Preface and acknowledgements

Many of the scientific aspects around climate change are now much better understood than a few decades ago. Very little uncertainty exists about the causes of climate change and increasingly we understand better the complexity of human and systems adaptation. Yet, an acute need remains to untangle critical nexuses, one of which is the nexus between the phenomenon of climate change, the pursuit of sustainable development and the effort to improve food security in all parts of the world. The law has a direct influence on how we approach and understand this nexus because of the fact that legal rules, principles and instrumentation determine and regulate the relationships between the actors involved at multiple levels of climate and agricultural governance.

Climate change and agriculture are interrelated in many ways on multiple scales. Average temperature fluctuations, rainfall and climate extremes, changes in the features and occurrence of pests and diseases among plants and animals, changes in the nutritional properties of some foods and sea-level changes have a direct bearing on traditional approaches to crop production and other agricultural processes. On the other hand, agriculture contributes to climate change via many means including anthropogenic emissions of greenhouse gases and the conversion of non-agricultural land (for example, natural forests and environmentally sensitive areas) into agricultural land.

This book is the first attempt to consolidate scholarly understanding and recent developments in the Northern and Southern hemispheres on the legally relevant complexities underlying the combating of, and adaptation to, climate change in an era of growing pressure on agriculture and food security.

The Research Handbook on Climate Change and Agricultural Law is the latest edition in the Edward Elgar series on ‘Research Handbooks in Climate Law’. It has brought together scholars from across the globe in an attempt to untangle the climate-food web and to understand the nexuses on which food security and climate-resilient development depend. Together, the authors address the following key questions:

- to what extent do domestic agricultural laws and policies in the northern and southern hemispheres address climate mitigation and adaptation?
- are the policies and legal tools in existing national agricultural law frameworks sufficient for human and agro-ecosystem adaptation?
what are the legally relevant challenges to marrying climate mitigation and adaptation with agricultural development, economic growth, food security objectives and sustainable livelihoods?

how do individual countries’ agricultural law and policy provisions for mitigation and adaptation measure up against the expectations of international and regional climate law and policy?

what are the weaknesses, strengths, gaps and innovations in existing agricultural laws and policies?

what new and innovative tools can be employed to address climate change mitigation and adaptation in the agricultural sector? and

what are the remaining research needs?

These questions are approached from the perspective of the legal systems of the United States, South Africa, Kenya, Australia, Brazil, and other countries, with the point of departure being that agriculture is at the same time both a significant contributor to global climate change, and a segment of the economy that will experience some of the most serious impacts of climate change. While this book focuses on the sectors of climate change and agriculture it also serves to highlight and open debate about the limits of the role of law and policy in effectively addressing the challenges we face. It challenges us to rethink the governance instruments we use to regulate behaviour and to question global forces in how we do things in poor and wealthy national and local contexts.

This book is the result of cooperative efforts of each and every contributing author, the editors, the publisher and those colleagues in our academic circles who continue to shape our collective understanding of the intricacies in the fields of climate change, agricultural law, environmental law and sustainability. The editors would also like to thank Rachael Vinyard, Jennifer Lomberk, Italo Lenta, and Gennaro Scibelli for outstanding research and editorial assistance.

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