## **Submission of Inputs on Healthy and Sustainable Food: Reducing the Environmental Impacts of the Global Food System on Human Rights - Philippines**

**Report to the UN Special Rapporteur on human rights and the environment**

Submitted by the *Legal Rights and Natural Resource Center[[1]](#endnote-1)*

***Environmental impacts of the global food system are having adverse impacts on human rights.***

In the Philippines, corporate and development aggression have caused the destruction of the food systems of the rural poor and indigenous peoples. The destruction is often in the context of displacement from their ancestral lands. Land grabs often characterize the displacement, of indigenous peoples from their indigenous territories and peasants from their small landholdings. Land grabs occur to make way for industrialized food and farming. This results in the direct violation of their rights to life, health, water and sanitation, food, culture, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment. These corporate and “development” encroachments have become even more disruptive during this pandemic.

The findings of the Philippine visit of then Special Rapporteur for Human Rights, Rodolfo Stavehagen, almost two decades ago (2002) remain unchanged, if at all, conditions have worsened. The report enumerated grave concerns: “protection gap" for indigenous peoples, and "numerous reports of harassment of indigenous human rights defenders and their organizations, who, together with responsible government agencies, are the cornerstone for the protection, promotion and realization of the human rights of indigenous peoples" (see (E/CN.4/2003/90/Add.3)[[2]](#endnote-2).

The Global Witness reported an alarming trend of rising threats against land and environmental defenders, many of whom are indigenous community leaders at the forefront of their communities’ assertions (2014). Increasing number of *lumad* activists were reported killed for defending their lands from agribusiness.[[3]](#endnote-3) The Philippines saw the highest number of defenders killed in any Asian country (2018).[[4]](#endnote-4) Globally, agribusiness was identified as the industry most associated with the attacks.[[5]](#endnote-5) Indigenous Cultural Communities/Indigenous Peoples are in terrible circumstances, but are still lacking in help in asserting and vindicating their rights; while support groups remain challenged in their work.

This lamentable situation of indigenous peoples and rural poor is no small part driven by the current global food system. Not only is it putting communities at risk, it is proving to be unsustainable, failing to address the nutritional needs of a significant portion of the world’s population.[[6]](#endnote-6) More people are undernourished today than forty years ago; around 925 million experience chronic food insecurity.[[7]](#endnote-7) Among the rural poor it is ironic that while they are the close to the food source, malnutrition is high among the population.

At a global scale, the adverse effects of industrial plantations, predominantly moncrop, are evident. There has been a decline in the genetic diversity of the world’s food supply. Throughout the twentieth century, the world’s food crop diversity has decreased by 75% as farmers gradually quit using traditional food crops in favor of a less varied range of domesticated plant species, due to their higher yield. Currently, only 12 crops supply 80% of our dietary energy from plants.[[8]](#endnote-8) The threats to our food supply’s genetic diversity increases the risk of catastrophic crop failure.[[9]](#endnote-9)

Agriculture is also the principal agent of biodiversity decline, through the conversion of forests, grasslands, and wetlands to areas for large-scale agricultural production. Additionally, food production has recently involved using unsustainable rates of water, pollution of lakes and rivers, as well as introduction of nonnative species. Ecosystem services are degraded and consumed unsustainably to produce food, water, timber, and fuel. This especially impacts the rural poor especially indigenous peoples, and curbs efforts to combat poverty and hunger.[[10]](#endnote-10) The growing industrialization of agricultural production gravely impacted ecosystems, resulting in soil degradation, deforestation, loss of biodiversity, and the contamination and depletion of freshwater resources.[[11]](#endnote-11)

The effects of globalization and global food systems also reduce exposure to traditional cultural knowledge and the biodiversity of local food resources. This is evident in the wide availability of relatively less healthy, industrially produced foods. The need for industrial development for agriculture also leads to a demand for mining and other ecosystem-destroying activities, and other forces that drive migrations to cities for job opportunities. Indigenous people in particular recognize the many physical, mental, social, and spiritual aspects of local food resources. However, the current global system naturally impedes their human right to enjoy these resources, which are intimately linked to food security, culture, and land and aquatic ecosystems.[[12]](#endnote-12)

***Climate change and the global food system***

Climate change will only continue to aggravate global food insecurity and loss of biodiversity. It also stands to accelerate the extinction of species and ecosystem services vital to food production, as well as reduce the productivity of fisheries all over the world. The areas in particular that are most likely to be affected are those that most heavily rely on local agricultural produce, which already face chronic food insecurity.[[13]](#endnote-13)

It is ironic that agriculture is one of the greatest contributors to climate change. Nearly a third of global anthropogenic greenhouse gas emissions can be attributed to agriculture, including nitrous oxide from fertilizer use, methane from rice and livestock production, carbon dioxide from deforestation to create agricultural land, and indirect emissions from the development of fossil fuel-based agricultural inputs and from the processing and transporting of food.[[14]](#endnote-14)

***Philippine legislations: a mixed bag***

The Philippine Constitution and other legislations, while articulating principles of rights-based approach in ensuring healthy and sustainably produced food, include provisions that underpin “modernization programs” couched as increasing yield and production. These support an economic model that increases the pressure and risk of environmental degradation.

The Philippines relies on a constitutional right to a healthy environment to create a strong jurisprudence addressing environmental impacts on humans. The Philippine Constitution includes as a State policy that it shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature:

* Section 1 of Article XII on National Economy and Patrimony, the constitution mandates the state to promote industrialization and full employment based on sound agricultural development and agrarian reform through industries that make full and efficient use of human and natural resources.
* In terms of healthy and sustainably produced food and right to healthy environment, the Constitution also provides that in cases of rights for irrigation, water supply, fisheries, beneficial use be the measure and limit of the grant. The state is also mandated to protect the nation’s marine wealth in its archipelagic waters, territorial sea, and exclusive economic zones.
* Under the Social Justice and Human Rights Article of the Constitution, the State is mandated to adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods and to maintain effective food regulatory system.[[15]](#endnote-15) In terms of agriculture, the Constitution recognizes the right of farmers, farmworkers, and landowners to participate in planning, organization, and management of the program and shall provide support to agriculture through appropriate technology and research, adequate financial, production, marketing, and other support services.[[16]](#endnote-16) The State shall also protect the rights of subsistence of fishermen to the preferential use of local marine fishing resources, and that the State shall protect, develop, and conserve such resources.[[17]](#endnote-17)

Jurisprudence, however, remains lacking in terms of meaningful vindication of environmental human rights defenders. The recently passed Anti-Terrorism Law aggravates the situation where the broad definitions of the law may render dissent and protests by communties (protected under the Philippine Constitution) as terrorism.

The Philippine Congress also passed legislations that aticulate the right of the people to healthy environment, to name a few:

1. REPUBLIC ACT NO. 10068: Organic Agriculture Act of 2010
* promote community-based organic agriculture systems which include farmer-produced purely organic fertilizers such as compost, pesticides and other farm inputs, together with a nationwide educational and promotional campaign for their use and processing, as well as the adoption of organic agricultural system as a viable alternative shall be undertaken.
1. REPUBLIC ACT 9275: Philippine Clean Water Act of 2004
* pursue a policy of economic growth in a manner consistent with the protection, preservation and revival of the quality of our fresh, brackish and marine waters.
* formulate a holistic national program of water quality management that recognizes that water quality management issues cannot be separated from concerns about water sources and ecological protection, water supply, public health and quality of life
1. REPUBLIC ACT NO. 3931: AN ACT CREATING THE NATIONAL WATER AND AIR POLLUTION CONTROL COMMISSION

National policy to maintain reasonable standards of purity for the waters and of this country with their utilization for domestic, agricultural, industrial and other legitimate purposes.

On the other hand, some legislation include provisions that may be interpreted to support “modernization programs,” which enable an economic model that increases the pressure and risk of of environmental degradation. Among these are:

1. REPUBLIC ACT NO. 8435: Agriculture and Fisheries Modernization Act of 1997
* promote food security, including sufficiency in our staple food namely rice and white corn, by optimizing production of rice and white corn to meet our local consumption and be given adequate support by the State.
* adoption of rational approach in the allocation of public investment in agriculture and fisheries to ensure efficiency and effectiveness in the use of scarce resources and thus obtain optimal returns on its investment;
* enhance the competitiveness of the agriculture and fisheries sectors in both domestic and foreign market;
1. REPUBLIC ACT NO. 8550: The Philippine Fisheries Code of 1998
* achieve food security as the overriding consideration in the utilization, management, development conservation and protection of fishery resources in order to provide the food needs of the population
* manage fishery and aquatic resources
1. REPUBLIC ACT NO. 7900: High-Value Crops Development Act of 1995
* accelerate the growth and development of agriculture
* enhance productivity and incomes of farmers and the rural population
* develop high-value crops as export crops, promoting the production, processing, marketing, and distribution of high-value crops
* effect an efficient use of land and other productive resources with due regard to ecological balance and environmental protection and increased agro-industrial production for the alleviation of poverty and sustainable growth objectives.
1. REPUBLIC ACT NO. 7308: Seed Industry Development Act of 1992
* promote and accelerate the development of the seed industry
* encourage and hasten the organization of all sectors engaged in the industry, integrate all their activities, and provide assistance to them;
* consider the seed industry as a preferred area of investment;
* encourage the private sector to engage in seed research and development and in mass production and distribution of good quality seeds

***Good practices: a case for indigenous agroecological proctices***

Small-scale farming and local markets continue to feed the majority of the world today. Supported and encouraged, ecological peasant and indigenous farming can preserve biodiversity and local cultures, de-escalate climate change, provide healthy food and livelihoods for all. The principle of food sovereignty – the right of peoples to healthy and culturally appropriate food produced through ecologically sound methods – needs urgent support and propagation. There must be a legislation to support this.

As an example, the Teduray and Lambangian indigenous peoples from southern Philippines is pushing for the resurgence of *sulagad* in their ancestral domains. *Sulagad* is an indigenous system and practice of sustainable and environment-friendly system of livelihood and utilization of forest, land and water resources, which is translated community practice and worldview. It involves invoking the guidance and assistance of the *sëgoyong* (spirits/guardians) and the *barakat* (power) from *Tulus* (the Creator) in determining appropriate and balanced use of the land and natural resources. It covers production, preservation/conservation and maintenance of naturally grown crops/plants and livestock in land and water. It encapsultes their philosophy of “land is life.” The sulagad system suffered from the pressures of “agricultural modernization” programs. The communities saw an intensification of market-driven changes: many of their members shifting to high-yeilding seeds and instensive farming inputs. Devastating economic and social impacts ensued: soil degradation and increasing dependence on fertilizers, many were driven into debt, and changing notions of land use. Taking stock, the community took to reviving their traditional practice of sulagad. Against land grabs, the practice of sulagad has also become an assertion of identity and land rights.

***Ensuring rights of environmental human rights defenders***

In one emblematic case, the Philippine Commission on Human Rights investigation found that the killing of eight indigenous leaders by the military amounted to a human rights violation. The indigenous community refused to consent to the coffee plantation in their ancestral domains. They were alleged to be members of the insurgency group. The coffee plantation straddles three provinces and covers over 20,000 hectares. Not only have communities been curtailed from farming in their own land causing acute food insecurity, malnutrition, and grinding poverty, they are constantly harassed and threatened. To date there has been no accountability for the deaths of the indigenous persons, while the corporation continues to operate on their land. Other indigenous communities suffer similar conditions--from expanding palm oil plantations[[18]](#endnote-18) to long-standing agribusiness giants in the Philippines such as del Monte[[19]](#endnote-19) and Dole, among others.

As evidenced by the increasing threats against environmental human rights defenders, national laws and existing voluntary instruments have not been effective in curtailing human rights violations committed by national and transnational corporations in territories. These economic projects have mainly followed a shortsighted developmentalist model that is fundamentally capitalist in motivation. They are implemented with the complicity of government through policies that legitimize their operations and often supported by government’s security agencies. A truly meaningful Binding Treaty – an international legally binding instrument on transnational corporations and human rights, that looks at the responsibility, accountability and liability of large transnational corporations along the entire global value chain is imperative.

1. The Legal Rights and Natural Resources Center-Kasama sa Kalikasan/FoE Ph (LRC-KsK/FoE Ph) is a legal research, policy development and advocacy institution working for the recognition and protection of the rights of indigenous peoples and upland rural poor communities to land and other natural resources. It is created as a non- stock, non-profit, non-partisan, cultural, scientific and research organization duly registered with the Philippine Securities and Exchange Commission. It was established in December 7, 1987. LRC is the Philippine member of the Friends of the Earth International. [↑](#endnote-ref-1)
2. Stavenhagen, R.[(2003). Human Rights and indigenous issues: report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples. *UN Commission on Human Rights*](https://www.refworld.org/publisher/UNCHR.html)*.* https://documents-dds-ny.un.org/doc/UNDOC/GEN/G03/115/21/PDF/G0311521.pdf?OpenElement [↑](#endnote-ref-2)
3. Globally, “67 land and environmental defenders killed in 2015 were IPs, almost 40% of the overall total, and an increase of 20 victims from 2014” (Global Witness, 2016, p. 10) [↑](#endnote-ref-3)
4. *Global Witness* (2018). Deadliest year on record for land and environmental defenders, as agribusiness is shown to be the industry with most linked to killings. https://www.globalwitness.org/en/press-releases/deadliest-year-record-land-and-environmental-defenders-agribusiness-shown-be-industry-most-linked-killings/ [↑](#endnote-ref-4)
5. Ibid. [↑](#endnote-ref-5)
6. Gonzales, C. (2012). The global food system, environmental protection, and human rights. *Natural Resources & Environment, 26*(3), 1-15. [↑](#endnote-ref-6)
7. (2011). *The state of food insecurity in the world 2011.* Food and Agriculture Organization of the United Nations. http://www.fao.org/3/i2330e/i2330e00.htm. [↑](#endnote-ref-7)
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9. Gonzales, 2012. [↑](#endnote-ref-9)
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11. Gonzales, 2012. [↑](#endnote-ref-11)
12. Kuhnlein, H., Burlingame, B., & Erasmus, B. (2013). Chapter 16: Policy and strategies to help improve nutrition and health for indigenous peoples. In D. Spigelki, H. Kuhnlein, B. Erasmus, & B. Burlingame (Eds.), *Indigenous peoples’ food systems & well-being* (279-295). FAO. [↑](#endnote-ref-12)
13. Turral, H., Burke, J., & Faurès, J. (2011). *Climate change, water, and food security.* Food and Agriculture Organization of the United Nations. http://www.fao.org/3/i2096e/i2096e.pdf. [↑](#endnote-ref-13)
14. Bruinsma, J. (Ed.). (2003). *World agriculture: Towards 2015/2030: An FAO perspective.* Earthscan Publications Ltd. [↑](#endnote-ref-14)
15. Section 11, Article XIII Social Justice and Human Rights, 1987 Philippine Constitution [↑](#endnote-ref-15)
16. Section 5, ibid. [↑](#endnote-ref-16)
17. Section 7, ibid. [↑](#endnote-ref-17)
18. Miller, B. (2017). Philippine palm oil plan ‘equals corruption and land-grabbing, critics say. *Mongabay.* https://news.mongabay.com/2017/08/philippine-palm-oil-plan-equals-corruption-and-land-grabbing-critics-say/ [↑](#endnote-ref-18)
19. *Global Witness* (2019). Agribusiness including del Monte Philippines’ growers implicated in violent attacks against indigenous groups. https://www.globalwitness.org/en/campaigns/environmental-activists/agribusiness-including-del-monte-philippines-growers-implicated-in-violent-attacks-against-indigenous-groups/ [↑](#endnote-ref-19)