January 29, 2026

Ms. Elisa Morgera
United Nations Special Rapporteur on Climate Change
By email: hrc-sr-climatechange@un.org

Dear Ms. Morgera:

The Institute for Agriculture and Trade Policy (IATP) and the Institute for Policy Studies (IPS) appreciate this opportunity to contribute to your report on "Transforming food systems to protect human rights and prevent climate harm." IATP is a non-profit organization based in Minneapolis that works locally and globally at the intersection of policy and practice to ensure fair and sustainable food, farm and trade systems. With over 60 years of groundbreaking public scholarship, IPS is the United States' oldest multi-issue progressive research organization. IPS works in partnership with dynamic social movements to turn transformative policy ideas into action. We would like to address three questions posed in the call for input:

Question 1: The role of food systems and meaningful measurement of methane emissions.*

Global temperatures exceeded the 1.5°C temperature limit for the first time in 2024, and that boundary could be permanently breached in the next five years. While CO_2 emissions have caused about 0.8°C of present-day warming,[1] methane pollution from all sources is responsible for about 0.5°C. Methane from agricultural production is responsible for about 0.2°C, most of which comes from livestock production.[2]

Methane's greatest impact on temperature levels occurs within the decade or so after its release (during which time it is 80x stronger than CO_2). This feature means that cutting methane emissions is one of the fastest ways to slow the speed at which Earth heats up and to limit the maximum temperature the planet will reach before climate pollution is reined in. Deep and sustained cuts in methane emissions, including in the agriculture sector, are essential to keep warming to its lowest levels. If food habits remain as they are, the food system could add close to 1°C of further warming by the end of the century, much of it from livestock methane. But alternatives that are better for human health and the planet are possible.

Yet, some livestock-producing nations contend that maintaining the current level of warming from agricultural methane, which requires much lower cuts in methane pollution to achieve, is sufficient climate action. It is not.

Countries and industry groups seeking to rely on a "no additional warming" approach for methane are essentially claiming a license to continue polluting at unsustainable levels, ignoring the fact that every ton of a climate pollutant emitted in the future will cause new warming that would not have otherwise occurred in its absence.

* Contact Claire Stockwell at cstockwell@iatp.org for more information on this section.

The New Zealand government has recently adopted this concept in its climate policy and weakened its 2050 methane target as a result, contrary to the advice of its Climate Change Commission and a distinguished group of scientists. Its Commission concluded:

> *"Based on the evidence available … we are unable to conclude that a 'no additional warming' approach for biogenic methane would constitute an adequate contribution to global efforts to limiting warming to 1.5°C."*[3]

The government chose to establish a separate advisory panel with the narrow mandate of reviewing the methane target for consistency with a "no additional warming" approach, rather than rely solely on its legally mandated Commission. Lawmakers criticized this move as highly suspect.

Ireland is considering following suit. Its climate advisory council recently proposed a larger (and thus weaker) carbon budget for the years 2031-2035, based on a "temperature neutrality" approach, which departs from its earlier advice. The difference between the two budget proposals is 9 $MtCO_2e$ (metric tons of carbon dioxide equivalent), slightly more than annual emissions of Luxembourg or Cyprus. A cross-party parliamentary committee has unanimously recommended that the government reject the "temperature neutrality" approach and align its next budget with a net zero greenhouse gas (GHG) approach instead. Several Irish and international academics have also criticized the proposed shift and demonstrated that any claim that such an approach is needed to ensure global food security does not hold up under scrutiny. At the time of writing, the government had not taken a decision on how to proceed.

Adopting a "no additional warming" or "temperature neutrality" approach to methane emissions is inconsistent with the obligation under the Paris Agreement to strive for the "highest ambition possible." Food production systems are already under strain at current levels of warming, grandfathering in high levels of methane pollution that increase the risks of food insecurity.

Question 3: Finance and the risks of Investor State Dispute Settlement (ISDS)[†]

International trade and investment agreements (whether under free-trade agreements or bilateral investment treaties) create specific challenges, as sustainability, including in agriculture, is treated as an "investment risk". This regime prioritizes investment expectations over the public interest, causing catastrophic consequences as noted by the U.N. Special Rapporteur for the Environment and Human Rights in 2023.

The ISDS mechanisms normally included in these agreements empower foreign investors to sue governments for "compensation" over rules or regulations that they deem affect their expected profits. This has been a fundamental tool for corporations to thwart efforts to transition to more climate-friendly, sustainable agriculture. Corporations have been able to challenge bans on agrochemicals and pesticides, land reform, redistribution and food sovereignty policies, and even straightforward environmental policies. Even when corporations lose these cases, they generate enormous costs for governments to defend those policies. Also, governments are frequently reluctant to regulate in favor of the environment from fear of being sued, in what is known as the as the "chilling effect".

Some countries are pushing back. Several large countries, including South Africa, have terminated most bilateral investment treaties (BITs) and replaced them with domestic investment laws. Bolivia

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and Ecuador both withdrew from ICSID, one of the major bodies adjudicating these cases. India has terminated 70 BITs and adopted a restrictive model BIT in 2016. Indonesia has terminated more than 60 BITs. Concerns over food sovereignty, land reform, and water rights have been major factors in those decisions. Still, the challenges remain. Notable ISDS cases include:

ISDS cases related to bans of agrochemicals and pesticides.

- (2009, NAFTA) Dow AgroSciences vs Canada, settled: This was an important case of regulatory chill, as Quebec issued a statement softening the scientific justification for its rules on pesticides containing the active ingredient 2,4-D.
- (2010) Chemtura vs Canada: Canada banned lindane, a persistent organic pollutant used in seed treatment. Canada wanted to protect soil and water in compliance with the Stockholm Convention. Canada "won" the case, but only after years of litigation and high costs.
- Bayer vs Canada (notice of intent, 2018): Proposed restrictions on neonicotinoids did not proceed but contributed to a chilling effect.

Land reform, redistribution, and food sovereignty policies

- Zimbabwe lost three ISDS cases arising from its land reform and redistribution efforts, starting with Funnekotter vs Zimbabwe in 2005 and continuing with the von Pezold and border timbers cases in 2010. These cases reinforced constraints on agrarian reform well into the future.
- Foresti vs South Africa (ICSID, 2010, settled): The investors challenged Black Economic Empowerment requirements affecting land natural resources. This case was a direct trigger for South Africa's withdrawal from ISDS.
- Access vs Mexico (2025): The company demanded US$3 billion in compensation over the return of ejido lands to the farming community. The decision on this case favored Mexico on jurisdictional grounds, but the process added additional delays to what was already a decades-long case.

Environmental protection

- There have been dozens of ISDS cases in which corporations challenged denial of permits based on environmental reviews. For example, David Aven vs Costa Rica (2018) challenged Costa Rica's efforts to uphold its constitutional commitments to a clean environment. The investors opposed restrictions on real estate development that harmed a local wetland and led to deforestation.
- Of eight cases faced by Indonesia, four were in the mining sector, including those filed by Churchill Mining, Planet Mining, Newmont Mining, and Indian Metal Ferro Alloys (IMFA). The Oleovest Pte. Ltd. case is related to the palm oil processing sector.
- Pacific Rim vs El Salvador: While the primary focus of this case was a national moratorium on mining operations, the toxic waste that resulted from the gold mining operations also had terrible consequences for water and therefore local farming communities. The final decision favored the government, but the financial and social costs of the defense were enormous, including the murder of several water protectors. Resources that could have been directed to sustainable agriculture and energy production were absorbed by the case.

Question 4: The false promises of carbon markets[‡]

The use of carbon credit markets as a strategy to reduce GHG emissions and provide climate finance goes back to the Kyoto Protocol. Since then, there have been dozens of mandatory and voluntary markets established internationally, at the country and regional levels. Many of those markets intersect with farmers and landowners. The track record is not good. In most cases, land-based carbon credits have been found to reduce little or no emissions; credit payments often are captured by project developers, not landowners or farmers; and the markets have been inundated with widespread fraud. In many cases, there have been human rights violations as investors and developers aggressively pursue land for credit projects.

Land-based carbon credits still do not have scientific credibility, as carbon storage must originate from a change in farm practices and be measurable and secure for at least a century. The Intergovernmental Panel on Climate Change (IPCC) concluded in its Sixth Assessment report that fossil fuel emissions are not offset by land-based emissions sequestration on a one-to-one ratio. The IPCC found that climate change itself, through rising temperatures and the increasing frequency of extreme weather events, will slow or disrupt the soil's ability to sequester carbon on farms and forests over time. Indeed, peer-reviewed climate science modelers report an accelerating asymmetry between fossil fuel emissions and sequestration efficacy.

Carbon stored in soils is inherently unstable and can easily be re-released into the atmosphere by droughts, floods, or shifts in farming practices. Long-term storage remains highly unreliable. A study in Nature found that rising temperatures predicted by climate change will release carbon much faster than previously predicted, thereby unraveling previous sequestration. The U.S. has already seen extreme weather events literally burn through forest-based carbon offset sites. An analysis of soil carbon testing found that such testing typically overestimates the level of sequestration by sampling too close to the surface. Other research questions whether carbon can be stored in the upper levels of soil for any significant length of time. The accuracy of soil carbon measurements depends on several factors, including sampling depth, location, and timeframe, ultimately making them unreliable.

There is now substantial evidence that carbon offset projects provide little climate benefit and that offsets are incompatible with meeting the goals of the Paris Agreement. A recent analysis found that even credits under supposedly tougher rules had questionable results. The recommendations from the U.N. High Level Expert Group on corporate net zero commitments concluded that carbon credits should not be counted to meet interim reduction targets.

Since prices for soil-carbon credits have been too low to cover the costs of changing agricultural practices, farmers are unlikely to embrace them. Soil carbon sequestration requires farmers to share significant amounts of data with corporations about what is happening on their farm, including annual information about planting, seeds, fertilizer, equipment, and harvest volumes. In most government jurisdictions, there are no clear rules governing the use and ownership of this data.

Carbon credit projects have been repeatedly associated with human rights concerns. Carbon credits have been tied to human rights violations, with cases of land grabbing in Kenya, Liberia, and

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Tanzania. Reports from India find that projects have done little for farmers or reducing emissions. An Oakland Institute analysis of forestry-based offsets and tree plantations in Africa called the projects a form of green colonialism. An analysis of carbon offset projects by the organization GRAIN documented a new form of land grabbing taking place in the Global South. In Peru, forestry offset credits were found to be fraudulent. In Colombia, carbon markets were found to undermined peasant autonomy. In Brazil, offset credits have been tied to slave labor. Human Rights Watch has slammed carbon credit projects in Cambodia as violating Indigenous rights.

While each carbon credit project is unique, a pattern of troubling outcomes has emerged. Polluters, major project developers, and wealthy investors exploit landowners and farmers to claim climate reductions. There are other tools to finance climate mitigation and adaptation for farmers and landowners that can achieve better climate outcomes, serve the public interest, and are not tied to corporate polluters.

Agribusiness and human rights

Last year, U.N. Special Rapporteur on the right to food issued a report on the role large corporations play in the food system and guaranteeing the right to food. That report concluded, "Corporate power in food systems is highly concentrated, allowing a relatively small group of people to shape food systems in a way that serves the ultimate goal of profit maximization instead of the public good."

Powerful, often global corporations, limit farmers' access to seeds and stifle seed breeding needed for climate adaptation. A small number of companies control the farm input sector (fertilizer and pesticides). In animal production, global corporate players determine animal genetics and how the animals are raised. A small number of global grain companies dominate global grain production and trade that has been tied to deforestation around the world.

It will be near impossible to respond to the climate crisis in food and agriculture without addressing the immensely powerful corporate players that dominate this sector and their pursuit of short-term profit over the public good.

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[1] Estimates of global average surface temperature increases from 2010-2019 compared to pre-industrial times (1850-1900). Temperatures have continued to rise since then.

[2] Livestock production is responsible for about 80% of agricultural methane emissions (own calculations).

[3] 2050 target review report, page 69.