



# The voice of Maria Dolens

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## Few children

**D**emography (a noun made up of two Greek words, which can be translated as 'people' and 'writing') is the science that studies human populations, their size, composition and evolution. Focusing mainly on quantitative aspects, it makes use of a complex and varied set of statistical indices.

This brief introduction is intended to preface how this science is in itself neutral, aiming to capture objective data, both in terms of immediacy and prospective trends.

At the same time, it is equally evident how it ends up influencing the assessment that analysts of international affairs make of a particular country or an entire geographical region. Alongside other indicators, such as overall gross domestic product (GDP), average per capita income, level of schooling, freedom of the press or accessibility of public services, the trend of population increase or decrease is in fact of significant specific weight in the judgement of these specialists.

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**Seminar** on anti-poverty instruments in law

## SEMINAR AT THE BELL

# Anti-poverty instruments

On 22 June, a seminar, coordinated by Giuseppe Nesi, Professor of International Law, University of Trento, was held at the Foundation's headquarters on 'Goal 1 of Agenda 2030 for Sustainable Development: Anti-poverty instruments in international and domestic law'. After an introduction by the Director, ambassador Marco Marsilli, Arianna Miorandi, Councillor for Social Care and Wellbeing of the Municipality of Rovereto with responsibility for the Campana dei Caduti Foundation, and Giorgio Casagranda, President of the Trento for European Capital of Volunteering 2024 Committee, took the floor to greet those present. This was followed by the speakers' speeches, which we summarise here without claiming to cover everything. The first to contribute was Associate Professor at the University of Trento, Elena Fasoli, who spoke about poverty and climate change. Below are excerpts from her speech. On pages 4 and 5 we summarise the key elements of the report on land grabbing by Mirko Camanna from Erasmus University Rotterdam. Finally, on pages 6 and 7 we report on the in-depth study on the role of international institutions by Chiara Tea Antoniazzi from the University of Trento.

## 1. VULNERABILITY IN THE FACE OF CLIMATE CHANGE

**S**eventeen goals were adopted by the UN General Assembly in 2015 as part of the 2030 Agenda for Sustainable Development. They focus on global challenges such as poverty, inequality, environmental degradation, peace and justice.

The title of Goal 1 (*end poverty in all its forms everywhere*) suggests that different forms of poverty exist. The topic can also be addressed in the context of international law instruments on combating climate change. It is Goal 1 itself that makes this association when Goal 1.5 states that "by 2030 [we must] build the resilience of the poor and those in vulnerable situations, and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters".

It should be noted that there is no definition of either poverty or vulnerability in these instruments. Climate science does not provide a definition of poverty, probably also because of the need to keep open the interpretation of a phenomenon that is in itself very complex, heterogeneous and multidimensional. The vulnerability that accompanies poverty may be due, for example, to age,



gender, social and cultural background. In each case, the focus is on individuals as passive subjects. Furthermore, it must be considered that alongside the individual dimension there is the collective one. Consider, for example, the particular vulnerability of indigenous peoples to the effects of climate change.

Goal 1 not only focuses on individuals, but also States as passive subjects of the climate change phenomenon. Target 1.a states that by 2030 it is necessary to "Ensure significant mobilization of resources from a variety of sources, including

through enhanced development cooperation, in order to provide adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions".

It is true that this specific target does not mention climate change explicitly, but it is precisely towards developing States (think in particular of small islands) that the most important funding interventions of policies, for example, of adaptation, are directed.

The legal consequences of rising sea levels, especially for small islands, are currently being studied by a major UN commission: for example, how to deal with the possible relocation of entire populations to the territory of other States due to the disappearance of their national territory, and thus the need for humanitarian visas in the receiving State.

Thus, Goal 1, considered in relation to climate change, targets poverty and vulnerability of both individuals and States.

A 2019 UN report on extreme poverty and human rights states that 'climate change threatens the future of human rights and risks undoing the last 50 years of progress in development, global health and poverty reduction'. Without immediate action, climate change could push 120 million people into poverty by 2030. It also points out that 75-80 per cent of the costs of climate change will be borne by developing countries.

In the face of these data, what is the response of the international environmental instruments and, in particular, those for combating climate change? There are some 'entry points' of the poverty theme in the text of the most relevant documents.

The 1987 Brundtland Report, published by the United Nations World Commission on Environment and Development and entitled 'Our Common Future', argues that overexploitation of resources, such as land, in some areas of the world causes poverty. It states that there is a vicious circle between poverty leading to environmental degradation, and in turn environmental degradation leading to further poverty: 'a world where poverty is endemic will always be prone to ecological catastrophes'.



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Principle 5 of the 1992 Rio Declaration on Environment and Development specifies that "all States and peoples must cooperate in the essential task of eradicating poverty as a prerequisite for sustainable development in order to reduce inequalities in living standards and better meet the needs of the majority of the world's people". Also in terms of international cooperation, UN General Assembly Resolution No. 55/2 of 2000 calls on States to 'make every effort to ensure the entry into force of the Kyoto Protocol'. With this reference, climate agreements come into play.

The successor to the Kyoto Protocol is the Paris Agreement and we also find references to the issue of poverty in the latter. For example, in General Objective 2 where it is stipulated that States should 'strive' to reduce the concentration of greenhouse gases in the atmosphere, it is also stated that these efforts should be made in the context of 'efforts to eradicate poverty'.

Here we are moving on very sensitive political ground. The States disagree on how to cooperate to achieve the goals. Many countries believe that climate action should remain a discretionary prerogative of the State, moreover only governmental, without interference from the judiciary. In any case, even the States just mentioned agree that special attention should be paid to the poorest and most vulnerable countries.

Elena Fasoli



## 2. THE DANGERS OF LAND GRABBING

Poverty, as suggested by Goal 1 of the UN Agenda 2030, can take many forms and arise from many causes: one of these causes is *land grabbing*, which can be defined as the large-scale acquisition of land, mainly in developing countries, by foreign investors or sovereign wealth funds. This acquisition is mainly aimed at producing or extracting raw materials for the food and energy sectors.

Normally, this acquisition takes place through specific agreements between the host country and the foreign investors, which do not provide for the outright transfer of the land but a lease or rent for extremely long periods (usually 99 years). The size of the land acquired by the investors is often immense: suffice it to say that the average size of a farm in Europe is 17 hectares, while some pieces of land subject to grabbing in Africa have involved more than 20,000 hectares.

Theoretically, large-scale investments in developing countries should not be bad and should yield benefits. In reality, however, land grabbing constitutes a form of impoverishment for everyone: the local population, the environment, the host country, and sometimes even the foreign investor himself.

Often the land leased to foreign investors is owned, inhabited and cultivated by local and indigenous peoples, who are not involved in the transfer agreements. In several cases, in order to ensure that companies could carry out their activities on these lands, the local populations were subjected to expropriations and forced remov-

als from their lands, implemented also by threats or the use of force. Sometimes these acts have degenerated into strong protests by local populations, even in a violent form.

The expropriation of land affecting local and indigenous peoples also occurs due to certain peculiarities of the local legal systems. In many countries, especially in the African continent, there is often no concept of ownership comparable to that in the West, and there are no land registries. Therefore, many people have 'owned' land for centuries by virtue of unwritten customary rights. The absence of a legal title certainly facilitates the transfer of land to companies, since formally that land is 'free' and 'belongs to nobody'.

The fact that the local and indigenous population is not informed or consulted prior to the conclusion of the State-business agreements is also a violation of the principle of *free, prior and informed consent* enshrined internationally in important sources such as the International Labour Organisation Convention 169, according to which indigenous peoples must be consulted whenever measures affecting them are considered.

Often, the land involved in land grabbing is used for intensive agricultural production in the form of monocultures. Chemicals and pesticides are frequently used on these soils, consuming large amounts of land and water. In addition, severe deforestation can occur, necessary to make room for arable fields. This leads to significant soil degradation and impoverishment, as well as a signifi-



cant loss of biodiversity and of the natural and landscape heritage.

These effects could be reduced by using organic and sustainable cultivation methods, or by introducing regulatory instruments to prevent environmental damage (such as impact assessments) or control systems during the production phase. However, the cultivation methods are often not sustainable and although environmental laws exist, they are not adequate or are not fully respected.

Developing countries often facilitate the conclusion of land deals and grant significant benefits to foreign investors, either because they are attracted by the prospect of economic and infrastructure development or because of internal and external political pressures. These benefits may consist, for example, in tax reductions or exemptions or immunities from the effects of environmental and social reforms. In addition, the same land is often sold for



extremely low rents, with minimal bureaucratic procedures and without any guarantee on the part of the investors that part of the goods produced will be sold in the domestic market of that country.

Taken together, these investor benefits lead to a net reduction in the benefits that the host country might derive from foreign investment. Added to this are the costs the host country incurs to deal with the social and environmental problems that land grabbing can cause.

Due to friction between foreign investors, the host country and the local population, especially in the case of protests, there have been numerous cases where investment activities have been hindered, causing serious economic damage to companies or even preventing the effective commencement of the projects.

The existing friction points between international law and land grabbing appear to be multiple.

First of all, there are several internationally established human rights and principles that could potentially be violated, such as

the right to property and housing, the right to work, respect for private and family life, respect for cultural heritage and in particular that of indigenous peoples, the right to a healthy environment, up to the rights of future generations and the principle of sustainable development.

Current international law does not provide for specific instruments to prohibit practices associated with land grabbing or for forms of liability on the part of public or private actors responsible for this practice. In addition, responsible investors and companies can also acquire, consolidate and maintain their position of strength through land deals or other instruments of international law for their protection.

On the other hand, current international law offers principles and instruments that, although not always created specifically for this purpose, allow for the protection of fundamental rights violated by land grabbing activities.

In some cases, the perpetrators were actually brought before national and international courts.

The local population has also been supported by non-governmental organisations and the results of these actions, although mixed, demonstrate the existence of possible legal remedies. Indeed, there are tools, such as corporate social responsibility, human rights due diligence and the liability of multinational corporations for environmental and human rights damage, which are now the focus of debate and discussion, not only among academics. These instruments could better ensure the prevention and suppression of land grabbing involving private companies. The recent adoption of the European Union's directive on corporate sustainability due diligence is a significant example of the implementation of these tools, which will have to be tested in practice but can be viewed with confidence.

In any case, only through a concrete and internationally coordinated effort will it be possible to effectively address the phenomenon of land grabbing and promote equitable and sustainable development for all.

Mirko Camanna





### 3. THE ROLE OF NATIONAL INSTITUTIONS

First of all, there is a need to clarify the legal nature of the Sustainable Development Goals. While it is true that the Goals are not in themselves formally binding on States, even though the States have collectively endorsed them in the UN General Assembly, it is also true that the realisation of the Goals is closely linked to the implementation of binding norms for States. For example, the eradication of poverty and many other goals depend on the States meeting their climate change obligations. Even more immediately relevant to the goal of poverty eradication, then, are the international human rights obligations entered into by the States. And in fact, poverty jeopardises and risks violating most of the human rights that Italy and many other countries have pledged to guarantee: from the right to life itself (to be understood as the right not only to survival, but also to a dignified life) to the right to health, housing, food, education, and so on.

This opens up the complex issue of what it means for the State to respect and realise human rights - the right to housing, for example. Several international bodies that have commented on the issue have made it clear that the State is obliged to respect a minimum, essential content of the right: for example, by avoiding forced evictions that oblige people to live on the street; ensuring that housing is connected to essential services; facilitating access to housing for people with low incomes; and implementing special measures for particularly vulnerable people. Moreover, the State is bound over time to fully realise the right to housing: which implies, among other things, that the State cannot retreat, but only advance in

guaranteeing this right; and that it cannot realise this right in a discriminatory manner, for instance by arbitrarily excluding persons of foreign origin. This applies to all social and cultural economic rights (such as the right to food, health, education, work, social security, etc.) - rights whose respect is necessary for a dignified life and is closely linked to the eradication of poverty. Moreover, poverty also hinders the full realisation of so-called civil and political rights, such as full participation in the public and political life of a country and freedom of expression.

Now, it is clear that in order to fully realise these rights and end poverty, complex policies and interventions are needed at all territorial (local, regional, national, as well as international) and institutional levels (through laws, administrative acts, judgments); massive financial resources are needed; the private sector needs to be involved, e.g. in order to improve employment and access to housing; judges, law enforcement agencies, doctors and any other relevant authorities and professions need to be trained so that they are sensitive to the needs of people in poverty; people in poverty need to be informed about the rights they have and the services they can access. What is needed, in short, is widespread action aimed at eradicating poverty through an approach based on respect for human rights.

And this is where national human rights institutions come in. These are, in short, independent public bodies in charge of promoting and protecting human rights within their respective countries. These rights generally include both rights protected by the

national constitution and rights that the State has undertaken to guarantee through the ratification of international treaties. In this sense, although the institutions in question are national bodies, they are characterised by an important supranational dimension; so much so that there are international standards, the 'Paris Principles', which govern their characteristics and functions.

National human rights institutions are, therefore, state bodies; yet, at the same time, they are independent of the rest of the state apparatus (parliament, government and any other public authority), whose work they are called upon to supervise. In our country, if it existed, the national human rights institution would probably take the form of an independent administrative authority, like the national guarantor for the rights of persons deprived of their liberty or the guarantor for children and adolescents. To date, however, in Italy there is no institution with general competence, which oversees respect for the human rights of all and sundry, and not only of specific categories of people (although certainly deserving of enhanced protection as they are particularly vulnerable). This is a serious shortcoming, for the fight against poverty and beyond. Also because at the end of 2023, 5.7 million individuals in our country (9.8% of the population) were in absolute poverty, i.e. unable to access goods and services considered essential. When we talk about poverty, therefore, we are not just talking about distant countries.



National human rights institutions, where they exist, have, among other things, the task of advising the government, parliament and any other competent authority on human rights issues, for instance by giving their opinion on draft legislation or more generally by issuing recommendations. They also promote the ratification of international treaties and monitor their compliance at national level, send reports on the human rights situation in their country to international monitoring bodies and perform other such activities. It is therefore clear why the creation of a national human rights institution in Italy would be important to contribute to the gradual eradication of poverty.

Chiara Tea Antoniazzi







*To be continued from page 1...*

Taking as an example two protagonists of world current affairs, the announced, imminent overtaking of India by the People's Republic of China in terms of population has taken on the connotations of an indirect confirmation of the greater dynamism of Delhi's economy compared to Beijing, hinting at a not too distant change of leadership in that fundamental continent.

From the point of view considered here, in Europe, the cradle of those foundations of democracy and respect for human rights that are constantly 'valorised' in relations with third states, the situation leads to concerns that are as serious as they are well-founded. According to the latest data from Eurostat, the official statistics centre of the European Union (EU), for several years now the average fertility rate has remained well below the so-called 'replacement threshold' of 2.1 children per woman, having fallen to 1.46. A circumstance that is promptly confirmed by the fact that in the decade 2013/2023 in the EU area the balance between new births and deaths was negative (minus 1.3 million people).

Consequently, if the resident population has been increasing during the period considered above, the 'credit' can be attributed exclusively to the substantial influx of immigrant populations, primarily from North African and Asian countries, joined - following the criminal Russian attack at the beginning of 2022 - by huge flows from Ukraine. The most up-to-date census reports 448.8 million people living in Europe, an increase of more than 7 million compared to 2013. In overall terms, this translates into a 9% share of the composition of the world population, a far cry from the 25% recorded at the beginning of 1900.

Given that the negative trend is common to all 27 member states, the national average fertility indices remain higher in the most recent EU Member States, with the sole exception of France, which, thanks in part to innovative and effective social and family protection policies, is able to stand at a decent index of 1.79.

As mentioned, the demographic factor is part of the statistical surveys compiled to review the 'positivity' of a particular country-system. This factor does not seem to have been taken into account by the experts who recently ranked Finland - a country with a fertility rate well below the already worrying European average (1.32 compared to 1.46) - as the 'happiest' European country. Perhaps aware of the contradictions inherent in such an analysis, the Finnish school authorities went so far as to propose the allocation of the vacant places in school classes to children from developing countries.

And what about Italy? Our country (and in this case we refer to Istat data) occupies one of the bottom ranks in European demography, on the basis of a fertility rate (1.24) that is among the lowest ever, resulting in the loss of almost two million inhabitants (from 60.8 to 59 million) in the period 2014/2022. In world terms, Italy has retreated from being the 10th most populous country (in 1950) to its current 25th place, with an all-time low of 380,000 births in 2023.

One of the remedies can be identified in the adoption of broad and forward looking regulatory measures capable of reversing the curve, not only in the social, educational or health fields but also culturally speaking.

Returning to the continental dimension, the basic question to be asked is whether we intend to entrust increasingly smaller generations with the arduous task of asserting those political, behavioural, ethical and moral values with which, as Europeans, we fully identify, to the rest of the world. All this in a global context that is certainly not easy and, indeed, in some ways 'hostile' because it is marked by the disturbing advance of totalitarian regimes and the spread of potentially devastating natural phenomena. Answering in the negative should be a no-brainer.

The Director, Marco Marsilli