

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change, Environment and Rural Affairs Committee
Ymchwiliad i ddyfodol Polisiâu Amaethyddol a Datblygu Gwledig yng Nghymru | Inquiry into the Future of Agricultural and Rural Development Policies in Wales
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Ymateb gan Prifysgol Caerdydd Ysgol y Gyfraith a Gwleidyddiaeth
Evidence from Cardiff University School of Law & Politics

EU Lessons

Over the last two decades, to support sustainable growth in agriculture and achieve a greater coherence and symbiosis between agricultural, agri-environmental and environmental strategies, the EU has established and reinforced overarching frameworks, principles and programmes addressing both environmental and rural development goals.

This EU mix of policy instruments ranges from the traditional “command and control” approaches to newer and innovative tools (for instance decoupling of production which supports farmers rather products) and establishes complementary mandatory (environmental laws, regulations, cross compliance) and voluntary mechanisms (agriculture-environment-climate schemes). Although the CAP has not been successful, this combination of tools is critical to achieve a more sustainable agriculture, sustainable intensification and food security.

Further, sustainable intensification appears as a highly beneficial long-term solution, which can lead to greater food production whilst preserving biodiversity and ecosystems and taking into account adaptation to and mitigation of climate change. Raising productivity and resilience of agriculture whilst supporting habitats and species is challenging. With greater intensification, the risk of reverting to the old and bad habits of high-input agriculture is great.

Rural development

A strong commitment to invest in sustainable agriculture, environmental protection and rural development should be maintained and strengthened to allow for stronger rural communities through the delivery of biodiversity and environmental benefits, improving the provision of basic services (high speed broadband) and village renewal in rural areas, focus on small family farms and small food producers, and structural investment.

To ensure innovation and growth, policies should adopt a bottom-up approach where the needs of farmers and rural communities are evaluated and assessed to identify gaps, barriers and solutions to overcome existing issues. A central part of any new rural development programme should be the collaboration and cooperation between stakeholders to ensure job creation and growth in rural areas, including maintaining Welsh speaking cultures.

Emphasis on decency and social justice in the agricultural system and making sure that food farmers and agricultural workers are paid a fair price for their produce, make a living wage and decent working conditions.

Subsidies for the production of public goods and services

Payments granted to farmers to support their incomes and to compensate them for their production of public goods and ecosystem services, such as sound management of soil and water, carbon sequestration and flood control should be maintained but evolve over time. This would allow in the long run to strengthen the income of farmers and strengthen rural communities.

Farmer as ‘the guardian of the soil and of the countryside’¹ bear the heavy burden of reducing their environmental footprint and being more environmentally friendly whilst suffering from a lack of support: financial, technical and knowledge. Subsidies provide them with part of the support they need to provide public goods and services to achieve sustainability and resilience to help preserve natural resources. Removing subsidies all at once and quickly is not a solution.

The focus on sustainability and its three dimensions (economic, environmental and social) with its variants of sustainable agriculture and sustainable intensification must be maintained to farm ‘with a sense of responsibility for future generations, while at the same time remaining resource efficient and productive’.²

A system where statutory conditions and voluntary commitments complement each other is necessary to achieve sustainable farming practices.³ Despite this system having certain problems, it creates positive advantages/consequences. Currently EU cross compliance leaves the design and implementation of SMRs and GAEC standards to the discretion of Member States and its regions. Cross compliance approaches lead to improved policy coherence by creating enhanced synergies between agricultural and environmental policies.⁴ Cross-compliance requirements emerge as strategic aspects to deliver sustainable intensification and sustainable agriculture.

Agriculture-environment-climate schemes establish another pathway to integrate environmental concerns into agricultural policy. Agriculture-environment-climate payments push for the creation of wildlife habitats, the conservation of traditional breeds of animal and investment in pollution reduction. They play a decisive role in offsetting the ‘damaging environmental effects of input-linked and production-linked policies’.⁵ Farmers can select specific activities from these programmes, including low-input or organic production methods, which go beyond legal requirements and favour greater environmental protection. Therefore, farmers taking part in agriculture-environment-climate programmes will not only deliver sustainable intensification through fulfilling cross-compliance requirements but also proactively provide more sustainable public goods and services, including food security and a greener agriculture (and reverse the trend in favour of sustainability rather than intensification).⁶

¹ European Commission, ‘Fifth European Community Environment Programme: Towards Sustainability’ (1993) 15.

² Agriculture and forestry together represent 78% of land cover in the EU. See e.g., European Commission, ‘General Union Environment Action Programme to 2020, *Living well, within the Limits of our Planet*’ (2014) (Seventh EAP) 25.

³ OECD, ‘Environmental Cross Compliance in Agriculture’ (2010) 18.

⁴ Ibid 12.

⁵ V. Vojtech, ‘Policy Measures Addressing Agri-Environmental Issues’ (OECD Food, Agriculture and Fisheries Papers, No. 24, 2010) 9.

⁶ L. Petetin, ‘The EU Common Agricultural Policy: Towards a More Sustainable Agriculture?’ in R. Ako and D. Olawuyi (eds), *Food and Agricultural Law: Readings on Sustainable Agriculture and the Law in Nigeria* (Afe Babalola University Press, 2015) 201, 214.

Ecological and natural connections are needed between existing sites to build a resilient network with green corridors. They could prove decisive in establishing buffer zones, stepping stone habitats and the coherent and resilient network. This 'greening' of payments aims at improving environmental management in the farmed countryside by maintaining the recognition of the relationship between agriculture, the environment and climate change.

A holistic approach (rather than the target approaches previously employed) will further strengthen networks of wildlife sites, which provide space for nature and support the provision of ecosystem services. Active management from farmers seems to be another facet of biodiversity and ecosystems conservation and protection.

Devolution of decision-making

Another critical aspect is the level of application of the instruments established. Whether agriculture policy and financial framework are devolved, any future policy and its implementation must take into account two interlinked but critical aspects: first, the specific climate and topography of Wales; and second, the fact that 80% of the country is classified as being in a 'less favoured area'.

Instruments developed and adapted to regional and local environmental and geographic conditions are critical to expand environmentally-friendly farming techniques based on local needs. One aspect which is nonetheless lacking under the successive reforms of the CAP is the obligation for farmers to cooperate when protecting the environment. Collaboration between farmers would lead to more cohesive and forward-looking plans at local level and help in building a more resilient and greener network regionally and nationally.

Adopting (and adapting) a holistic and pluralistic strategy to these issues should prove fundamental to Welsh/British agriculture. Any new Welsh policy formulation ought to be effective in establishing truly green agricultural practices which contribute decisively to the future of rural environment.

To address the challenges created by Brexit, the Welsh agricultural sector could differentiate itself by producing high quality products with high environmental, health, animal welfare, and labour standards. These standards, like the labelling of GM-free products, would lead to products being sold at premium prices.

As noted, due to its specific geographic and climate limitations, Wales ought to keep supporting its farmers. Subsidies should not be removed outright.

Flexibility and new technologies

Establishing cooperation in good agricultural practices (GAPs) could streamline the existing regime while creating a flexible approach supporting increased productivity. While considering economic and technical feasibility, cooperative GAPs can be gradually and pragmatically strengthened to progressively reduce pollution and improve environmental protection. Flexibility in setting standards allows for the regime to evolve concomitantly with scientific and technological capacities and for the industry/regulatees to choose between various practices. In this manner, GAPs can be employed to encourage innovation and efficiency by directly modifying the behaviour of the farming industry.

Incorporating GAPs requirements that retain flexibility is important because non-flexible regulatory provisions are costly and detract from economic performance and environmental protection. Responsiveness to scientific and technological changes and

improvement of standards should be attributes contained into future programmes. GAPs could lead to a more diverse farming structures and positive changes in land use.

It could be argued that by not being prescriptive enough, GAPs could give too much leeway to the regulatee. In contrast, a command-and-control regime would impose strict imperatives and prohibitions on regulatees. Such a prescriptive regime would not, however, encourage the industry to act beyond compliance with the standards imposed, to stimulate innovation, to reduce pollutions levels or to improve environmental protection and food production.

Ways forward

Brexit offers possibilities to develop and create a strong agriculture and resulting food supply chain. Providing adequate conditions to enable more coherent and holistic approaches geared towards a safe food supply, especially with the use of science in farming and in food, and its potential advantages and risks is critical.

A more transparent and modular framework is needed allowing for the industry to evolve with changing needs. Adequate standards and regulations combined with coherent and progressive agricultural policies will help to move the farming industry forward to positively impact on rural development and environmental protection.

No single type of policy instrument ought to be utilised to reconcile agriculture with environmental protection. ‘No blanket approach will do’.⁷ To be successful, the characteristics developed by Welsh/British legislation and policy ought to have various levels of application (national and local) and complementary focuses:

- Twin focus on farmers and rural development;
- Effective and efficient policy and regulatory regimes;
- Proactive management on the part of farmers;
- Local application and adaptation of schemes;
- Holistic approach to the greening of agriculture through the strengthening of agriculture-environment-climate change measures (rather than targeted schemes); and
- Emphasis on sustainability rather than intensification.

⁷ United Nations, ‘Agricultural Technology for Development’ (General Assembly, Report of the Secretary-General, 15 August 2011) 9.