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HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Written statement submitted by FIAN-Food first International Action
Network a non-governmental organization in consultative status
(Roster)

The Secretary-General has received the following communication, which is
circulated in accordance with Economic and Social Council
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[23 July 1990]

HUMAN RIGHTS AND THE ENVIRONMENT

The environment and the right to food

1. The emphasis in the work of the Food first International Action Network (FIAN) on the right to food is on the issue of land rights of peasants, landless agricultural workers and indigenous peoples. For these groups adequate land provides the only secure access to food in human dignity. Hence the realization of their right to food depends on their access to land. Degraded land and a polluted atmosphere interferes with their capacity to produce adequate food, as well as with other rights such as the right to an adequate standard of living generally, to health or to life.
2. The land rights of peasants or indigenous peoples are violated because their land is ecologically damaged or destroyed or taken away and ecologically destroyed. For example, the land rights of indigenous peoples living in the rain forest are violated, as in the case of the Huaoranis in the Ecuadorian Amazon, who are suffering from oil exploitation and rapid deforestation (as landless settlers move in, they themselves victims of the lack of agrarian reform elsewhere in Ecuador). The rights of tribal and rural peoples are often violated by large dam projects (such as on the Narmada river, India). Land grabbing and environmental destruction affects groups such as the M'Bya and Ache in Caazapa, Paraquav, whose land is being occupied and their forest destroyed at an alarming rate.
3. There are also violations of the peasants' right to (ecologically stable) land through processes of marginalization, leading to environmental degradation. Destruction of rain forest or mountain slope and other marginal lands by peasant colonization is taking place as a reaction to the absence of agrarian reform (Brazil, Andean countries). Good agricultural lands in ecologically stable regions are often occupied by landlords (as a consequence of colonial history) or rich firms and land speculators. As a strategy to avoid agrarian reform in these regions, these interest groups sometimes promote "colonization instead of agrarian reform", which leads eventually to the destruction of ecologically fragile lands.

Comments on the links

4. It is the peasants and indigenous peoples who suffer already today from environmental degradation in relation to their human right to food, because they are pushed to the ecological margins of society. As well as being forced to cause environmental degradation, they are the first to suffer from effects which will make much larger sectors of mankind suffer in the future unless the ecocide and climatic hazards are prevented. They therefore flash the warning lights for all of us.
5. Extreme poverty has been recognized by the World Commission on Environment and Development in their report "Our Common Future" as a main cause of environmental degradation. In discussing the right to a clean environment, one should therefore take into account the rights of the most vulnerable sectors of society. The approach along these lines of the Committee on Economic, Social and Cultural Rights, and of the Sub-Commission's special rapporteur on the realization of economic, social and cultural rights is to be welcomed.

6. Poor peasants, rural workers and indigenous peoples are "natural ecological allies" of tomorrow's humankind, because they have a strong and immediate personal incentive to defend their rights which naturally include environmental protection (the example of Chico Mendes and his seringueiros (rubber tappers) comes to mind).

7. One can also note the ecological aspects ("sustainability of access") of the right to food as described in Asbjørn Eide's report on the right to adequate food. (E/CN.4/Sub.2/1987/23).

The right to a clean environment

8. As environmental degradation becomes more serious, so does concern to prevent it. The Sub-Commission is not the only international body to be discussing environmental rights. Indeed, the right to a clean and healthy environment has been more and more widely recognized in recent years. The African Charter on Human and Peoples' rights, in force since 1986 recognizes this. The protocol on economic and social rights of the American Convention on Human Rights contains clauses on the right to a clean environment. The group of legal experts on environmental law of the World Commission on the Environment and Development has as its first principle the right to a clean environment. The Hague Declaration, adopted in 1989 by 40 States from a variety of political systems also starts with an acknowledgement that a right to a clean environment exists.

9. Most recently, in their ministerial declaration adopted in Bergen in May, Ministers from East and Western Europe and from North America resolved to " ... safeguard the rights of individuals and concerned groups to have access to all relevant information and to be consulted and participate in the planning and decision-making concerning activities which may affect health and environment, with reasonable access to appropriate legal administrative remedies and redress." In this connection, they resolved to contribute to the preparation of a document on environmental rights and obligations (Draft Charter of Environmental Rights and Obligations of Individuals, Groups and Organizations) for possible adoption at the 1992 United Nations Conference on Environment and Development (UNCED).

Suggestions for action by the Sub-Commission

10. Work is already well under way on the Charter of Environmental Rights to be submitted to the 1992 UNCED. The Sub-Commission has clear expertise in this field from which UNCED and its Preparatory Committee could benefit. FIAN would therefore propose that:

(a) The Sub-Commission give priority attention to working on a legal instrument of environmental rights. We believe that this is necessary as the link between the environment and human rights are clear, and as many declarations on environmental rights have already been made and it is now a legally binding instrument that is needed;

(b) The Sub-Commission designate one or two of its members to represent it at the meetings of the group that is drafting the Charter of Environmental Rights and Obligations, and request that this group formally invite these members to participate in its work.
