants lives in the long run. Besides, the UNDROP naively overlooks that most of peasants whose rights are violated come from states that will be hardly able (or eager) to put in place all the measures listed in the Declaration. Indeed, although the UN Declaration tries to include actors as ‘peasants and other people working in rural areas’ in the policy making process, it evidently considers national governments as major actors maintaining their centrality, and it fails to establish a comprehensive and effective system of multi-level governance. Thus, the fact that a UN Declaration fixes a particularly far-reaching and ambitious standard is nothing new, but



given the previous considerations, there would be good reasons to give not just states but also other stakeholders (i.e. private actors and transnational organizations) the task to implement these rights, within a better organized and encompassing legal framework. By doing so, we would not undermine the ambitious objective of the Declaration, but we would also succeed in having a better political output in the long run.

5. Conclusions

In conclusion, it is possible to state that treaties on climate change just consider a restrictive interpretation of the concept of food security. The Kyoto Protocol in particular does not even make any reference to neither food security nor food production. It only refers to agriculture as long as it aims at reducing the environmental impact associated with crop production. The Paris agreement constitutes an innovation in this regard, since it makes a direct reference to food security (although exclusively in the Annex) and, as well as the UNFCCC, it acknowledges the bidirectional relation that ties food security to climate change. Finally, the UNDROP is hardly able to provide a comprehensive outline of the correlation among climate change, food security and right of peasants. Grater efforts should be made to try to find a more appropriate solution to the issue of the endangered rights of peasants. This essay claims that, given the transnational nature of the problem at stake, the excessively state-centred approach adopted by the UNDROP should leave room for a different one, focused on the establishment of a comprehensive system of multi-level governance. Having said this, the UNDROP remains a document of major importance since it gives states the responsibility not only to respect, but also to protect and to fulfil the rights of peasants. Even more important, the declaration gives for granted that, to address the rights of peasants, it is necessary to consider the relationship that connects those rights to climate change and food security.

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¹ The first European document taking climate change out of the environmental field and put it in the security field is the paper commissioned by the High Representative (Mr Javier Solana Madariaga) and the European Commission of the European Council, 'Climate change and International Security', in 2008. You can access the paper through the following link: https://www.consilium.europa.eu/media/30862/en_clim_change_low.pdf.



^{II} The ‘Universal Declaration on the Eradication of Hunger and Malnutrition’ was adopted on 16 November 1974, by governments who attended the 1974 World Food Conference that was convened under General Assembly resolution 3180 (XXVIII) of 17 December 1973. It took place in Rome and 135 states participated to its formation. Link of the Declaration: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/EradicationOfHungerAndMalnutrition.aspx>

^{III} The World Food Summit took place in Rome, Italy between 13 and 17 November 1996. It resulted in the adoption of the Rome Declaration on World Food Security. Link of the Declaration: <http://www.fao.org/WFS/>

^{IV} The UNFCCC is an international environmental treaty adopted at the (UN organized) Earth Summit in Rio De Janeiro, 1992. Thanks to it, the parties of the Convention meet since 1995 in the so called ‘Conferences of the Parties’ (COP). Link of the treaty: <https://unfccc.int/resource/docs/convkp/conveng.pdf>

^V Art.2, UNFCCC. ‘The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner’.

^{VI} The Kyoto Protocol, adopted at the COP3 in 1997, is one of the most important environmental treaties ever put in place. Although criticized by many experts and scholars of being not sufficiently ambitious, the Protocol has the merit of fixing binding targets for states listed in the famous ‘Annex B’. Link of the treaty: <https://unfccc.int/resource/docs/convkp/kpeng.pdf>

^{VII} Art.2.1.a.iii, Kyoto Protocol. ‘Each Party included in Annex I, in achieving its quantified emission limitation and reduction commitments under Article 3, in order to promote sustainable development, shall implement and/or further elaborate policies and measures in accordance with its national circumstances, such as Promotion of sustainable forms of agriculture in light of climate change considerations’.

^{VIII} Art.10.b.i, Kyoto Protocol. ‘All parties [...] shall formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change and measures to facilitate adequate adaptation to climate change. Such programmes would, inter alia, concern the energy, transport and industry sectors as well as agriculture, forestry and waste management. Furthermore, adaptation technologies and methods for improving spatial planning would improve adaptation to climate change’.

^{IX} The Paris Agreement, adopted at the COP21 in 2015, is another outstanding international environmental treaty. It introduced an expert-based committee aimed at promoting compliance with the provision of the agreement itself. However, differently from the Kyoto Protocol, the Paris agreement did not introduce any binding target for the parties. Link of the Agreement: https://unfccc.int/sites/default/files/english_paris_agreement.pdf

^X Art.2.1.b, Paris Agreement. ‘This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production’.

^{XI} The ‘Universal Declaration of Human Rights’ is a document of major importance that was adopted in 1948 by the UN General Assembly as Resolution 217. Although being a non-binding document, it had a major influence on subsequent developments of international treaties and international law in general. It is son of the post-WW2 culture, and this is already evident in article 1, stating that ‘All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood’.

^{XII} ‘La via Campesina’ is a global movement composed of 182 local and national organizations operating in 81 countries (updated to 2018). The movement was funded in 1993 and it defends the rights of (women and men) peasants and an agricultural model based on a sustainable agriculture. La via Campesina moved to challenge the ideology of neoliberalism in global economics, and also coined the term ‘food sovereignty’.

^{XIII} Art.18.3, UNDROP. ‘States shall comply with their respective international obligations to combat climate change. Peasants and other people working in rural areas have the right to contribute to the design and



implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge’.

^{XIV} The governance perspective is a shared political and social research agenda. In this framework, the concept of multi-level governance was introduced by G. Marks and L. Hooghe, and, in its broader definition, it is described as a governance system based on the interplay of both public and private actors and transnational organizations moving on different levels, that also causes overlapping and flexible competences.

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