

FUELLING POVERTY?

AN AGRO-FUEL GUIDELINE FOR INDIA



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FIAN and HBF India

About Heinrich Boell Foundation

Heinrich-Boell-Foundation (HBF) is a non-profit political foundation affiliated to the German political party of Alliance 90/The Greens. Since 2002 the Heinrich-Boell-Foundation has an office in Delhi and co-operates with Indian partners. Its focal areas of concern in India are Climate and Energy; Democracy and Conflicts as well as Gender and Trade. The foundation's primary objective is to support political education, thus promoting democratic involvement, socio-political activism, and cross-cultural understanding. HBF also provides support for art and culture, science and research, and developmental co-operation. Its activities are guided by the fundamental political values of ecology, democracy, solidarity and non-violence.

About FIAN

FIAN International, the FoodFirst Information and Action Network, was founded in 1986. It was the first international human rights organization to advocate the realisation of the right to food, as laid down in the Universal Declaration of Human Rights and other international human rights instruments. FIAN consists of national sections present in Africa, Asia, Latin America and Europe. Its individual members come from over 50 countries. FIAN is a not-for-profit organization without any religious or political affiliation and has consultative status with the United Nations.

FIAN's mission is to expose violations of people's right to food wherever they may occur. FIAN stands up against unjust and oppressive practices that prevent people from feeding themselves. The struggle against gender discrimination and other forms of exclusion is integral part of FIAN's mission in its strive to secure people's access to the resources that they need in order to feed themselves, now and in the future.

FIAN's vision is a world free from hunger, in which every woman, man and child can fully enjoy their human rights in dignity, particularly the right to adequate food, as laid down in the Universal Declaration of Human Rights and other international human rights instruments.

About this publication

The incidence and analysis of agro-fuel production in India are at a nascent stage. The project by FIAN in cooperation with the Heinrich-Boell-Foundation India has taken the initiative to systematically examine the issue, with particular emphasis on RTF. This agro-fuel watch guideline is supposed to be applied for monitoring of the status of the right to food in the context of expansions of agro-fuel at community level.

Continuing work on these lines would serve to develop a better understanding of the prospects and problems of agro-fuel in India. It is hoped that such an understanding can lead to enlightened policies resulting in inclusive and sustainable development all.

Readers' comments and suggestions are welcome at

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LIST OF ABBREVIATIONS

AAY:	Antyodaya Anna Yojana
ADB:	Asian Development Bank
AP:	Andhra Pradesh
BPL:	Below Poverty Line
CBDA:	Chhattisgarh Bio-fuel Development Authority
CBO:	Community Based Organisations
CPR:	Common Property Resources
CSMCRI:	Central Salt and Marine Chemicals Research Institute (CSMCRI)
CSO:	Civil Society Organisations
DPR:	Detailed Project Report
ETO:	Extra Territorial Obligations
EU:	European Union
FAO:	Food and Agricultural Organisation
FIVMS:	Food Insecurity and Vulnerability Mapping Systems
GAR:	Genuine Agrarian Reform
GDP:	Gross Domestic Product
GOI:	Government of India
GP:	Gram Panchayat
ICESCR:	International Covenant on Economic, Social and Cultural Rights
ICO:	Indian Oil Corporation
IFI:	International Financial Institutions
IICT:	Indian Institute of Chemical Technology
IIT:	Indian Institute of Technology
ILO:	International Labour Organisation
IPCC:	Intergovernmental Panel on Climate Change
IPP:	Institute of Petroleum
IRDPA:	Integrated Rural Development Programme
KBK:	Kalahandi, Bolangir, Koraput
MDG:	Millennium Development Goals
MDM:	Mid Day Meal
MLI:	Multi Lateral Institutions
MNC:	Multi National Corporations
MP:	Madhya Pradesh
NGO:	Non Governmental Organization
NOVOD:	National Oilseeds and Vegetable Oil Department Board
NREGS:	National Rural Employment Guarantee Scheme
OREDA:	Orissa Renewable Energy Development Agency
PAU:	Punjab Agriculture University
PDS:	Public Distribution System
RTF:	Right to Food
RTI:	Right to Information
SC:	Scheduled Caste
SHG:	Self Help Group
ST:	Scheduled Tribe
TNC:	Transnational Corporations
UBB:	Uttarkhand Bio-fuel Board
UN:	United Nations
US:	United States
VG:	FAO Voluntary Guidelines on the Right to Food
WB:	World Bank
WWF:	Worldwide Fund for Nature

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CHAPTER 1 : INTRODUCTION

“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to the security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” (Universal Declaration of Human Rights, Art. 25).

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living (...) **including adequate food** (...) and to the **continuous improvement** of living conditions (...)

2. (...) the fundamental right of everyone **to be free from hunger** (...) (International Covenant on Economic, Social and Cultural Rights, Art. 11)

1.1. The Right to Food and Agro-fuel

Realisation of the human right to food is one of the gravest concerns in India which is the home of the largest numbers of poor in the world. Despite registering significant growth in GDP, India is lagging behind in several human development indicators. This shows that the growth which is taking place in the nation is not inclusive. The alarming trends of increasing poverty, disparity and discrimination are manifestations of a poor policy regime in the country that does not sufficiently address structural causes of poverty and chronic hunger and does not implement basic human

rights, such as ensuring an adequate standard of living for all, including access to food and food producing resources.

The government of India has embraced the policy of rapid industrialisation in line with neo-liberal globalisation. Following the liberalisation of markets, few policies and programmes have emerged as vehicles of rapid growth and as so called tools for mitigating hunger problems and climate change concerns. One such policy prescription is the large scale introduction of agro-fuel production, popularly known as bio-fuel in India during the last decade.

With an understanding that the energy needs in India might soon create a serious crisis¹, the Government of India (GOI) has been promoting agro-fuels as an answer to this emerging threat. Agro fuels are widely seen as viable and convenient alternate sources of energy and as substitutes for scarce fossil fuel. It is hoped, that through agro-fuels the dependence on foreign energy imports would be lessened, employment and revenue would be created and a positive impact against climatic change would be made. However, as experiences from other countries show, as the production of agro-fuel requires land and water, their cultivation competes directly with the food resources of those people who are already suffering from hunger and malnutrition. According to some

¹ India consumes about 110 million tons of petroleum products in a year. Domestic production takes care of only 30% of the country's demand. The remaining 70% of the demand are met through imports and would further go up to 85% by 2020. As far as diesel is concerned. India consumes about 40.6 million tons in a year. India is sixth in the world in energy demand accounting for 3.5% of the world's commercial energy consumption.

researches agro-fuel cultivations have lead to massive eviction of people, deforestation and increasing food price globally².

Before designing and implementing policies and programmes towards the use of agro-fuel it is necessary to consider the effects of agro-fuel production on the enjoyment of the human right to food of the most marginalized groups and communities. India is a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and is therefore obliged under international law to realise the right to food for all its citizens.

Rapid, unplanned and poorly consulted expansion of agro-fuels in India is already impacting on the livelihood of the marginalized and poor in the Indian society, which is in contrast to the obligations India has under the right to food: To guarantee to poor communities secure access to, and control over, natural resources for food production.

1.2. Aim of this Guideline and Methodologies

A core element of the right to food is the direct availability of food from productive land or other natural resources, related to people's ability to feed themselves by having secure control over land, water and other resources for food production. Forced evictions and lack of access to land and productive resources constitute major patterns of violations of the right to food in India and worldwide. The expansion of agro-fuel crops is increasing the pressure on land and water, and will lead to further alienation of marginalised groups from their natural resources.

Considering the negative impacts of agro-fuels it is imperative to critically analyse the policies and programmes of the GOI and other actors regarding agro-fuel, to raise communities' awareness concerning the larger implications of agro-fuel productions, and to provide them

with a set of tools to monitor the impact of expansions of agro-fuel on vulnerable groups and their right to food.

This booklet shall serve as a basic orientation, applicable in the Indian context for the above purposes. Following a general discussion laying out the present scenario of agro-fuels in India including scientific issues, policies and processes, six case studies from six different Indian states illustrate the impact of agro-fuel growth on the right to food of rural households. The cases are carefully chosen to represent a maximum of relevant communities involved, issues concerned and human rights affected. A set of guiding questions for further investigation on the topic, together with recommendations for policymakers and civil society conclude the guideline.

² Even the supposed positive impact on the environment is contentious as agro-fuels, according to many global researches, are not contributing to reduce green house gas emissions (FAO 2008).

CHAPTER 2 : EXPANSION OF AGRO-FUELS IN INDIA

2.1. Definition and Distribution

Fuel from plants and vegetation is called agro-fuel or bio-fuel. Sometimes “bio-fuel” is used to indicate a wider range of products and practices, incorporating “agro-fuel” within its scope. More importantly, however, the designation “bio-fuel” has an environment-friendly overtone. In contradistinction, the term “agro-fuel” points to the link between food and fuel production and brings into focus the hidden perils and human costs associated with ventures encouraging the latter at the cost of the former. Therefore we will be using the term agro fuel in this publication.

In the Indian agro-fuel context, one plant - jatropha curcas – has received overwhelming attention until now. Jatropha, a plant from South America, has been demonstrated to be a source of oil that is convertible into a replacement for diesel. It is a hardy plant capable of growing in saline or arid soil, it is not edible by people or animals, and has other uses as illuminant for candles and lamps, fertilizer and lubricant for soap. Along with jatropha, other local sources such as pongamia, karanja, and putranjiva are also being investigated. A major contender is sugarcane as well as the imported sugar beet as sources of ethanol.

At present the GOI has proposed to convert 3 million hectares of land for the cultivation of jatropha in 200 identified districts in 19 Indian states over a period of 3 years. Each district will be treated as a block and under each block 15,000 ha jatropha plantation will be undertaken on the basis of availability of wasteland, rural poverty ratio, percentage of people below poverty line (BPL) and the suitability of agro-climatic conditions suitable for jatropha cultivation. A detailed project report (DPR) on the National Mission on Jatropha Bio-Diesel has been submitted by the Ministry of Rural Development to the Planning Commission, which, inter-alia, envisages a demonstration project, involving jatropha plantation, on 400,000 ha of degraded forests and non-forest lands for producing bio-diesel.

The Planning Commission has given ‘in principle’ approval to the DPR³.

Several Indian state governments have developed appropriate authorities to deal with agro-fuel production in the state. In Chhattisgarh, the Government has established a specific authority called “Chhattisgarh Biofuel Development Authority (CBDA)” in 2005, while in Uttarkhand a Bio-fuel Board (UBB) has been constituted as a nodal agency for bio-diesel promotion. In Orissa, OREDA (Orissa Renewable Energy Development Agency) is the main agency to promote jatropha cultivation. Generally, various ministries like Ministry for Agriculture, Ministry for Environment and Forest, and Ministry for Rural Development, are associated with the initiatives of promoting jatropha plantations at the state level.

Central and state governments are providing lands, subsidies and technologies to individual farmers and companies for growing jatropha. Generally, all the state governments (except Andhra Pradesh, which is in favour of converting agricultural land to jatropha cultivations) have emphasized to grow jatropha on ‘waste & degraded’ lands. However, the definitions of these terms remain vague and community participation in identifying lands for jatropha plantations remain insignificant.

In most states, apart from the so-called “waste lands” also agricultural lands in particular khas land (state land) and forests are being converted into jatropha plantations. In Chhattisgarh, six lakh⁴ saplings of jatropha have been planted with the involvement of the state’s Forest, Agriculture and Rural Development Departments on different categories of land. The Karnataka government has stated that marginal land and degraded land would be used for growing jatropha, but the definition of marginal and degraded lands has not been made very clear. In Uttarkhand,

³Indian Programmes, The National Mission on Jatropha Bio-diesel 2007, <http://www.jatrophabiodiesel.org/indianprograms.php>

⁴One lakh is one hundred thousand

jatropha has already been planted on one lakh hectare of land while in Andhra Pradesh two lakh acres have been devoted to jatropha plantation in the initial phase. The most important decision of the Andhra Pradesh government is that wherever Jatropha cultivation is undertaken on cultivable lands, it will be tilled by the current owners who will be provided crop and yield insurance.

At the initiative of the Tamilnadu government, jatropha has already been planted on 20,277 hectares in this state. In Rajasthan, both forest areas and agricultural lands are converted into jatropha plantations. Nearly 350 hectares of land are under jatropha cultivation in this state. In Orissa, non-forest areas are proposed for jatropha. There, the state government has given financial support for growing jatropha nurseries, for developing oil seeds collecting centers and market support price benefits for purchasing oil-seeds. The government of Orissa has encouraged Self Help Groups (SHGs) to take an active part in growing jatropha.

For the promotion of jatropha plantations various existing rural development policies and programmes are being used by different state governments. In Andhra Pradesh, the government has used NREGS (National Rural Employment Guarantee Scheme) to introduce large-scale jatropha plantations in the drought prone areas of the state. The government of Rajasthan has used land reform rules and distributed khas land among peasants and companies in the name of 'Green Patta'⁵ for jatropha cultivation.

2.2. Agro-fuel Policies in India

The issue of agro-fuel has recently assumed significance in view of spiralling prices of crude oil in the international markets. The GOI has given top priority to promote jatropha plantations, and accordingly state governments have established concerned authorities. Various ministries are collaborating for the promotion of jatropha plantations through different existing policies and programmes. The Ministry of Agriculture, the Ministry of Rural Development and the Ministry of Forest (both at central and state levels) have played vital

roles in the expansion of jatropha all over the country. The GOI started a Bio-Fuel Mission in 2003 and launched a Bio-fuel Pilot Demonstration Project Scheme in the country. During 2004 and 2005 a relatively small amount of Rs. 9 crore⁶ was ear-marked for this mission. However, the Rural Development Ministry only managed to spend Rs. 20 lakhs. The allocation for 2005 and 2006 nevertheless was scaled up to Rs.45 crore. Despite these activities no comprehensive national agro-fuel policy was adopted until recently. On 12 September 2008 the Cabinet has now approved a Bio-fuel Policy⁷. The government is contemplating shifting the responsibility for the Bio-Diesel Mission from the Rural Development Ministry to the Agriculture Ministry to give a boost to the project.

At the initiatives of the GOI and the state governments various academic institutions are conducting important research works on various species of agro-fuels with a focus on jatropha. For example Uttaranchal Bio Fuel Board, a government sponsored body, has established a jatropha gene bank to preserve high yielding seed varieties. It has developed the ambitious plan to produce 100 million litres of bio-diesel within the next three years. To produce jatropha seedlings in 2007-2008, Rs.4.98 crore has been sanctioned by the Government of Tamil Nadu and Rs.2.50 crore has been allotted to the Tamil Nadu Agriculture University. The Tamil Nadu Government is seeking central subsidy to encourage drip irrigation and drip fertigation of jatropha crops to maximize the production.

No significant initiative has been observed so far on the part of the GOI to amend any existing law in order to facilitate growing jatropha in the country on a large scale. There is an attempt to link agro-fuel production with employment generation, especially under the

⁵The Rajasthan government has a 'green patta' policy that allows for up to 5000 hectares of village common lands to be transferred to bio-fuel companies for 20 years.

⁶One Crore is 10,000,000

⁷The text of the policy is still not available and consequently is yet to be assessed.

NREGS (National Rural Employment Guarantee Scheme) of the central government. BPL families are employed for planting jatropha under this scheme. Land is clearly the first and most important resource needed and the preference would be not to use agricultural but “wasteland.” In most states across India, wastelands are often common property resources, village lands used for many purposes including livestock grazing. However, different states define wasteland differently. Government land lying vacant for ten years or more and unfit for cultivation by ordinary means is considered wasteland in Chhattisgarh, whereas in Karnataka, it is marginal and degraded land. Little attention is paid to resources other than land like water, although some states such as Tamil Nadu are experimenting with drip irrigation in order to conserve water. Universally, agro-fuel is expected to be used primarily for motor transport in towns and cities. There are some sporadic instances of other foreseeable uses, such as the powering of “gensets” in rural Haryana, where use of tractors and other mechanized tools in agriculture is widespread. In consideration of the novelty and the related risk in cultivating fuel-yielding plants, a few states like Karnataka are encouraging agricultural insurance for farmers growing jatropha.

In brief, many state governments in line with the central government’s initiative, have decided to fulfill high expansion targets of jatropha in the next few years. However, it becomes also clear from the documented cases that the state is yet to come up with a comprehensive guideline and infrastructure for extracting oil from jatropha seeds and a marketing strategy. In absence of a well developed state sponsored processing system for extracting oil from Jatropha, the peasants are becoming increasingly dependent on infrastructure of private companies. This also reduces the profit margin for the peasants. Some of the research that has been carried

out actually indicates that the costs of production of bio-diesel from jatropha could be very high and might call for subsidies from the state. The corporate houses associated with bio-diesel production in India have already urged the GOI to increase subsidies on bio-diesel. It remains to be seen how these issues have been dealt with in the newly introduced bio-fuel policy of the GOI, which is yet to be made public.

2.3. Main promoters of agro-fuel

The main actors who promote agro-fuel cultivation on both national and international level are mainly:

- 1 Corporate alliances of large multinational agribusiness companies
- 2 Biotech companies (which include agribusiness firms and their subsidiaries)
- 3 Oil Companies, e.g. British petroleum (BP), Exxon Mobil, Chevron-Texaco, Royal Dutch Shell.;
- 4 Groups representing large land owners and plantation companies based in the global South
- 5 New agro-fuel companies, which include companies based in the North which exclusively invest in plantations and/or contract farming in the global South.
- 6 Car manufactures like Mahindra & Mahindra, Daimler Chrysler and, increasingly, airlines.
- 7 Forestry companies interested in second generation agro fuels.
- 8 Corporate funders including venture capitalists, hedge funds, private banks and development banks, and increasingly, carbon trading firms.
- 9 The Anglo-American military - industrial complex which includes the big five

names as defence contractors (Lockheed Martin, Raytheon, Northrop Gruman, Boeing and General, Dynamics) in alliance with British Aero-space systems corporation (BAES)

Corporate interests groups are today driving agro-fuel policies, including in the European Union (EU) and the United States (US). The reason behind this are quotas in the EU and the US which require large amounts of agro-fuel that cannot all be produced within the EU and US.

Leading lobby groups behind this 'blue print' include large environmental NGOs, many of which have corporate connections (such as the United Nations Foundation, World Resources Institute, World Watch Institute and Worldwide Fund for Nature (WWF), US neocons (e.g. the Securing America's Future Energy) and a number of Scientists/ Science Institutes, including the IPCC

In India, the entry of biotech companies and large agro-industrial corporations into the jatropha industry could be observed. For example, Daimler Chrysler working together with the Indian research organization CSMCRI, have attempted to adapt jatropha oil for use in commercially produced car engines.

Besides the promoters of agro-fuel mentioned above, other actors who are involved in the agro-fuel scenario at the global level include international financial institutions (IFI) such as the World Bank, governments of other countries, the United Nations (UN) and its organs such as the FAO (Food and Agriculture Organization), partnering organizations in agrofuel research, production and trade, and international civil society and rights associations.

Some of the institutions presently involved in research and development activities in India are the following:

- 1 Punjab Agriculture University (PAU)
- 2 Coimbatore Horticulture University with 250L/day bio-diesel production facility.
- 3 Institute of Petroleum (IPP)
- 4 Indian Institute of Chemical Technology (IICT)
- 5 Indian Institute of Technology (IIT –Delhi & Madras)
- 6 Indian Oil Corporation (IOC) with 60kg/day. Bio-diesel production facility at Faridabad.

The Tamil Nadu Agriculture University is conducting training programmes related to jatropha cultivation for the farmers. The trainings include topics like crop improvement using new varieties & hybrids, production of quality planting materials, crop management, plant protection.

CHAPTER 3 : CASES OF VIOLATIONS OF THE RIGHT TO FOOD DUE TO AGRO-FUEL CULTIVATION

Under the International Covenant on Economic, Social and Cultural Rights each state is responsible for ensuring that its own policies, legislation, and activities comply with the obligations to respect, protect and fulfil the people's right to food. Following case studies, which have been investigated by civil society, illustrate violations of the right to food in six states of India (Jharkhand, Chhattisgarh, Orissa, Uttarkhand, Rajasthan and Andhra Pradesh).

Case 1

Right to food of peasant families threatened due to conversion of food crop , Giridih District, Jharkhand

Description of the Case:

Jatropha has been planted on 12 acres in Rakaskuto village of Gandey development block in Giridih district through *Viliyam Megar and Company Limited of Kolkata*. The company has mortgaged the farmers' land as security to get bank loan. The farmers were also persuaded to buy seeds directly from the company itself.

The farmers of Rakaskuto village had used the 12 acres of land for food grain cultivation prior to the introduction of jatropha cultivation. Now farmers are facing the problem of food insecurity because the food crop production has gone down in the village. In addition, jatropha is not yielding any profit and the farmers are also unable to contact the company as the company representatives have disappeared.

The people are gradually migrating from the area due to the rapid decrease in food grain production. Mostly it is the adult males who are leaving their native village to look for alternative livelihoods. Left behind, women and children are finding it extremely difficult to manage and extract proper yields from the land. Migration has had a negative impact on the care of the old and the young alike. In this situation, especially the women of the families are facing great hardships – economically, socially and psychologically.

Main Issues Related to RTF:

Jatropha cultivation on food producing land is destroying sources of food and livelihood of the farmers in Rakaskuto. Instead of protecting the farmers the state has become complicit by providing financial assistance to the company and failing to monitor its activities.

Conclusion/Recommendations:

The concrete demands of the villagers are:

- 1 Jatropha farming on agricultural land should be stopped immediately and under no circumstances should the state encourage or be a party to such practices.
- 2 State should provide adequate infrastructural facilities for the promotion of small holding farming though realisation of genuine agrarian reform programmes.
- 3 Special attention should be given to traditional food grains and organic farming.

Case 2

Improper transfer of land titles makes farmers landless, Bolangir District, Orissa

Description of the case:

Bolangir is one of the KBK (Kalahandi Bolangir Koraput) districts of Orissa. Drought and scanty rainfall are common, and chronic hunger leads to migration. In 2007, an agro based company from Mumbai had persuaded poor farmers in Patanagarh, Belpada and Khaprakhol blocks of Bolangir to grow jatropha for generating higher incomes.

People leased out 527 acres of their productive lands to the company for growing jatropha. But after a while they discovered that their land had actually been sold to the company without their knowledge. The farmers claimed that they gave the land on lease only but the land records revealed that the land had been sold to the company. The case was then brought to the attention of the then District Collector of Bolangir. After a long period of time this issue was partly resolved with the company stopping the transfer of land titles. But the loss already incurred by the people is yet to be recovered. Moreover, the villagers are now suffering from water scarcity due to the high demand of water for jatropha cultivation in this drought prone area.

Issues Related to RTF:

Sequestering food producing land for jatropha is destroying food and livelihood security of the poor farmers in Bolangir district of Orissa. Although the state has followed up on the issue on the basis of complaints registered by the farmers, it failed to protect the farmers adequately by not proactively providing information and raising awareness about jatropha cultivation and its possible consequences. The state has further failed to protect villagers' access to safe drinking water and water for irrigation as jatropha has emerged as a main competitor for available water resources in this area.

Conclusion/ Recommendations:

The affected villagers are demanding the following:

- 1 Agricultural land should not be used for jatropha cultivation
- 2 Water should not be diverted from food crop to jatropha production
- 3 Villagers' legal rights to their land should be immediately restored

Case 3

Agro-fuel Plantation, Chittoor District, Andhra Pradesh

Description of the case:

According to an ambitious plan by the Andhra Pradesh Government an extent of 17 lakh acres would be brought under cultivation with jatropha and pongamia in 2008, mainly in the 13 districts where the National Employment Guarantee Scheme has been under implementation.

M/s Dyne – Bio-fuel Pvt. Ltd. Company is facilitating the process of accessing benefits from the government under NREG scheme for planting pongamia in Madanpalli Revenue division in Chittoor district. The proposed agro fuel plantation will take place in around 50000 acres of lands which are not suitable for agriculture and have been fallow for the last five years.

As part of the program, farmers have to sell their pongamia production (seeds) to the Neo –Dyne bio-fuel company, with the average price fixed by the government at the time of harvesting. Thus, almost all the farmers have opted for agro-fuel plantation because there is a possibility to receive government subsidy and bank loans for land development. Most of the farmers have taken subsidies or loans from the government or banks and utilized them to develop their waste land.

Main issues related to RTF:

It is yet too early to conclude that the production of jatropha or pongamia is going to affect food crop cultivation and subsequently food security. But past experiences with cotton, mulberry cultivation and food crops like tomato and aquaculture show that commercialisation of agriculture is in most case negatively impacting on the livelihood of small farmers.

Conclusion/Recommendations:

The situation described needs a proper follow up and monitoring to prevent food scarcity in the long run. Consultations between various stakeholders like farmers, local communities, bio-diesel promoters, local NGOs, researchers and concerned government departments are recommended. The state has the duty to protect the food and livelihood security of the villagers in the long run.

Case 4

Livelihoods of cattle farmers severely endangered through jatropha plantation in Dehradun District, Uttarkhand

Description of the Case:

Out of the 1059 families in the village Joligrant in Dehradun District, Uttarkhand, 90% work as small and marginal farmers. Agriculture and animal husbandry are their prime sources of livelihood. Traditionally the land from the forest department is used by the local community as pasture land on which 80% of animal husbandry of the village depend.

Since the government has started planting jatropha on large tracts of forest and Gram Panchayat (GP) land the access to grazing land has been severely restricted. This has forced the community to take drastic measures. One farmer from the village, for instance, possessing 3000 cows and buffaloes, is now forced to sell the animals because there is scarcity of grazing land

Main Issues Related to RTF:

By converting the forest into jatropha plantation, thereby destroying and restricting grazing land for livestock, the state is violating the obligation to respect the right to food of the livestock owners. Women of this area are especially affected because they shoulder the responsibility to collect dried wood from the forest for daily cooking.

Conclusion/ Recommendations:

The victims are organizing themselves and their demands are as follows:

- 1 The Government should immediately restore their access to the forests and grazing lands
- 2 Jatropha should be cultivated only on such land which would not affect the food security of the villagers.
- 3 The victims of RTF violation in this village should be adequately compensated

Case 5

Increased water and food scarcity due to jatropha plantation, Tonk District, Rajasthan

Description of the Case:

Ratanpura is a small village in Newai Tehsil (administrative unit) of Tonk district and is about 75 km away from Jaipur. For Mr. Om Prakash Yadav and his family which consists of 11 members, agriculture is the main source of livelihood.. In 2006 he along with other farmers from the village had agreed to a contract with GCA Marketing (P) Ltd, Bhatinda, Punjab to plant jatropha on his land.

The crop did not come up well, stunted growth was observed in all the cases. Even though the farmers had been told that jatropha required minimum amounts of water and nutrients, they were forced to irrigate the jatropha plants from scarce water from nearby wells during drought.

Though a bulletin regarding jatropha was distributed by the agent of the company, the farmers were unprepared for the demands of the crop in terms of water, nutrients and other resources, neither were they prepared for a near total crop failure. As a result, they have neither the yield from their food crops nor the income from the jatropha plantation.. Moreover, their children fell sick and domestic animals died as a result of consuming plants and its fruits.

Main Issues Related to RTF:

The initiatives of the private company for growing jatropha in the village resulted in seriously eroding the food security of some of the villagers. The state has failed to control/monitor the activities of these companies and protect the right to food of the villagers.

Conclusion/ Recommendations:

The victims of violations of right to food in this village are demanding from the state:

- 1 The Government should have a clear policy and strict guidelines to prevent the cultivation of jatropha on agricultural lands
- 2 Jatropha plantation should not be allowed in drought prone areas of Rajasthan where water scarcity is a major concern.
- 3 Compensation should be provided to the concerned farmers for their losses in terms of land, labour, livestock and capital.

Case 6

Right to food of Adivasis severely threatened due to denied access to common property resources in Sarguja District, Chattisgarh

Description of the Case:

In Larua village of Shankargarh Development Block of Sarguja district Chattisgarh, mostly inhabited by tribals, 36 families had been cultivating food grains on forest land for the

past 30 years. In 2005-2006, Government dispossessed the farmers from the land and planted jatropha there. The Home Minister of the State Government promised the tribals of Sarguja that they would be allowed to produce food crops on other forest land but the promise has not been fulfilled yet. The agro-fuel which is to be produced here is not for local consumption either. The poor peasants are forced to migrate in search of alternative livelihood while women, children and the elderly, who are staying back, are suffering from hunger, and scarcity of water. In some cases young women members have also been trafficked in the absence of the male members of the family.

Main Issues related to RTF:

Since the Government has dispossessed the tribals from forest land without compensation, the state has violated its obligation to respect the right to food of these people. The state should ensure that poor tribals, being one of the most vulnerable groups, have free access to Common Property Resources (CPR) including forests.

Conclusion/Recommendations:

Jatropha cultivation has led to food insecurity and migration. Therefore the victims in this area demand from the state:

- 1 The Government should immediately restore their access to forest land for food cultivation
- 2 Conversion of forest land for jatropha cultivation should be stopped
- 3 Deforestation should be put to halt

CHAPTER 4 : RIGHT TO FOOD AND ITS VIOLATIONS IN THE CONTEXT OF AGRO-FUEL EXPANSION IN INDIA

4.1. The right to food in international human rights instruments

According to the core elements and obligations of the right to food, as defined by the UN Committee on Economic, Social and Cultural Rights in its General Comment 12⁸, the major impacts of agro-fuel production observed so far, can be analysed from a human rights perspective. India, as a state party to the International Covenant on Economic, Social and Cultural Rights and the community of states have legally binding obligations towards the realisation of the right to food.

The human right to food (RTF) as every human right generates three types of states obligations: to respect, protect and fulfil. The obligation to respect means that States must respect existing access to adequate food and must not take any measures preventing or destroying such access. The obligation to protect says that the State must take necessary measures to ensure that third parties like enterprises or individuals do not deprive people of their access to adequate food. The obligation to fulfil demands from the state to guarantee each deprived person's access to food and food producing resources with maximum efforts. This obligation applies also for victims of natural or other disasters. Violations occur when the state breaches one of the obligations under the right to food or when any discrimination exists in access to food, as well as to means and entitlements for its procurement, on the grounds of race, colour, sex, language, age, religion, political or other opinion, etc.

A victim of a violation must have the possibility to make use of effective judicial procedures to get adequate reparation such as restitution, compensation, satisfaction or guarantees of non-repetition. But in the case of the majority of the poor in India who suffer from violations of RTF due to agro-fuel expansions and due to other factors, no such remedial procedure is effectively available for them.

The RTF does not only focus on the access to food, but also implies the access to productive

or income generating resources. States must enforce policies that foster adequate food supply at local and national levels and must guarantee that food is economically accessible for all persons. States have also to regulate their economy and markets according to these obligations and should not create incentives that put the realisation of the right to food at stake.

A core element of the right to food is the direct availability of food from productive land or other natural resources, from which people are able to secure their livelihood. Increased pressure on land and water caused by the aggressive expansion of agro-fuels is very likely to lead to further dispossession of natural resources by marginalised rural groups. The renewed interest in land by powerful economic actors is opposed to the implementation of agrarian reform policies needed to comply with states obligations to realise the RTF.

4.2. The right to food and national legal and policy frameworks

The Indian Constitution guarantees the right to life, livelihoods and the right to food. India has embodied human rights principles as fundamental rights in part III **Art 21** of the Constitution and endeavoured to secure "Right to Livelihood" with an ingredient to provide "decent and dignified living" within a reasonable time as " Directive Principles of State Policy " in Part IV (**Art 37 and 38.2**). **Art 39** of the constitution guarantee equality, non discrimination in terms of the right to adequate means of livelihoods, and non concentration of wealth. The community resources should be distributed to serve common good. **Art 43**

⁸General Comment 12 to the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 is currently the most authoritative UN interpretation of the right to food in international law:

"The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or to means of its procurement."

ensures living wage, good conditions of work, adequate standard of living, full enjoyment of leisure social and cultural opportunities, with a focus on development of small scale sustainable cottage industries and cooperatives in rural belt. **Art 46 gives** special attention to weaker sections and vulnerable groups. **Apart from the above articles, Art 47 illustrates RTF further by emphasising on:**

- Duty of the state to raise the level of nutrition and the standard of living
- Focus on most vulnerable groups
- Prohibits discrimination in the use of public sources of water (Art 15.2b)
- Abolishes so called untouchability (Art 17), provides specific protection to women & Children 939 f) for SC & ST (art 46)

Besides constitutional provisions there are several state acts both at central and federal levels under which the immediate and progressive realisation of RTF is obligatory.

These are:

- 1 Schedule Cast (SC) and Schedule Tribe (ST) prevention of atrocities Act 1989
- 2 National Rural Employment Guarantee Act (NREGA) 2005
- 3 Right to Information (RTI) 2005
- 4 Forest Bill 2006
- 5 Land Reform Act (few states)
- 6 73rd Amendment of the Constitution empowering GP

Policies like Targeted Public Distribution System (TPDS), Mid-Day Meal (MDM) and Antyodaya Anna Yojana (AAJ) have been instrumental in facilitating poor peoples' access to food at micro level. Other policies like NREGA, minimum wage, labour law, widow pension scheme etc. aiming at enabling poor to access work and/or income for survival. Land reform policies are in place to support landless rural households in their endeavour to access land and to be able to derive a livelihood from it.

But the success of these policies is limited by other contradictory policies which liberalise trade without sufficient safeguards, allowing free flow of capital, open up domestic markets leading to unfair competitions, reduce subsidies in agriculture, health care and other basic services, discourage the implementation of labour laws in new industrial zones in the country, promote agro-fuel production, conversion of food crop to fuel crop, privatisation of Common Property Resources (CPRs) e.g. waste lands and propose amendments in land ceiling to allow consolidation of land in the hands of big investors, both MNCs and national corporate houses.

4. 3. Violations of RTF due to expansion of agro-fuel production in India

The UN special rapporteur on the right to food, Prof. Oliver De Schutter, describes the present world food crisis as a failure of implementation of the RTF and not only as a humanitarian or macro economic problem: "What distinguishes a natural disaster from a violation from Human Rights is that in the latter situation, we are capable of moving along the chain of causation, from the situation of the malnourished of the hungry to specific acts or abstentions by duty holders".

Therefore, while analysing a situation of hunger and deprivation associated with agro-fuel expansion it is important to understand the role of the state as the duty bearer in that case and how the role of the state has shaped the situation. Agro-fuel expansion policies and programmes in India have not considered RTF principles adequately. Rather the policies are developed in haste in order to enable big investors to enter into Indian economy. The cases documented in this document clearly indicate that agro-fuel cultivation, replacing food crop, reduces food security of the community. All the cases further illustrate lack of knowledge of the peasants about jatropha and about the promoters of jatropha, i.e. private companies. The cases also highlight the fact that jatropha is reducing community's access to safe drinking water and water for irrigation needed for food crops. Moreover, jatropha

cultivation has given rise to unclear land deals at grassroots resulting into land alienation of poor and migration to urban areas in search of livelihoods. These aspects are described in detail in the following paragraphs.

4.3.1 Food autonomy is compromised due to agro-fuel expansion

RTF obligations of the state include access to food and food producing resources like land and water to all. Large scale expansion of agro-fuel has mounted pressure on land and water, leading to further alienation of land and other natural resources formerly controlled by poor and vulnerable groups. The cases documented in Orissa and Jharkhand illustrate how rural poor in particular vulnerable groups are suffering due to land alienation for agro-fuel cultivation. In both the cases land alienations of the victims have affected their right to land and consequently violated their RTF.

The promotion of agro-fuel has reduced priority on GAR which is a pre-condition for full realisation of RTF and not implementing the same is a violation of fulfilment bound obligation⁹.

4.3.2 A battle between food & fuel in the context of the world food price crisis

UN special rapporteur on RTF Jean Ziegler in his interim report submitted in 2007 stated that "The rush to turn food crops ...into fuel for cars, without first examining the impact on global hunger would be a recipe for disaster". Quoting Lester Brown he further added that "The state is now set for direct competition for grain between the 800 million people who own automobiles and the world's 2 billion poorest people".

The case documented in Jharkhand describes how farmers of Rakaskuto village had used their 12 acres land for food grain cultivation before *Jatropha* cultivation. The case further documented how conversion of food crop to fuel crop has resulted in a food crisis of the community. India is presently suffering from the world food price crisis, too. Therefore the agro-fuel policy of the government should not

be implemented in such a way that the food price crisis intensifies.

4.3.3 Land Concentration and Eviction

Agro-fuel production causes land concentration. It requires huge amounts of land. Therefore, big investors are invading rural areas in India, privatising common property resources and seeking help of the state to expropriate land for agro-fuel plantation. These invasions are resulting in land conflicts, changes in traditional production systems, fundamental changes in land holdings and production relationship at grassroots, distorting local power relations and disempowering vulnerable and marginal groups. As immediate results there are displacement, eviction and migration of poor people from the rural areas.

A case in point is the case documented in KBK region in Orissa. Allured by high promises of the companies, poor villagers 'leased out' 527 acres of their productive lands to the companies for agro-fuel. Only later on they discovered that they were cheated and their land had actually been sold to the company without their knowledge, taking advantage of their poor access to information and institutions.

The state under RTF is duty bound to protect the poor from invasions of a third party which destroys their livelihoods. Failure of the state in doing so in the case of agro-fuel expansion is a violation of the protect bound obligation of the state. Moreover, keeping land reform agenda in abeyance is also a violation of RTF. The rehabilitation and resettlement track record of India is so poor that there is no doubt about the doomed future of the victims of evictions and displacements due to agro-fuel expansion.

Obligations of the state to refrain from and protect against forced eviction from land arise

⁹For example, labelled with "Green Patta", the government of Rajasthan is distributing land among peasants and among companies under the land reform programme exclusively for growing *jatropha*. This is a violation of respect & fulfilment bound obligation as the GOR is imposing conditions on poor peasant to receive land under land reform programme and at the same time undermining GAR Land ceilings are waved as up to 5000 hectares of village common lands can be transferred to biofuel companies for 20 years. Moreover, Green Patta includes 30% big investors, which is not in conformity with the land reform programme

from several international legal instruments that protect the RTF and right to adequate housing and other related rights. But in the case of India implementation remains ineffective.

4.3.4 Conversion of characteristics of production of land and its impacts

The conversion of agricultural land to agro-fuel plantation often results into loss of livelihoods of small peasants. In many cases these peasants afterwards become plantation workers or contract farmers for big companies. This certainly is a vital change in production relationship. Like in the case documented in Rajasthan, the peasant who entered into a contract with a company for jatropha cultivation suffered huge losses after a major crop failure, and the company did not take any responsibility. Contract farming means loss of control over land and becoming increasingly vulnerable to exploitations by big companies who appoint these contract farmers.

The agro-fuel plantation being a monoculture is controlled by few big global companies in a vertical production chain. Smallholders cannot compete with these global giants. In addition, monoculture also destroys biodiversity to a great extent.

4.3.5 Impact on the most vulnerable group: women

RTF demands an end to discriminations on the basis of sex, colour, ethnicity etc. However, agro-fuel plantations are violating this principle. Agro-fuel related concentration of land, conversion of common property resources (CPR), diversion of water, eviction, loss of biodiversity destroy the food security especially of poor rural women. In India like in many developing countries women are the main food producers. Being unable to compete with big companies they are forced to abandon their household occupation: agriculture. They are losing access to land and access to CPR. Reduced access to CPR like waste land or grazing ground is detrimental for their livelihood. Traditionally these lands are the source of food, fodders, fuel wood etc. The case as documented in Joligrant in Dehradun District of Uttarkhand and Shankargarh Development Block of Sarguja district

Chattisgarh illustrate how tribal communities suffer due to expansion of jatropha plantation in forest land and pastures. The competition for water is also increased in rural areas due to the expansion of agro-fuel, and once again women suffer most as they have to walk longer distances to collect drinking water for their families.

4.3.6 Competition for water

Competition for water has increased due to agro-fuel plantation. This is a particularly big problem for the water-intensive sugarcane production, but also for jatropha plantation. Jatropha, which is popularly known as a 'less dependent on water' species does require quite a good amount of water for good yield. Moreover, jatropha reduces soil fertility to a great extent. The competition for water has reduced poor households' access to safe drinking water on the one hand and water for irrigation for food crops in small holdings on the other. The case from Rajasthan illustrates both these aspects adequately. The jatropha plantation in the Rajasthan case is demanding huge amount of water thereby increasing water scarcity at local level. Jatropha plantation is reducing soil fertility, too. These are violations of the right to water and RTF as the peasant in Rajasthan is losing access to fertile land and the villagers nearby losing access to water gradually due to expansion of jatropha plantations.

4.3.7 Environmental impact of agro-fuel expansion

Contrary to the claim that agro-fuels will help to fight climate change, the monoculture plantations for agro-fuel are increasing the emission of greenhouse gases, mainly through deforestation, drainage of wetlands and dismantling of communal lands¹⁰. Monoculture threatens biodiversity and so does agro-fuel production. Loss of biodiversity has consequences for the necessary dietary

¹⁰The Food and Agriculture Organization of the United Nations, 2008, "The State of Food and Agriculture", Rome Available at : <http://www.fao.org/catalog/inter-c.htm>

diversity which is required for adequate food of the local community. Furthermore, if pesticides are used to increase production, this leads to contamination of water and other health hazards.

4.3.8 Agro-fuel is not an answer to rural unemployment

GOI is promoting agro-fuel for rural employment generation. Like in AP, NREGS is used for plantation of jatropha even in private lands. In KBK region of Orissa, the state is promoting jatropha cultivation ostensibly to address the hunger crisis there. However, the project has not been developed and implemented in a participatory way consulting with local tribal people. There is also no systematic planning on the production of agro-fuel from jatropha in that region so as to ensure the proclaimed economic development of the region. In addition to this, lack of political will of the ruling parties to implement programmes for the poor, corruption and “red tapism” at all levels have further aggravated the situation. There is as of now no significant proof that agro-fuel production will create employment. However, enough evidences are there that agro-fuel expansion is destroying livelihoods of people. It is questionable whether NREGS could be used for the promotion of jatropha cultivation or whether Integrated Rural Development Programme (IRDP) could be used for conversion of wasteland to jatropha plantation in tribal areas. This is because both of these programmes are for promotion of food security and jatropha cultivation will not necessarily contribute to increase food security of the community. The key question here is whether there would be new employment at a greater number than that of those who are evicted, displaced or have lost their livelihoods as a result of expansions of agro-fuel plantations. The farmers from Rajasthan who went for jatropha cultivation and peasants from Orissa who leased out their land for growing jatropha have lost their livelihoods and suffering from food insecurity .

4.3.9 Lack of awareness and political will

Violations of the RTF related to agro-fuel are aggravated by the lack of awareness and knowledge of poor and vulnerable groups regarding their rights. The case from Orissa, Jharkhand and Chhattisgarh are live examples of the lack of awareness of people about impacts of jatropha plantations on livelihoods. Moreover, these cases also suggest that the poor have very little access to take effectively part in local level decision making processes. Even the case documented in AP shows little knowledge of the villagers about the future of the jatropha plantations, though presently there is no RTF related crisis noticed. The government has not taken any initiative to enlighten people about their right to food. On the contrary, many mid level state representatives are themselves not even aware of RTF provisions. According to the FAO Voluntary Guidelines on the Right to Food¹¹ the state has the responsibility to make people aware of their rights and take decisions regarding the introduction of new projects in a participatory way. This has not been done in case of agro-fuel expansion in India. The poor governance at local level is a further constraint for the realisation of RTF.

¹¹In 2004, the FAO adopted “Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of Food Security at the National Level” (the Guidelines) as a follow up to the World Food Summit series of conferences. The Guidelines Provide a roadmap for states and civil society who want to apply the human rights framework for strategies to end hunger. Several points of the VG are relevant in evaluating the states of RTF associated with expansions of agro-fuel.

CHAPTER 5 : GUIDING QUESTIONS FOR EVALUATING THE STATUS OF RTF

RTF has an obvious priority over agro-fuel production. The role of the state in ensuring RTF is well explained in all international human rights instruments and national legal framework as discussed above. In the analysis of violations of RTF associated with agro-fuel expansions in India, a set of questions can be applied to generate a better understanding of the degree and dimensions of violations of RTF, and to highlight the reasons behind such violations, with specific focus on the failures of the state actors.

The vital points for analysis and investigation are

- Is the state taking a proactive role in safeguarding and promoting RTF while developing and permitting expansion strategies for agro-fuel production?
- Do democratic procedures and good governance exist at grassroots level, enabling the poor actors to fully participate in land-related decision processes?
- Are evictions or displacement taking place because of agro-fuel expansion? Are vulnerable groups affected?
- Have small-holders profited from agro-fuel production and if so, how, and does this profit exceed the losses suffered by the communities due to agro-fuel production?
- Do victims have effective access to remedial procedures in case of violations of RTF due to agro-fuel production?

Guiding questions

The questions in this section are developed to foster efficient and thorough monitoring at community and local level. They provide a set of criteria which will help victims, Community Based Organisations (CBOs) non Governmental Organisations (NGOs) Civil Society Organisations (CSOs) and state actors to identify violations of RTF associated with expansion of agro-fuel at micro level. The questions are comprehensive but not exhaustive, and new cases may require more and different ones.

Agro-fuel practices

- What are the different agro-fuels cultivated/planted (species)?
- What are the different impacts on different varieties?
- Which types of lands are used for this purpose?
- What is the model of production (small scale, corporate)?
- Who are the investors (state, private companies, individual peasant)?
- Who are the growers/producers (peasants, companies, state actors)?
- How and where are the harvested crops marketed?
- Is there any processing unit nearby?

Infrastructure and agro-fuel production

- Is agro-fuel crop replacing food crop at community level?
- If yes, what steps are taken by the state to ensure the production of food crop at community level and/or ensure access to food in conformity with the obligations under the right to food?
- Is there any discrimination between food crop and agro-fuel crop in terms of receiving infrastructure support provided by the state (access to market, credit, research, capacity building other assistances etc.)?
- Who takes the decision regarding the introduction of agro-fuel projects in specific communities and who identifies lands for agro-fuel production?
- To what extent are government institutions associated with this process, and what proportion of land is directly purchased by private companies?

Participation and information

- Are there regulations in place which foresee the participation of all stakeholders with regard to agro-fuel policy and RTF (Information sharing, participatory decision making)?
- Are all stakeholders well informed and consulted in the decision making process and are Gram Panchayats functional and inclusive?
- Is there prior and informed consent of local communities about large agro-fuel projects?
- Are vulnerable groups excluded from decision making processes?
- Do state-led mechanisms exist to inform people of their RTF at local and community level?
- Is information related to agro-fuel and its probable impact on communities available in the public domain (in local languages)?
- Are there particular awareness/education programmes targeted to vulnerable groups?
- Does information regarding complaint mechanisms and remedies exist?
- How far and how often are these issues being discussed at Panchayat levels and are these discussions recorded (minuted)?

Access to resources and assets

- Has land alienation and/or eviction increased due to agro-fuel expansion? What is the number and percentage of people and vulnerable groups affected by land alienation and/eviction?
- Are land reform, land tenure, tenancy reform policies and practices undermined or nullified due to agro-fuel expansion?
- Is the need of water for agro-fuel production undermining the right to safe drinking water of the community?

- Which rights of vulnerable groups (women, tribal, Dalits) have been particularly undermined due to the promotion of agro-fuel?
- Are peasants, fishermen (due to water pollution), and poor women's income affected due to agro-fuel production at community level by private actors or state actors?
- Do human rights defenders active in the field of RTF and agro-fuel expansion face any obstacles/repressions?
- Are legal conflicts increasing in agro-fuel zones concerning access to land, CPR, forests?
- Do state programmes exist which aim at preserving biodiversity and the conservation of local and traditional species and crops?
- If private companies are involved, what are their roles? Is there any evidence of contract farming practices?
- If yes, what are the measures taken by the state to prevent private actors from taking away people's resources and to depriving vulnerable groups of their lawful rights?

Nutrition status

- Is the production of food crops at local level affected?
- Have availability and physical/economic accessibility to food of these communities changed due to agro-fuel cultivation?
- Is there any change in the nutrition status of the community due to the diversion of land to agro-fuel crop?
- Has malnutrition increased? Is there a seasonal pattern of hunger emerging?

Economic and ecological impacts

- What is the Panchayats' budgetary allocation for the promotion of RTF in contrast to the promotion of agro-fuel crops?
- What are the impacts of food security programmes (NREGS, IRDP, SHGs etc.) for agro-fuel on the most vulnerable groups?
- Are food security programmes used for agro-fuel expansion, and if so, how?
- Is soil fertility decreasing in agro-fuel cultivation zones? If yes, what are the indicators and trends?
- Is water scarcity increasing?
- Is the use of pesticides increasing, and if so, what the effects on the land and people?
- Are there any other forms of pollution increasing at the local level, and are there associated health hazards being noticed?
- Are there any adverse (unforeseen) changes observed in agriculture patterns?

CHAPTER 6 : KEY RECOMMENDATIONS & FOLLOW UP STRATEGIES

The entire issue of agro-fuel is intricately linked with human rights concerns, the first and foremost being the right to food. Agro-fuel programmes are not solving the problem of malnutrition in India, but posing severe threats towards the already critical food situation of many marginalised communities affected.

India as a state party to the International Covenant on Economic, Social and Cultural rights is committed to take every possible step to realise the right to food of its people. If India plans to continue with its agro-fuel policy, it has to put the principle of precaution into practice, which means, that the impacts of such policies have to be investigated at different levels.

At this background, we recommend the state of India to ensure the following:

6.1. Free, Prior and Informed Consent

- The right to use the land can be demonstrated and is not legitimately contested by local communities with demonstrable legal or customary rights.
- Local people are adequately compensated for any agreed land acquisitions (social, economic & cultural) and land for land (of equal worth/quality) rehabilitation should be provided to the victims prior to displacements/evictions
- Use of the land for agro-fuel production does not diminish the legal rights, customary rights or traditional rights of other users without their free, prior and informed consent.
- If agro-fuel plantations are at all allowed safeguards should be on place against social and environmental harm

6.2. Consultation and communication with local communities

- There are documented and implemented policies and procedures for open and transparent communication with local

communities and other affected stakeholders before commencement of any project and on an ongoing basis on for example, plans for expansion, construction, sale of the plantation, restructuring etc. Gram Panchayats (GP) should be made functional in taking decisions regarding local resource use. This will also respect the 73rd amendment of the Indian constitution, which empowers GP as a local self government to take development decisions in a collective and inclusive way.

- Vulnerable groups must have adequate opportunities to take effective part in decision making process within GP.
- State should take initiatives to make people aware of their RTF and about plans regarding agro-fuel expansions. State actors should also be adequately sensitised about RTF and should be motivated to judge any agro-fuel project in the context of RTF concerns. All relevant information regarding expansion of agro-fuel should be made available in public domain by the state well in advance:
- A social platform should be developed by CBOs & promoted by the state to debate and discuss about social, environmental sustainable criteria of agro-fuel. This platform will also ensure an effective monitoring regarding implementation of agro-fuel related programmes at micro level and its impact on livelihoods. At a macro level such platform could provide a critical analysis of impact of global agro-fuel policies on different nation states (developed, developing, underdeveloped countries)

6.3. Agro-fuel production shall not take place on contested land

- Agro-fuel should not replace food crops and no resources should be diverted from food crops to agro-fuel.
- There must be no evidence of violent conflict or forced evictions for land for agro-fuel production.
- Applicants must provide an environmental and social assessment for new agro-fuel production projects, including disaggregate social impacts and alternatives.

6.4. Access to ground and surface water is not diminished through either depletion or pollution

- There must be evidence of compliance with national and local regulations or industry standards relevant to contamination and depletion of water sources.
- There must be a documented water management plan and annual documentation of applied Good Agricultural Practices with respect to responsible use of agro-chemicals, efficient water use and waste discharge.

6.5. No land conversion/overuse of natural resources

- Agro-fuel should not promote monoculture. Priority should be given to promote food crop production and subsidies should be withdrawn from agro-fuel to discourage the production of the same. Particularly conversion of common Property Resources (CPR), wasteland, grazing grounds for agro-fuel production should be strictly banned through stringent legal procedures and community based monitoring. *Jatropha* should never be cultivated on fertile land and land used by the community for common purposes.
- Emphasis should always be there on ensuring land tenure of vulnerable groups like women, tribal and Dalits. Genuine Agrarian Reform should be given highest priority in national policies with maximum available resources allotment for this purpose.

- Livelihood of people and their rights under Forest Act should not be threatened by diversion of resources for production of agro fuel.
- No deforestation or over exploitation of forest resources for purposes of agro fuel production should be there.

6.6. Policy formulation regarding agro-fuel should be based on RTF concerns

- While devising the policy for agro fuel development, the right to food of the people of India, especially the disadvantaged sections should not be compromised or adversely affected in any way.
- In developing any policy related to agro-fuel at national level the state must adopt an integrated approach. Human Rights organizations and mechanisms should be made involved in policy formulation regarding agro-fuel at global-state level to ensure that human rights obligations are followed and vulnerable groups' access to land, resources and entitlements is ensured.
- The national policies should ensure space and protect small peasants to produce food for themselves and for the local market with low input cost. Small scale organic farming should be promoted with support from the nation state and the international communities.
- If at all agro-fuel is promoted, the model should be family based small scale production rather than large scale industrial production. Small scale farmers cooperative for growing agro-fuel should be considered as an alternative to corporate agro-fuel production and state should support such ventures.
- Lessons should be learnt from other countries, where agro-fuel production has severely violated the right to food of thousands of people. Similar policies/programmes should be avoided and not replicated.
- The state must formulate/provide adequate legislative measures for the victims of violations of the right to food due to agro-fuel expansion, so that they can get justice.

6.7. Research, Documentation, Evaluation and Monitoring are needed periodically to ensure the right to food of the communities affected by agro-fuel production

- There is a need to document the impact of agro-fuel expansion on the livelihoods of poor, particularly Food, so that policies and programs could be developed to prioritize and secure their rights over expansions of agro-fuel
- Environmental impact of production of agro-fuel, especially its impact on soil and ecosystem, should be evaluated before embarking on a project.
- A large population of rural India does not have access to energy resources. Researches are needed to develop such agro-fuel which would serve the need of the rural poor households (bio-gas etc.) and not the hunger of the global automobile industries.

Annex

Relevance of the FAO Voluntary Guidelines on the right to food for agro-fuel expansion monitoring: a detailed analysis

In 2004, the FAO adopted “*Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of Food Security at the National Level*” (the Guidelines) as a follow up to the World Food Summit series of conferences. The Guidelines provide a roadmap for states and civil society who want to apply the human rights framework for strategies to end hunger. Several points of VG are relevant in evaluating status of RTF associated with expansions of agro-fuel. It may be mentioned here that categorisation of these guidelines (respect, protect, fulfil) are not done in the original document and this attempt has been made here to illustrate state’s role further in terms of steps expected from the state, or in other words how the state will promote provide and facilitate RTF in the context of agro-fuel expansion policy.

3.1 Respect

- Guideline 3.2 calls for careful assessment of national legislation, policy and administrative procedures in order to develop elaborate strategies for full realisation of RTF
- Guideline 8.2 asks the state to ensure that vulnerable groups have equal access to resources and opportunities for enjoying RTF.
- G-10.1. reminds state of the cultural values of traditional dietary eating habits. Agro-fuel being a monoculture will undermine these aspects of RTF and the state should be sensitive to the rights of the people.
- Guideline 14.3 reminds state the principle of non discrimination in designing appropriate safety nets for targeted groups. These guidelines also remind the state to include the costs of these measures in the state budget

- Guideline 3 reinforces call by the UN Committee for a national human rights based strategy in consultation with relevant stakeholders for full and progressive realisation of RTF

3.2. Protect

- Guideline 1 underlines the necessity for democracy , good governance, human rights and rule of law
- Guideline 5.5 recommends to set up effective anti-corruption measure and to implement the same
- Guideline 8 asks the state to ensure that activities of the private business sector and civil society are in conformity with RTF and to ensure that forced evictions are stopped. In the case of agro-fuel invasion of private companies on CPR and reducing access to land and resources of poor are great matters of concerns from RTF perspective.
- Guideline 8.6 asks state to be gender sensitive and this is particularly suggestive as agro-fuel will reduce women’s access to land, resources and entitlements.
- Guideline 8.8 calls on states to take measures to ensure that labour conditions are consistent with the obligations of protections under RTF and ILO treaties
- Guideline 8.10 guides the state to formulate strategies in promoting and protecting security of land tenure with a focus on vulnerable groups which is a big challenge in the context of agro-fuel expansion.
- Guideline 8.12 asks state to protect genetic resources and biodiversity and promote traditional knowledge and sustainable smallholding agriculture
- Guideline 10.1 calls on state where necessary to make measures to ensure, adapt or strengthen dietary diversity and cultural diversity

- Guideline 13 asks for gender disaggregated data of community i.e. both the victims and the beneficiaries, information on why some groups are adversely affected than others, which group will be affected, why it will be affected and how it will be affected. If future insecurity is high project the should be abandoned, it also calls for establishing Food Insecurity and Vulnerability Mapping Systems (FIVMS).

3.3. Fulfil

- Guideline 3.2 asks the state to assess and ensure national legislation, policy and administrative measures in the strategies for full realisation of RTF. Guideline 5.5 recommends the state to develop and implement adequate anti-corruption mechanisms, which is a great concern in the context of investment projects concerning agro-fuel.
- Guideline 5.3 advises the state to develop an institution for coordination progress of implementation of VGRF where as
- Guideline 5.4 asks state to provide full support to that institution as mentioned in 5.3 to fulfil its tasks. These efforts will increase participation, transparency and will reduce corruption in the future course of actions regarding agro-fuel in India.
- Guideline 7.2 refers to the need to have administrative, quasi-judicial and judicial mechanisms to provide adequate, effective and prompt remedies to the victims, which so far is largely absent in the Indian scenario and will be of paramount importance in case of conflict resolution related to expansion of agro-fuel and realisation of RTF in the country.
- Guideline 8.1 calls on states to facilitate sustainable, non-discriminatory and secure access and utilisation of resources and to protect the assets that are vital for people's livelihoods.

- Guideline 8.2 calls on state to implement land reform land tenure, tenancy reform policies and practices to effectively broadening sustainable and secure access to and control over land and related resources for poor and most vulnerable
- Guideline 8.4 states that the state should promote basic food production with its positive effects on basic incomes and its benefits to small and women farmers as well as poor consumers, to this end state should promote agricultural research and development. This must be taken into account while developing strategies for expansion of agro-fuel in India.
- Guideline 8.6 further calls on state to ensure women's full and equal participation in economy
- Guideline 11.8 calls on state to make people aware of human rights including RTF and G 11.5 calls on state to promote information to individuals to enable them to participate in food related policy decisions and if necessary they can challenge the decision that threaten their rights. Particularly important in taking decision about agro-fuel projects at grassroots
As a safeguard for vulnerable groups Guideline 14 points out the need for developing appropriate safety nets for the vulnerable groups who might be affected due to agro-fuel projects, while guideline
- Guideline 17.2 recommends to make RTF impact assessment in order to identify the impact of domestic policies programmes and projects on RTF realisation RTF EA could be done together with EIA in case of AF

3.4 VG also call for international obligations of community of states

- Guideline 2 says that national development efforts should be supported by an enabling international environment, the international community and the UN system including FAO. This is particularly important because global powerful actors like EU, FAO WB are associated with promotion and monitoring of agro-fuel in India.
- Guideline 15 sets important criteria for the organisations and delivery of food aid. Food aid should support national effort of achieving food security. It should not disrupt the local food production and nutritional dietary needs and cultures of recipient populations. This is once again as there is a concern that agro-fuel will reduce biodiversity and dietary diversity of the local community. Apprehension is there that agro-fuel will reduce food production, leaving many developing nations dependent on long term food aid thus increasing dependency on external sources for realisation of basic human right: RTF.
- Guideline 19 focuses on monitoring MDG progress with an emphasis on progress related to poverty reduction. It also asks state to seek international cooperation if and when necessary for implementation of ICESCR and it reminds states of their Extraterritorial Obligations. All these issues remind us that the key focus of all policies should be reduction of poverty and not otherwise. To this end cooperation is vital as poverty and hunger are often shaped not only at national level but also at global level. Hence global interventions are very necessary to regulate expansion of agro-fuel in different countries. Particularly when developing countries are mainly producers and developed countries are so far consumers of agro-fuel, Extra Territorial Obligations (ETO) of consumer countries are of immense importance from RTF perspective.

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