

Keynote Paper

Rights to Food in the Era Globalization and Trade in Agriculture

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1.	INTRODUCTION	2-13
1.1.	Definition and Discourse on rights to food	2
1.2.	Globalization and Trade in Agriculture	8
2.	CASE STUDY ON BANGLADESH	13-21
2.1.	Food Crisis: A review of media reflections	13
2.2.	Farmers' Perspective on Agriculture and Price	15
2.3.	Peasants' accounts of liberalization	16
2.4.	Corporation vs. Farmers' Rights	16
2.5.	State, Policy and the Peasants	18
2.6.	Trade in Agriculture vs. the agrarian living	19
2.7.	The Illusive Subsidy	19
2.8.	Far from the Fair Price	20
2.9.	WTO and peasants' agriculture of Bangladesh	20
3.	LIBERALIZATION AND RIGHTS TO FOOD	22-25
4.	CONCLUSIONS AND RECOMMENDATIONS	25-26

1. INTRODUCTION

"Nowhere in the world, in no act of genocide, in no war, are so many people killed per minute, per hour and per day as those who are killed by hunger and poverty on our planet." —
Fidel Castro, 1998

The paper attempts to explore the prominent definitional frameworks on rights to food in order to assess the status of Bangladesh as well as that of the global regime in relation to ensuring “food security” or “food sovereignty” and access to “safe food” for the people. The paper looks into these different discourses and links them with globalization, trade in agriculture and rights to food to develop an understanding on each of this phenomenon within their interdependence and often conflicting circumstances.

1.1 Definition and Discourse on rights to food

Before we come to discuss the agenda of rights, let us explore some of the popular concepts which are often linked with the issue of rights to food or even treated as synonymous to it. It is important to develop this definitional familiarity as we would try to note the distinctions of different discourses and assess appropriateness of using them as synonyms.

1.1.1. Food security and its indicators¹

Food security is one of the most popular concepts. It is a multi-faceted concept, variously defined and interpreted. At one end of the spectrum food security implies the availability of adequate supplies at a global and national level; at the other end, the concern is with adequate nutrition and well-being.

The Committee on World Food Security, a body set up in 1975 by the UN World Food Conference to oversee developments in food security, adopted in the early 1980s the recognition of food security as a tripartite concept, reflecting the criteria of availability, access and stability. Similarly, the OECD suggests that food security has three dimensions: availability, access and utilization, although this source indicates that there is a tendency to characterize it in terms of availability. Attempts to capture trends in variables that are likely to reflect food security² can be broadly categorized into two interrelated sets: those that directly measure shortfalls in consumption requirements, and those that concern the potential to meet such shortfalls.

The United States Department of Agriculture (USDA)³ evaluates two aspects of food security, availability and distribution, both of which capture the extent of the shortfall, and analyze predicted trends through to 2009.

¹ Adapted from Trade Reforms and Food Security: conceptualizing the linkages, FAO, Rome, 2003

² OECD. 2002. The medium term impacts of trade liberalization in OECD countries on the food security of non-member countries. Paris: OECD.

³ USDA. 1999. *Food Security Assessment*. USDA Economic Research Service. Situation and Outlook series GFA-11 Washington DC.

At a more aggregate level, the FAO Committee on Food Security reviews a set of six indicators derived from observations of the global cereals market. Although these indicators (see Box 1.1) are confined to cereals, the contention is that they shed light on the global food situation due to the weight of cereals in the overall food basket and thus overcome the difficulty of aggregating over food commodities in calculations of the total food supply and of food imports.

<p>Box 1.1 FAO's food security indicators</p> <p>Ratio of world cereal stock to world cereal utilization A ratio of 17-18 percent is estimated to be the minimum necessary to safeguard world food security.</p> <p>Ratio of supplies to requirements in the 5 main exporters</p> <p>Ratio of closing stock in the 5 main exporters to their domestic consumption plus exports</p> <p>Cereal production in the 3 main importers (China, India and CIS).</p> <p>Cereal production in Low Income Food Deficit Countries (LIFDC)</p> <p>Production in LIFDC except China and India</p> <p>Source: FAO. 1999. Assessment of the Impacts of the Uruguay Round on Agricultural Markets and Food Security. CCP 99/12 Rev. Rome, FAO. October 1999.</p>
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Review of potential indicators by FAO (2003) points to the fact that those capturing the ability to finance import requirements, by for example export earnings, are likely to be more robust indicators of food security than either those based on the primary indicators of price levels or price instability, or those based upon trends in stocks and flows in global cereal markets.

Democracy, promotion and protection of all human rights and fundamental freedoms, including the right to development, and the full and equal participation of men and women are essential for achieving sustainable food security for all. The Nobel Laureate Amartya Sen has underlined the interdependence of civil and political rights on the one hand and economic, social and cultural rights, including the right to adequate food, on the other: civil and political rights are not only intrinsically valuable, but they are also instrumentally valuable for achieving economic, social, and cultural rights.⁴

1.1.2. Food Sovereignty:

Food Sovereignty is the **RIGHT** of peoples, communities, and countries to define their own agricultural, labor, fishing, food and land policies which are ecologically, socially, economically and culturally appropriate to their unique circumstances. It includes the true right to food and to produce food, which means that all people have

⁴ MARC J. COHEN, THE RIGHT TO ADEQUATE FOOD AND FOOD SECURITY, Prepared for Presentation at the Congressional Human Rights Caucus Members Briefing on World Hunger: Moving Toward Global Food Security, Washington, DC, May 21, 2003.

the right to safe, nutritious and culturally appropriate food and to food-producing resources and the ability to sustain themselves and their societies.⁵

Food sovereignty includes⁶:

- Prioritizing local agricultural production in order to feed the people, access of peasants and landless people to land, water, seeds, and credit. Hence the need for land reforms, for fighting against GMOs (Genetically Modified Organisms), for free access to seeds, and for safeguarding water as a public good to be sustainably distributed.
- The right of farmers, peasants to produce food and the right of consumers to be able to decide what they consume, and how and by whom it is produced.
- Agricultural prices linked to production costs.
- The population is empowered and facilitated to take part in the agricultural policy choices.
- The recognition of women farmers' rights, who play a major role in agricultural production and in food.

The concept of food sovereignty was developed by Via Campesina and brought to the public debate during the World Food Summit in 1996 and represents an alternative to neoliberal policies. Since then, that concept has become a major issue of the international agricultural debate, even within the United Nations bodies. It was the main theme of the NGO forum held in parallel to the FAO World Food Summit of June 2002. This concept also includes the issue of rights and protection of agricultural workers.

The framework of food sovereignty observes that, farmers should be able to earn a fair price for their production from the national as well as the international marketplace. In the west, the farmers must not be forced to depend on income support from taxpayers, which is neither politically nor economically justifiable when the bulk of these subsidies go to large agribusinesses and to underwrite unsustainable agricultural practices such as industrialized animal factories. The concept further includes fair trade Food sovereignty is not contrary to trade but to the priority given to exports: it allows to guarantee food security for the people, while trading with other regions specific products which make up diversity on our planet. Under the responsibility of United Nations (UN) this trade must be granted a new framework, which⁷:

- Prioritizes local and regional production before export, allows the Countries/Unions to protect themselves from too low priced imports,
- Permits public aids to farmers, provided these are not intended directly or indirectly to export at low prices,
- Guarantees stable agricultural prices at an international level through international agreements of supply management.

⁵ IPC Food Sovereignty

⁶ UNCTAD

⁷ Towards Food Sovereignty; International workshop on review of AoA, Geneva, Switzerland, 2003

Food sovereignty is a call to governments to adopt policies that promote democratic, sustainable, decentralized, domestic family-farm and peasant based production, rather than totalitarian, unsustainable, corporate-industrial, transnational export-oriented production. This means ensuring adequate prices for all farmers, supply management, abolishment of all forms of export subsidies, and the regulation of imports to protect domestic food production. All food products must comply with high environmental, social and health quality standards.⁸

1.1.3. Right to food:

The right to adequate food is both freedom and entitlement. Freedom from hunger and entitlement to food that meets dietary needs, that is free from adverse substances, that is culturally acceptable, is in large enough quantities, is physically and economically accessible, and with sustainable supply for present and future generations.⁹

The right to food, and the measures that must be taken, are laid out quite clearly in article 11 of the International Covenant on 3 Economic, social and cultural rights. Paragraph 1 calls on States to “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food... and the continuous improvement of living conditions”. Paragraph 2 is more precise, as it demands that States guarantee the fundamental right of everyone to be free from hunger, and asks them to take “individually and through international co-operation, the measures, including specific programs, which are needed : (a) to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; (b) taking into account the problems of both food-importing and food exporting countries, to ensure an equitable distribution of world food supplies in relation to need”. The UN Convention on the Rights of the Child (CRC), 1989, goes beyond hunger and addresses the issue of child nutrition.¹⁰

The right to food emerges as part of customary international law by analyzing various treaties, agreements, and United Nations Documents, specifically the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and, most recently, the World Food Summit Declaration and Plan of Action.¹¹

The fact of the matter is that all governments and all states possess resources: physical factors, natural resources, human power, existing productive capacities, financial resources in domestic currency and foreign exchange, receipts from borrowings, grants and assistance programs, among others. All these resources put

⁸ Towards Food Sovereignty; International workshop on review of AoA, Geneva, Switzerland, 2003

⁹ MARIA SOCORRO I. DIOKNO, *The Right to Adequate Food in Philippine Development Interventions, Unpublished paper*

¹⁰ Dev; S. Mahendra, Right to food in India, Centre For Economic And Social Studies, August, 2003

¹¹ ANTHONY PAUL KEARNS The Right to Food Exists Via Customary International Law 22 *Suffolk Transnat'l L. Rev.* 223 (1998)

together are available for state use. So clearly, the basic problem is not that government does not have resources, but that government has structured its resources along the lines of its policy priorities. And the sad fact remains that human rights still do not belong to the top of government's policy priorities.¹²

Food is an integral part of human rights not merely an item in trade basket.

- Universal Declaration of Human Rights (UDHR) states that “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.” (Article 25)
- International Covenant on Economic, Social and Cultural Rights (ICESCR) guarantees an adequate standard of living, housing, work, food and health. (Articles 6, 11 and 12)
- International Covenant on Civil and Political Rights (ICCPR) guarantees the right to life and states that “in no case may a people be deprived of its own means of subsistence.” (Articles 1 and 6)

In 2004, the 188 members of the Food and Agriculture Organization (FAO) adopted Voluntary Guidelines on the Right to Food.

There is need to carry on an analysis on governmental obligations aims at evaluating criteria that will enable or prevent people from obtaining the right to food. Issues such as food-pricing policies, land tenure, export oriented agriculture, food subsidies, and land rights of women, can be addressed as right to food issues. Two immediate purposes are served: first, such an analysis provides background information for demanding the implementation or alleging violations of the right to food; and second, it educates non-lawyers on ways of utilizing law to promote human rights. Today the temptation is to blur the distinction between the living international law of human rights (actual practices of states) and the declaratory human rights proclamations (law as it could or should be), and combine both in writing and teaching. Although improvement cannot be accomplished without striving toward a better world, attempts to effect change must first address the existing obstacles.¹³

Since the early 1970s, the volume of agricultural trade, including temperate zone and tropical products, and fishery and forestry products, has grown by about 75 percent and its value from US\$148 billion to some US\$580 billion in 1997 (in nominal terms). Because trade in manufactures grew more rapidly, the share of agricultural products in merchandise trade fell from around 20 percent in the early 1970s to about 10 percent in 1997. Nevertheless large percentage of population is still engaged in agriculture for livelihood (e.g. Nepal 93%, Burkina Faso 92%, Rwanda 90%, Nigeria 88%, Tanzania 80%, China 70%, India 60%, Bangladesh 60% and Pakistan 53%). But agricultural policies mainly focus on increasing production and trade, rather than on the livelihoods of the food producers

¹² MARIA SOCORRO I. DIOKNO, ESC RIGHTS AND BUDGET ANALYSIS, Presented before the Seminar Workshop: *Developing Strategies to Monitor and Advance Economic, Social and Cultural Rights in the Asia Pacific Region*, jointly organized by Forum Asia and Task Force Detainees of the Philippines, held at the Davao Waterfront Insular Hotel, Davao City, on October 24, 2001

¹³ KATARINA TOMASEVSKI International Law And World Hunger: Commentary: Human Rights: The Right To Food 70 *Iowa L. Rev.* 1321 (1985)

1.1.4 The implications of different Concepts:

The concept of “**food security**” is a technical concept. The concept of “**food sovereignty**” is a political concept. The concept of “**right to adequate food**” is a legal concept. The paper argues that the political concept of food sovereignty must be reinforced by the legal concept of rights to food.

<p style="text-align: center;">Constitution of Bangladesh: PART II</p> <p style="text-align: center;">FUNDAMENTAL PRINCIPLES OF STATE POLICY</p> <p>15. Provision of basic necessities.</p> <p>It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens-</p> <ul style="list-style-type: none">a. the provision of the basic necessities of life, including food, clothing, shelter, education and medical care;b. the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work;c. the right to reasonable rest, recreation and leisure; andd. the right to social security, that is to say to public assistance in cases of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans or in old age, or in other such cases. <p>18. Public health and morality.</p> <p>(1) The State shall regard the raising of the level of nutrition and the improvement of public health as moving its primary duties, and in particular shall adopt effective measures to prevent the consumption, except for medical purposes or for such other purposes as may be prescribed by law, of alcoholic and other intoxicating drinks and drugs which are injurious to health.</p> <p>(2) The State shall adopt effective measures to prevent prostitution and gambling.</p>

This requires both international legal clarification and national laws. In this regard as presented above Bangladesh Constitution has clear guidance. There are instances of Court taking action in absence of comprehensive laws in a country to expand protection. As On 25 September, the Supreme Court of Nepal issued an interim order according to which the Government of Nepal has to supply immediately food to 32 food-short districts. “Interim order” refers to orders that remain applicable for the duration of the case. The Court found immediate action necessary because of over three million people suffering from food scarcity. While across the world laws are enacted to evolve comprehensive legal regime to ensure right to food. Venezuela has adopted a decree with the rank of an Organic Law on Food Security and Food Sovereignty in July 2008. The law guarantees in Article 8 the right of all citizens to have access to adequate and sufficient food. Venezuela is the fifth country in the world that explicitly recognizes the right to food in its food security legislation.¹⁴

Recently FAO has published a report exploring the extent to which biofuel production has undermined, or is likely in the future to undermine, access to food for vulnerable people, and the overriding ethical concerns surrounding biofuel production with respect to rights to food. The report suggests that while the increase in food prices is the most obvious factor in biofuel impact on the access to food of vulnerable people, it is not the only one. There are at least three other consequences that have to be taken into account: The impact on land holding and evictions, the impact on labor conditions, and the impact on the environment which in turn impacts the enjoyment of the right to food.¹⁵

¹⁴ www. Fao.org

¹⁵ Asbjørn Eide, *The Right to Food and the Impact of Liquid Biofuels (Agrofuels)*: Food and Agriculture Organization of the United Nations, Rome, 2008

1.2 Globalization and Trade in Agriculture

According to the United Nations Food and Agriculture Organization, enough food is produced in the world to provide over 2800 calories a day to everyone — substantially more than the minimum required for good health, and about 18% more calories per person than in the 1960s, despite a significant increase in total population.¹⁶ As the Food First Institute points out, "abundance, not scarcity, best describes the supply of food in the world today."¹⁷ Ironically, amidst these abundance, world-wide around 852 million people are chronically hungry due to extreme poverty, while up to 2 billion people lack food security intermittently due to varying degrees of poverty (source: FAO, 2003).

1.2.1. Trade in Food under WTO and Agreement on Agriculture (AoA)

In this section, potential constraints imposed by the UR AoA are considered. Before the creation of the WTO, many developing countries reduced tariff protections and subsidies to farmers in order to abide by conditionality attached to loans of WB and IMF. The WTO Agreement on Agriculture, to a great extent, locked-in the degree of liberalization existent in both the South and the North, without addressing such imbalances. Thus, small farmers in the South were forced to compete with Northern-based transnational food companies that benefited from protection by their governments.

The value of food trade, some US\$458 billion in 1997, was over five times greater than it had been 20 years earlier. Developing countries accounted for some 37 percent of total food imports in 1997, up from 28 percent in 1974. However, their share of food exports in 1997 had risen to about 34 percent from 30 percent. As a result, the trade balance in food commodities, which was marginally positive 20 years ago, has turned negative. In 1997, developing countries imported about US\$168 billion worth of food commodities, compared with US\$155 billion worth of food exports. In terms of cereals, imports accounted for some 14 percent of the domestic consumption of developing countries in 1997, up from less than 10 percent 20 years earlier.

Empirical data show that only few benefits for trade in food as a handful of companies dominate international trade in agriculture. In 1986 85-90% of agro-Trade was controlled by five companies. 75% of global trade in cereal is controlled by 2 TNCs; Cargill and ADM. 40% of global coffee trade are controlled by four companies.

1.2.2. Domestic support

In negotiating the Uruguay Round Agreement on Agriculture (AoA) it was recognized that domestic support to agriculture had the potential to distort trade via its encouragement of excess production which, by depressing world prices reduced

¹⁶ Frederic Mousseau, Food Aid or Food Sovereignty? Ending World Hunger in Our Time. Oakland Institute, 2005. <http://www.oaklandinstitute.org/pdfs/fasr.pdf>. Also see: International Assessment of Agricultural Knowledge, Science and Technology for Development. Global Summary for Decision Makers. http://www.agassessment.org/docs/Global_SDM_210408_FINAL.pdf

¹⁷ Francis Moore Lappe, Joseph Collins, Peter Rosset. World Hunger: Twelve Myths. (Grove Press, New York, 1998) p. 8

incentives for production in regions holding a comparative advantage in those production activities. At the same time, it was recognized that not all domestic support measures will potentially cause significant distortion. The AoA reflects this by categorizing policies into one of three boxes:

- Amber box which includes domestic support subject to reduction commitments such as market price support and input subsidies. Uruguay Round reform period are committed to reduce these subsidies,
- Blue Box which allows exemptions to support measures involving direct payments under production limiting programs based on fixed area, yields or livestock units, and
- Green Box which exempts measures consisting of publicly funded support that do not have the effect of providing price support to producers and having “no, or at most minimal, trade-distorting effects or effects on production”. They also include environmental protection and regional development programs.

Global levels of Amber Box support remain high and the distribution is skewed against developing countries. The majority of developing countries have reported zero or less than *de minimis* total base AMS levels. Most of these countries have no reduction commitments on domestic support, but neither do they have WTO rights to use Amber Box support in excess of the *de minimis* level in the future. Although many of these countries are not currently constrained by the domestic support provisions of the Agreement, they may find their policy options limited in the future. Although there has been some reduction in the use of Amber Box subsidies, this has been more than counteracted by the increased use of transfers falling within the Green Box and Blue Box exemptions. However, although considered minimally trade distorting, these interventions still impact on production decisions by reducing the risks faced by producers.

1.2.3. Market access

Under market access (Import Barriers) WTO claims conversion of non-tariff barriers to tariff equivalents and provision of import opportunities with tariff-rate quotas. However, the realities involve the following:

- In the first year of the agreement, there were tariff peaks at very high rates in the United States (e.g., sugar 244%, peanuts 174%); the EEC (beef 213%, wheat 168%). According to the agreement, developed countries needed to reduce their tariffs by only 36 per cent on average to the end of 2000, and thus the rates for some products remain prohibitively high.
- The agreement committed developed countries to reduce the budget outlay for export subsidy by 36 per cent and the total quantity of exports covered by the subsidies by 21 per cent. Thus, even in the year 2000 the level of export subsidies was allowed as high as 64 per cent of the base level.
- The reality also involves numerous non-tariff barriers to trade imposed by the developed economies.

1.2.4. Export subsidies

Industrial farming cannot survive without subsidies. With subsidy it wipes out small producers and generates agribusiness profits both through selling costly inputs to farmers and buying cheap produce from them. Blue Box subsidies ensure that big farmers get the bulk of direct payments since these are related to land or livestock owned.

WTO has legalized the increase in subsidies through the creation of blue and green boxes. Thus explicit subsidies for cereals in EU decreased by 60% from 2.2 billion euro in 1999 to 6883 million euros in 1999. However total subsidies increased by 36% when we add the 2.1 billion euro in direct payments allowed under Act 6.5 of AoA which the group of 23 wanted deleted at Cancun. A report in Times has revealed that the biggest farm subsidy in EU amounts to £11,000 per acre (around €40,000 per hectare) for a plot in England.

The developed nations are playing a deadly box-game which the small farmers of the LDCs and developing countries are witnessing at the costs of livelihood. As for example, US rice subsidy leads to dumping in the name of export and aid to the LDCs and developing economies.

Secret of US rice export:

- Estimation projects a stable level of support for the US rice sector of close to \$1.2bn a year until 2007.
- The value of rice produced, which in 2002 was \$844m.
- These excessive levels of support allow large US companies to dump rice on international markets.
- US exported 'paddy' rice to Central America 18-20 per cent lower than its cost of production.

1.2.5. Transnational Agribusiness

It is critical to understand what is economically rational for the dominant transnational firms, because it is not the same set of concerns that drive producers, nor governments trying to maximize certain welfare gains. Policies designed with only producers, consumers, and government actors in mind miss the real drivers in much of the agricultural economy, whether local or global. Because transnational companies lobby vigorously to make sure that agricultural policies serve their trade interests, it is vital to understand transnational agribusiness operations in making policy aimed at enhancing food security. Two key aspects of market power are developed in this section: the horizontal and vertical integration of the agricultural system; and the privileged access to information capital and political influence.

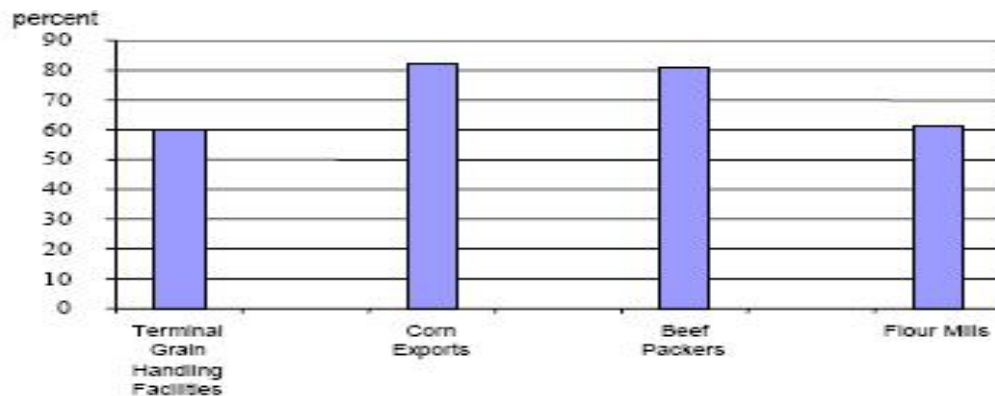
Horizontal and vertical integration

A relatively small number of firms effectively control a given market. Horizontal concentration increases the market power of the dominant firms, enabling them to secure excessive profits. Figure 1 illustrates the level of concentration for several agricultural sub-sectors in the United States.

- 60 percent of terminal grain handling facilities are owned by four companies: Cargill, Cenex Harvest States, ADM and General Mills.
- 82 percent of corn exporting is concentrated in three companies: Cargill, ADM and Zen Noh.
- Beef packing is dominated by an 81 percent share among four companies: Tyson, ConAgra, Cargill and Farmland Nation.
- 61 percent of flour milling capacity is owned by four companies: ADM, ConAgra, Cargill and General Mills

The dominant transnational agribusiness firms are characterized not only by horizontal integration in a given sector, but also by their simultaneous dominance of multiple sectors of agricultural production, shipping and processing. Cargill, for example, is the largest grain exporter in the United States and probably in the world. It is dominant in wheat, soybeans, corn and cotton. It is also ranked seventh in the world as a food and beverage company¹⁸. Cargill is also a major player in beef packing, ethanol, steel, fertilizer production and financial services.

Figure 1 Concentration in agricultural markets, United States



Source: Heffernan, W., Hendrickson, M. & Gronski, R. 2002, Consolidation in the Food and agriculture System, Report to the National Farmers' Union, United States.

Privileged access

The sources of market power for transnational agribusiness are multifaceted, extending beyond concentrated market power. The companies also have privileged access to information, to capital and to political power, all of which help to limit competition by creating barriers to entry. Through their operations in well over 100 countries, the dominant transnational agribusiness firms have access to information that very few other actors, including most governments, can aspire to.

The agribusiness giants are achieving the objective of earning profit very well indeed. This year, agribusiness profits are soaring above last year's levels, while hungry people from Haiti to Egypt to Senegal were taking to the streets to protest rising food prices. These figures are for *just three months* at the beginning of 2008.¹⁹

¹⁸ Hendrickson, M. & Heffernan, W. 2002. op cit.

¹⁹ ANGUS; IAN, Capitalism, Agribusiness and the Food Sovereignty Alternative; The Bullet, Socialist Project; Global Research, May 11, 2008.

Grain Trading

- *Archer Daniels Midland (ADM)*. Gross profit: \$1.15 billion, up 55% from last year;
- *Cargill*: Net earnings: \$1.03 billion, up 86%;
- *Bunge*. Consolidated gross profit: \$867 million, up 189%;
- Seeds & herbicides;
- *Monsanto*. Gross profit: \$2.23 billion, up 54%;
- *Dupont Agriculture and Nutrition*. Pre-tax operating income: \$786 million, up 21%.

Trade in Fertilizer

- *Potash Corporation*. Net income: \$66 million, up 185.9%;
- *Mosaic*. Net earnings: \$520.8 million, up more than 1,200%

The companies listed above, plus a few more, are the monopoly or near-monopoly buyers and sellers of agricultural products around the world. Six companies control 85% of the world trade in grain; three control 83% of cocoa; three control 80% of the banana trade.²⁰ADM, Cargill and Bunge effectively control the world's corn, which means that they alone decide how much of each year's crop goes to make ethanol, sweeteners, animal feed or human food.

The enormous power exerted by the largest agribusiness/food corporations allows them essentially to control the cost of their raw materials purchased from farmers while at the same time keeping prices of food to the general public at high enough levels to ensure large profits.²¹

TRIPS: the intellectual Trap

- it goes beyond the scope of protecting original inventions or cultural products and permits the practice of patenting plants and animal forms as well as seeds.
- it promotes the private rights of corporations over local communities and their genetic heritage and traditional medicines.
- It allows transnational corporations to keep seeds out of farmers, specifically women's hands.

The TNCs generates a large profit by utilizing TRIPS and GMO-seeds:

- Seed, the basic unit in food genesis, is worth US\$30 billion in market potential and US\$ 6-14 billion for genetically-engineered seeds.
- More than two million tons of GMOs are sent directly by US foreign assistance to developing countries,
- World Food Program distributes another 1.5 million tons of transgenic crops donated by the US government.
- The Top 10 seed firms now control 30% of the US\$24.4 billion commercial seed market and the top 10 agrochemical corporations control 84% of the US\$30 billion agrochemical market.

²⁰ Shawn Hattingh. "Liberalizing Food Trade to Death." *MRzine*, May 6, 2008.

²¹ Fred Magdoff, John Bellamy Foster and Frederick H. Buttel. *Hungry for Profit: The Agribusiness Threat to Farmers, Food, and the Environment*. Monthly Review Press, New York, 2000. p. 11

- Only five major Gene Giants or agricultural biotechnology firms dominate the market: Pharmacia (Monsanto), DuPont, Syngenta, Aventis and Dow.
- Earnings from US agrochemical sales meanwhile registered a 4.3% increase in 2000 amounting to about US\$7.9 billion.

Patenting seed and patenting life form give ultimate economic and political power and control to industrialized countries, TNCs.

2. MARKET-TRADE AND SMALL FARMERS: Case Study on Bangladesh²²

We will touch upon the latest episode of food crisis at the very beginning of introducing the discussion on Bangladesh, not merely because it is significant in terms of making all the poverty alleviation efforts look funny but also because it reflects the failure of market and market-dependent state policies in ensuring “food for all”.

2.1. Food Crisis: A review of media reflections

June 18, 2008 Daily Star reported that the army chief General Moeen U Ahmed yesterday said, “*the country is experiencing a food crisis to some extent and the government is trying its best to overcome it.*” The reports also informed that he suggested adopting a habit of eating potato with rice to ease the pressure on the staple (i.e. rice). “*The only problem in the country at present is to make food available for everyone,*” Gen Moeen said. As the present government is often cited as “army backed” this remarks were significant on two counts. Firstly, it was a formal acknowledgement of prevalence of a food crisis. Secondly, it reflected the attitude of the government regarding mitigation of the “crisis”.

On the same day, we were informed of a good news that the country presently had no shortage of food grains due to a bumper Boro harvest in progress and a huge import in the recent months. But the bad news was that food grains would continue to be high-priced in the months to come. Latest estimates of the food ministry put the demand for rice and wheat in the current fiscal year at 2.60 crore tonnes while net production of the crops at 2.59 crore, meaning a deficit of only one lakh tonne. (The Daily Star, 04 May 2008). Thus the nature of the crisis was more with pricing than on actual availability of food grains.

Lastly, Daily Star reports on the day (18th June, 2008) that a renowned economist yesterday said unprecedented food price hike might have pushed 80 per cent people of the country down to the poverty level. “*Eighty percent people of the country may now be living below the poverty level,*” said Professor Muzaffer Ahmad at the concluding session of a workshop in Dhaka. Referring to a research, he said generally around 40 per cent people of the country tend to live below poverty line, with another 40 per cent who are very vulnerable to falling below the poverty line, adding that any unprecedented disaster or price hike would push this segment of the population down the poverty level.

²² Adapted from INCIDN Bangladesh; Living Beyond the Corporate Cage, Dhaka, December, 2005

As a response to the soaring price of rice in open market, politicians and civil society members urged the caretaker government to immediately introduce rationing system for providing lower and lower-middle class people with rice and other essentials at low price. At a citizens' dialogue, they also suggested that the government increase investment and subsidy in agriculture to ensure food security in the country (The Daily Star, 09 May 2008). Just as these "suggestions" the government responses could still be traced in the media reporting.

The Daily Star, 14 May 2008 reports, "The wholesale and retail prices of different varieties of rice increased in the capital yesterday while edible oil prices saw a hike during the last two days. Crowd at the Bangladesh Rifles (BDR) fair price outlets in the city is increasing day by day. The number of buyers was smaller during the last two weeks when the prices of rice were falling. People started gathering at the BDR fair price outlets yesterday dawn to buy rice at Tk 25 per kg. The BDR at 75 outlets in the city is selling rice putting people in two queues, instead of four, since last week. It is selling 3kg of rice to each person instead of the 5kg it used to sell." Col Mujibul Haque of BDR told The Daily Star that he instructed BDR personnel at the outlets to increase the number of queues if necessary.

At the international front, Bangladesh called for immediate global action to address three major global challenges - food crisis, increased oil price and climate change. Ambassador and Permanent Representative of Bangladesh to the United Nations, Ismat Jahan, made this call while speaking on behalf of the least developed countries at the high level segment of the UN Commission on Sustainable Development (CSD) in New York. Ambassador Jahan said the price of food grains had surged to its record high, affecting the LDCs most disproportionately. "In the LDCs where poor households spend nearly 70% of their income on food items, a sharp increase in food price was bound to have strong adverse impact on the incidence of poverty and human development", she said. Ismat Jahan said agricultural productivity growth in LDCs had been slow and agricultural exports of LDCs, as share of their total exports, were declining dramatically. She said since the late 1980s their agricultural trade deficit had widened rapidly and LDCs had emerged as net agricultural importers. She called upon the developed countries to fulfill ODA commitment of 0.2% of their GNI to LDCs by 2010 and to write off all LDC external debts forthwith (Unb, Dhaka, The Daily Star, 16 May 2008).

At the regional sphere the same scenario was echoed by UN delegations. Poor households are consuming one less meal or substituting expensive ingredients, David Toole, regional director of UNICEF South Asia, told a press briefing in New Delhi (New Age, June 18, 2008). 'When food prices double we have a near perfect storm affecting children in poverty,' Toole said. In South Asia, 'we are seeing increasing rates of malnutrition in the past several months in mostly western and Midwestern areas. These are the poor areas.' At 42 per cent, South Asia has the world's highest underweight prevalence.

On the same month, in its *World Development Report 2008: Agriculture for Development* the World Bank admitted that trade liberalization eventually had resulted in skyrocketing of food prices afflicts the rural population of Bangladesh. The report released by the bank also informed that the trend of shrinking the sizes of farms in economies, such as Bangladesh, which still heavily relied on agriculture, was

another major cause of rural poverty, and such a reality can generate further social tensions, leading to civil conflicts. 'Trade liberalisation that raises the price of food hurts net buyers (the largest group of rural poor in countries like Bolivia and Bangladesh) and benefits net sellers (the largest group of rural poor in Cambodia and Vietnam),' reads the report. More than 50 per cent of the poor in Bangladesh, according to the report, comprised the rural landless households and they spent 27 per cent of their total budget for buying rice, the nation's staple food. And so, it says, 'Poor Bangladeshis are the most vulnerable to increases in rice prices.' Only 8 per cent of the country's poor are found to be net sellers of food. 'So the aggregate welfare effect of a change in rice prices is dominated by its effect on net buyers.' Also, the number of farms in Bangladesh has doubled over the past 20 years, increasing the number of farms smaller than 0.2 hectares in size proportionately. 'Continuing demographic pressures imply rapidly declining farm sizes, becoming so minute that they can compromise survival if off-farm income opportunities are not available,' the report cautions. It also points out that 'a large share of rural households... does not have any access to land'.

The new reports as sighted provide us with information and insights on just not only on one episode of "food crisis". These reports clearly reflect:

- The process of market liberalization propagated and promoted by the WB/IMF and faithfully implemented by Bangladesh has led to structural constraints in ensuring "food security".
- The state at present has no economic wing to intervene and influence the market (as it has already dismantled those mechanism in the name of freeing the private sector from government control) as a result the state depends upon its "armed wing" for delivery of "emergency food rationing" – just as it has to rely upon it for "traffic control" or "fight against corruption"!
- The unequal and unfair trade regime has led to a discriminatory system that paralyzes economies such as Bangladesh from gaining through trade in agriculture.
- The global trade in food has led to expansion of poverty in Bangladesh - the children and other vulnerable groups are exposed to chronic malnutrition.
- Presently the agriculture policy of government is leading to destruction of small farmers and small scale agriculture leading to increased landlessness and further aggravation of rural poverty (reduced access to food and livelihood of peasantry).

2.2. Farmers' Perspective on Agriculture and Price:

The farmers have noted that the policies that govern trade in agriculture often lead to aggravate the terms of trade against the growers – the farm level producers. At the same time, they find that these policies are frequently aiding the traders. The traders are identified into two broad categories, namely; the trader of agricultural inputs and the traders of agricultural products. The farmers have observed that the rules of trade that set price are never favoring the farm level producers; especially those with small farm land and limited farming resources. The prices of the inputs (cost of production) have been found to grow with time while productivity of those inputs and the prices of agricultural products (i.e. of the harvests) at farm level have shown a declining

trend. The decline in the prices of agricultural products has been estimated by people from two perspectives.

- Firstly, the prices of agricultural products at farm level grow at a slower pace in comparison to the other commodity prices which the farmers consume from the market. This in real term reduces the value of those products to the farmers.
- Secondly, the prices of agricultural products at farm level grow at a slower pace in comparison to the prices of the agricultural inputs. Thus the real worth (net value) of these products to the farmers declines over time.

The farmers have mentioned that they are not aware of the treaties that influence this type of discrimination against the farmers in relation to market advantage. They have however, identified a set of actors and a range of policy components that in their experience influence to degrade the terms of trade against them.

2.3. Peasants' accounts of liberalization

The commercialization of agriculture turns into a debatable issue in the agriculture. The commercialization of agriculture does not create favorable situation for the peasant. The dominant scenario of our agriculture is that our cultivators are deprived of getting fair price both in selling and buying. The existing market mechanism in agriculture inputs, production and selling of agro-products the peasants are the continuous victim of the existing marketing mechanism. At the same time, the closures of the agriculture linking industry like jute and sugar, suggested by the World Bank or IMF, is a great blow for our agriculture and peasants. The different steps, taken by the government, go against the peasants.

"We don't get fair price for the crops we grow with hard labor and high cost. When the harvest time appears, the market is already fill-up with imported onions. The peasants fall in deep trouble. The peasants spend 15 taka to produce per kg onion but as the imported onion is sold at Tk. 7 - 8 they are compelled to sell it at the same low price. The farmers have no alternative but to sell their onions in loss as they must sell their products to buy rice and the other household essentials. I had seen many households who had 10/15 bigha of land now turned into landless. It happened or is happening mainly because of continuous loss in agriculture".

2.4. Corporation vs. Farmers' Rights

Agriculture deserves remarkable attention from both humanistic and economic point of view. The involvement of huge population – 29,075,761 people (Agricultural Census, 1996) with the agriculture, is the most vital issue. The livelihoods of these millions of people are linked to the existence of the agriculture. The livelihoods of millions of people, including both male and female agricultural laborers respectively 7,322,919 and 1,115,210 (Census of Agriculture-BBS, 1996) are involved with agriculture in different form. Along with human issue, still agriculture is one of the most significant driving forces in Bangladesh economy. Because the contribution of agriculture in our GDP is quite handsome, it's about 23.5 percent (BBS, 2006).

Predominantly, small landholding is the basic feature of our agrarian structure. Among total farm holding, around 80 percent (Census of Agriculture-BBS, 1996) is categorized as small. Moreover, the pattern of our agriculture is symbolized as

agriculture for living. Most part of the earnings of the small farming households goes to meet the food expenses. So this agriculture is the means of survival for millions.

The farming population with their limited resources and traditionally transferred skills do not only maintain their livelihoods but also contribute in whole economy. Agriculture contributes in ensuring most fundamental human rights, namely rights to food. It generates employment opportunities for the largest section of the population. Moreover, agriculture is providing raw materials and capital for the economy. Withstanding all these positive contributions the agendas of agriculture and the people involved with it are less privileged. No matter, the reason associated with it, agriculture and peasants become the constant victim of the weak management devised by the government and concerned authorities and agents.

The marketing mechanism, the existing agriculture policies promote disparity in the agriculture. It is the uneven playing ground for poor peasants and they are the weakest participants of this game. Along with all these local policies, the strong wind of trade liberalization also shakes the poor peasants of the country; many of our policies are formulated to keep ourselves connect with the global community, companies, organizations and most importantly with global economies. All these smart policies unfortunately jeopardize the existing agrarian structure and push the life and livelihoods of millions of peasants to uncertainty.

Through the continuation of green revolution, a good number of changes have occurred in the production relation of existing agrarian structure. Directly or indirectly, the peasant today is dependent on new actors and factors for her/his financial support and the inputs she/he requires in agriculture. The fundamental question associated with all these trends is whether these new market actors and factors initiate any positive change in peasant's production relation? The consultations reflect:

- ✘ In terms of seed, the involvement of new actors has squeezed the decision making power of peasants. Though there is a great demand among peasants for BADC's seeds and they are compelled to buy seeds from market actors which they consider of being low-standard.
- ✘ As a finance provider, the peasant get assistance from NGOs and some respect from Bank but they have to go for advance selling since the NGO worker starts knocking at his/her door for installment, few months later of disbursing money.
- ✘ No matter the environmental damage or cost incur because of pesticide use, the overwhelming use of pesticide increase the production cost. Simultaneously, the use of fertilizer and high dependency on chemical fertilizer reduce the fertility of the land and increase the production cost per year.
- ✘ Therefore, the whole new production relation and market structure have diminished the liberty of the peasants and limited their decision making process to a great extent.

2.5. State, Policy and the Peasants:

In all parts of Bangladesh apart from few exceptions agriculture is no more a profitable occupation for the common peasants. They have to incur loss in most of the cases. The peasant has fear if the peasants going to incur loss in such a rate every year the peasantry and peasant will be lost from our country in the course of time.

Nature of Return on Rice in Khustia²³

Region	Agriculture Product	cost in Taka (US\$ 1 = Taka 68)	Return in Taka (US\$ 1 = Taka 68)
Kusthia	Rice (per acre)	Plough	900 tk
		Seed	780 tk
		Phosphate	1080 tk
		Euria	600 tk
		Pesticide	1770 tk
		Irrigation	3540 tk
		Potash	360 tk
		Machine rent	1800 tk
		Labor cost	6150 tk
		Transport cost	550 tk
	Net cost	16550 tk	Per acre production = 45 mond Selling price = 350x45 = 15750 tk Net loss = 16550 - 15750 = 800 tk

The peasants of different parts regret that nobody pays attention to the agriculture and peasants, the MPs in parliament talk about their own facilities (for example access to tax-free cars) but nobody utters a single word in favor of the peasants. The salary of government officials, the MPs and all ministers has increased; on the contrary the peasant is facing decline price of its products and increasing costs of inputs and other commodities in the consumption basket of peasantry.

The peasants have noted that the potentiality of the agriculture was destroyed in order to serve the interest of certain national and transnational companies. The different steps and policies that have been taken so far are all integrating Bangladesh agriculture into an uneven global trade and structure. Many of these policies, for example, withdrawing subsidy from the agriculture, closing jute and sugar mills, introducing high breed seeds are shaped according to the prescription of the World Bank, IMF and transnational companies etc. and all these policies and activities destroy the hope and aspiration of the millions of peasants. Thus both the livelihoods the peasants and our national obligation of ensure rights to food are undermined.

Bangladesh peasantry has raised several questions. The ranges of questions include:

- ✘ Will Bangladesh as a nation state be able to take a firm stand in favor of its own agriculture and farming communities?
- ✘ Will Bangladesh as an LDC be able to utilize the special and differential treatment provision of WTO to safe guard rights of its citizen to food and the livelihood of millions of its farmers?
- ✘ Will Bangladesh's sovereignty in designing its own subsidy and tariff structure to fulfill its commitment of human rights to its citizen be respected by the global trade regime?

²³ INCIDIN Bangladesh; 2005

- ✘ Will the government of Bangladesh and the NGOs be able to move away from environmentally unsustainable “modern agriculture” and stop serving the interests of the transnational corporations (who sells seeds, fertilizers, pesticides and irrigation equipment etc.) companies and will they start promoting sustainable agriculture?
- ✘ Will the ethnic rights of agriculture survive the wave of market expansion and globalization?

2.6. Trade in Agriculture vs. the agrarian living

Without knowing, millions of innocent peasants of our country turn into the victim of global trade aggression. They know little about the process their agriculture got dependent on water pump, chemical fertilizer and destructive pesticide, how the agriculture of this country lost its invaluable varieties and is losing biodiversity as well as how new global trade policy jeopardizes existing agriculture and makes peasants vulnerable to this policy. The common peasants are only familiar with the local dimension of trade exploitation. They can only visualize the way they are being cheated in the local market in buying agricultural inputs and selling their agro-products. They have little impression regarding global corporate policy as well as little attention towards these trade issues. The only consideration of these poor households is to ensure food security and meet up the other basic needs of the households.

As it is the peasants have reflected that their agriculture production or income cannot ensure livelihood security round the year. In spite of all these bottlenecks, the only option remains open for these peasants is to continue the agricultural activities since they have neither skills nor education to devise other options. They are really worried about the future, which they consider bleak. For their next generation they are therefore exploring other options other than peasantry. Thus the market forces are not just marginalizing the peasantry it is presently on a rampage to destroy the very form of agrarian living of these millions which link them to agriculture

2.7. The Illusive Subsidy:

Subsidy is a real illusion for the poor peasants. They always heard of it but they do not know where this money of subsidy goes or who gets the share of that subsidy? The peasants really want to know what “subsidy” means. The common accusation came from all the peasant participants of consultations that the price of diesel, electricity and the fertilizer are going up every year so the government’s claim of subsidy turns into a false statement to them. A segment of peasants think that the fertilizer dealers grasp the share of the subsidy which they are supposed to receive.

We have heard that government is giving subsidy in agriculture and the government makes it double compare to the last year. But we never get the subsidy money. There is no subsidy on our irrigation; price of diesel and irrigation is going up. The price of fertilizer is also increasing. So who gets the subsidy? If you want to keep the peasants alive, there is no alternative of providing subsidy to the peasant.

*Shirajuddula
Peasant of Rangpur*

2.8. Far from the Fair Price:

The peasants are not getting fair price of her/his agro products because of multiple causes. The peasants of southern part of Bangladesh identifies several reasons, firstly before starting the cultivation she/he takes loan from different formal and non formal institutions, for example, agriculture bank, NGOs etc and these institutions from where she/he receives loan, started to pressurize the peasant to pay the installment before harvest period. As a result, the peasant compels to sell her/his agro product with less price and he/she does not get any opportunity to stock it as she/he goes for advance selling. Secondly, the government procurement activities are not effective. Like the peasant of southern part, the peasant of shathkhira also identifies same type of problems, but along with these problems they also identifies some different problems also, the weekly installment of the NGOs loan, the poor communication between district town and villages, the downward price trend in the harvesting period, the peasant does not get the opportunity to sell their products directly to the exporter, there is no cooperative base preservation system in the locality, the excessive tax has been charged from the peasants. Since the peasants do not participate in the market independently and she has the pressure of different formal institutions, the fair price issue is far from materializing.

The vegetable cultivation is popularizing in our area. If vegetable production level gets higher, the peasants do not get his/her expected price. If tomato produces in high quantity, the tomato gets rotten; the peasants even can not sell it.

2.9. WTO and peasants' agriculture of Bangladesh:

The peasants (Bengalis and indigenous) the other people involved with it and the whole agriculture already become unprotected and insecure tackling local and global policies and activities maneuvered by multiple actors and agencies. In such a vulnerable situation any further steps and policies go against the peasantry and peasants will quicken the disappearance of the millions of peasants from the agriculture. The trade policy devised by WTO should not be implemented to encourage the annihilation of millions of peasants.

The peasants identify it as the biggest challenge for our agriculture and our peasants to compete with highly competitive global market. The agrarian structures and policies of rich and poor countries are quite dissimilar and in an uneven set up, the uniform trade policy can offer little reciprocal benefit for both parties.

The peasants identify certain distinctions of our agriculture from the agriculture of the richer nations:

- ❖ Our agriculture is predominantly small in terms of land holding size.
- ❖ Our agriculture is linked with markets but essentially the peasants identify the local markets as the primary points of interactions between the peasants and the economy. The peasants have three distinct levels of market involvements. Firstly, they depend on markets for agricultural inputs. Secondly, they depend on market to convert their field products into monetary resource. Lastly, the peasants appear as consumers of commodities (primarily of household essentials). In most cases the primary motivation of peasantry in agriculture is

not profit but of ensuring household consumptions. While in the agrarian structure of rich countries in most of the cases agriculture (i.e. farm economy) is profit driven targeting not just local markets but of global markets.

- ✘ The peasants are linked with the global markets and economies mostly through the multinational companies that sell seeds, chemical and mechanical inputs etc. to the farming communities and by the cheap agricultural imports. Thus as far as trade in agriculture is concerned the peasant-economy is creating markets of global actors and having little or no access to markets for its own products at global sphere. The farmers have mentioned that Jute used to a product that linked Bangladesh to global trade in a proactive manner. However, due to privatization and liberalization policies under the World Bank propagated Structural Adjustment Program (SAP) jute is no longer a viable export item.
- ✘ The peasant identifies in greater extent the agriculture policies in Bangladesh are favoring imports and imported inputs-based so called modern agriculture. The tariff regime makes Bangladesh an easy target of the foreign agricultural dumping. On the other hand, the poor subsidy policy (less than one percent) makes Bangladesh peasantry helpless at the face of high costs of inputs and low price of imports.
- ✘ The farming communities are finding agriculture to be economically and ecologically unsustainable. The market forces that attempt to integrate Bangladesh peasantry to global trade has so far led them to landlessness. It also leads them to an alien agricultural practice which leaves little space for local varieties and ethnic identities.

We have seen World Bank, IMF and now we are observing WTO; these organizations prescribe our policy makers in many issues, do they ever give any prescription to our government to solve the continuous deception of the peasants. Actually they have no true will to solve this problem. We have no faith on them.

*Akand
Peasant leader of Pirojpur*

So the peasant economy of poor countries can not be compared with the farm economy of rich countries. It should be treated differently. The farmers find it necessary that countries like Bangladesh acknowledge the peasants issues in WTO and draw a clear line between peasants' agriculture and corporate agriculture. The same set of rules is found inappropriate to govern these two distinctly different agricultures. The peasants of Bangladesh stress that if any trade policy associated with agriculture fails to consider these distinctions it will endanger the lives of millions of peasants in the poor countries.

If the farm subsidies and high tariff rates continue to persist in the developed countries according to the existing agriculture treaty declared in WTO, this will pin down market access of Bangladesh's agriculture products in the developed world markets since the peasants of our country find it difficult to participate in the unfair competition with the big farmers and their privileged agrarian structure.

3. Liberalization and rights to food

The presently observed process of market expansion can be termed as the “Neoliberal Globalization”. Historically two sets of event marks this epoch. Firstly, the structural adjustment program of WB/IMF and secondly the WTO led trade negotiation and liberalization. International institutions such as IMF (International Monetary Fund), the World Bank, and WTO (World Trade Organization) have implemented those policies dictated by the interests of large transnational companies and superpowers. International (WTO), regional (Free Trade Agreement of the Americas-FTAA) or bilateral “free” trade agreements of agricultural products actually allow those companies to control the globalized food market. WTO is a completely inadequate institution to deal with food and agriculture-related issues.

Box 1.2 Characteristics of Structural Adjustment Programs

In *Uganda*, the reforms emphasized:

- (i) liberalization of the exchange rate (to eliminate currency overvaluation);
- (ii) control of inflation;
- (iii) liberalization of trade in agricultural inputs and outputs;
- (iv) provision of export incentives to the private sector (removal of export tax);
- (v) removal of government subsidies in the agricultural sector.

In *Mexico*, the measures adopted included:

- (i) constitutional reforms facilitating the privatization and concentration of land and natural resources;
- (ii) reduction of state participation in agricultural production;
- (iii) privatization of the production and distribution of agricultural inputs and services;
- (iv) liberalization of trade in agricultural commodities.

In *Bangladesh*, emphasis was placed on:

- (i) increased private sector involvement in irrigation and fertilizer distribution;
- (ii) reduction in subsidies on agricultural inputs;
- (iii) introduction of floor prices for some agricultural products;
- (iv) liberalization of food-grain exports and imports.

Source: SAPRIN 2002

However, studies are suggesting that “there is no convincing evidence that trade liberalization is predictably associated with subsequent economic growth” and that studies that suggest that there is evidence are “misattributing macroeconomic phenomena to trade policy”. The studies find that the only “systematic relationship is that countries reduce barriers as they get richer”, concluding that initial economic growth was generated when trade was protected.²⁴

Same is observed by a collective report of a small working group of civil society and farmers’ and peasants’ groups from North and South participating in Geneva at a Farmers, Food and Trade International Workshop on the Review of the AoA from 19 to 21 February 2003. The paper observes that neoliberal globalization has intensified the structural causes of hunger and malnutrition. On the one hand it has resulted in the economic and oftentimes physical displacement of the rural and urban poor. On the

²⁴ Rodrik, D. 2001. *The global governance of trade: as if development really mattered*. New York: UNDP.

other hand, the further dominance of corporate control of food and agriculture has eroded peoples' access to nutritious and safe food.

WTO—has systematically removed quantitative and qualitative trade restrictions that have served to protect scale, farming and fishing in both developing and developed countries. Limited structures and mechanisms of market regulation, such as state companies in seeds and other inputs, are being dismantled and privatized. Price protection for food products, food distribution systems, and national preferences in government procurements are being deregulated and prohibited. Bangladesh has experienced the same under the SAP.

WTO agreements such as The Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS), and on Sanitary & Phytosanitary Standards (SPS), strengthen corporate control and further displace family farming and peasant production. Farmers are rapidly losing control over seeds and other genetic resources while the corporations are increasingly consolidating their control over these resources through patenting, biopiracy and genetic engineering. Genetic engineering and the patenting of life forms not only threaten our ecology and food security, they also threaten the economic independence of farmers.

Of special concern are the TRIPs rules that privatize, accommodate and monopolize products derived from biodiversity. Under these provisions, corporations have the right to patent products, processes and organic material. Traditionally, knowledge of biodiversity has been treated as the common property of local communities. In new trade negotiations around the world, the corporate-government biotech lobby has been pushing for rules that go beyond even those already agreed to in the WTO. These rules even more rigorously facilitate private monopoly rights.

The Report by the Special Rapporteur on the right to food, Mr. Jean Ziegler, submitted in accordance with Commission on Human Rights resolution 2001/25, notes that the developed countries still have more autonomy to control their local food security compared with developing countries. Developed countries have been slower to liberalize agriculture, despite provisions made under the WTO Agreement on Agriculture to create a level playing field in the agricultural trading system in terms of market access, export subsidies and domestic support.²⁵

The agreement presumes that the fewer the trade barriers, the easier it is to meet demand for food at a fair price for producers. However, the AoA is found to be based on a set of faulty assumptions. These include:

- This assumption ignores the question of purchasing power - millions of people do not have enough money to access the food they need on the market.
- The AoA rules also ignore important ecological considerations. With the spread of industrial models of agriculture, genetic diversity is on declining trend.
- It ignores the importance of agriculture in providing livelihoods - an estimated seventy percent of the world's population depends on growing and selling food for their livelihood.

²⁵ See TD/B/COM.1/EM.11/2 and Corr.1.

- It ignores dietary preferences - many of the primary sources of calories for people across the planet are not sold in global markets in fact, much of the food sold in world markets is destined for animal feed.

Within this structure, we find:

- AoA is merely a tool of trade and it doesn't safe-guard the provisions of human rights charters on food.
- AOA fails to prevent the state subsidies of the larger economies, over-production and corporate control – thus it does not stop dumping.
- AoA reduced the capacity of the LDCs to formulate trade policies to protect human rights as it has locked them into an uneven playing ground.
- AoA's approach to agriculture is based on the ideology of trade liberalization. It entrenches the "right to export" rather than "human rights".
- AOA promotes and strengthens dominance and control of the corporate agribusiness at the cost of the producers and consumers of food.

In brief it is found that WTO led agricultural liberalization leads to:

- Loss of market access
- Bio-piracy
- Loss of farmers' rights
- Elimination of small farmers
- Promotion of GMO
- Decline of women's role in agriculture
- Loss of livelihood

Analysis by the FAO since 1995 suggested that for all low-income food deficit countries, their food import bill will indeed be \$ 9.8 billion higher by the year 2000 than at the start of the Uruguay Round negotiations, of which \$ 3.6 billion - a 14 percent increase - would be directly attributable to the Uruguay Round results. The Chilean government, one of the most fervent proponents of radical liberalization in the Uruguay Round, is now arguing that they cannot live up to some of their WTO commitments because world commodity prices have fallen instead of risen as they had hoped. Chilean officials are saying that living up to current WTO obligations would destroy much of their agricultural economy.

The Report of the Special Rapporteur notes²⁶ that some States are beginning to call for the right to food to be taken up in the new round of negotiations, such as in the Norway proposal. A number of developing countries have also proposed concrete steps to protect their food security through the inclusion of a "development/food security box" in the Agreement on Agriculture (see below). This issue is clearly extremely complex because food security is important to all countries, but it is the developing countries that face the greatest challenge as food security remains a daily struggle for many families there. The proposal by Norway calls for WTO commitments that do not conflict with States' obligations to respect the right to food. The proposal argues:

²⁶ ECONOMIC, SOCIAL AND CULTURAL RIGHTS, The right to food; GE.02-10079 (E) 16102 120202

“The WTO policy reform must be undertaken in ways consistent with other relevant multilateral commitments, such as the Convention on Biological Diversity and commitments relating to the right to food. Since the Universal Declaration of Human Rights was adopted by the United Nations in 1948, a number of international legal instruments and recommendations relating to nutritional concerns and the right to food have been developed, recognizing the fundamental right of everyone to be free from hunger and emphasizing the responsibility of the State in this respect.”²⁷

Moreover, a number of developing countries, namely Cuba, the Dominican Republic, El Salvador, Honduras, Pakistan, Haiti, Kenya, Nicaragua, Sri Lanka, Uganda and Zimbabwe, submitted a proposal calling for a “food security box” which recognizes the specific food security needs and special situations of developing countries, although it does not mention the right to food.²⁸ It calls for exemptions under this “box” that would give developing countries greater policy autonomy to protect the production of food staples. They argue that food security is fundamental for national security. NGOs have further suggested that “food security crops” should be defined as crops which are either staple foods in the country concerned, or which are the main sources of livelihood for poor farmers.²⁹

4. CONCLUDING COMMENTS

Agriculture involves non-trade concerns that serve to protect and promote livelihoods and environment. Agriculture is “multifunctional,” i.e. plays a cultural and environmental role in addition to serving food protection. Agriculture is not merely an agenda of trade it is primarily concerned with rights to food and human rights. Right to food is not only a technical concern over production and supply assurance of adequate food. It also involves legal entitlement to adequate food and protection for the peasants and environment. Thus rights to food deals with both entitlement and the way this entitlement to food is ensured for the citizens of a country.

Rights to Food and Livelihood:

- ✘ National law should recognize the right to food in line with the constitutional guideline and ratified human rights charters/covenants etc.
- ✘ National agriculture policy should be formulated to ensure that agriculture is seen as an integral part of rights to food rather than rights to trade with a clear bias towards promotion of sustainable agriculture and protection to ethnic diversity and environment.

²⁷ WTO document G/AG/NG/W/101, para. 29 available at http://www.wto.org/english/tratop_e/agric_e/negoti_e.htm#proposals

²⁸ WTO document G/AG/NG/W/13 available at http://www.wto.org/english/tratop_e/agric_e/negoti_e.htm#proposals

²⁹ Duncan Green (Catholic Agency for Overseas Development (CAFOD)) and Shishir Priyadarshi (South Centre), “Proposal for a ‘development box’ in the WTO Agreement on Agriculture”, CAFOD Policy Paper, June 2001. Document available at <http://www.cafod.org.uk/policy/devbox.htm>

- ✘ The national tariff and subsidy policy should be formulated to ensure food sovereignty and livelihood security of the peasantry and not treated merely as instruments of trade.

Trade and WTO:

- ✘ The trade treaties must not be allowed to promote market of big translational corporations (selling seeds, fertilizers etc.) and agribusiness. Bangladesh needs to have its own safe guard to the traditional/indigenous knowledge base, agro-resource and bio-diversity.
- ✘ The agriculture subsidy and tariff issues of peasant economies such as Bangladesh should not be left at the mercy of global trade regime. These need to be decided in accordance with the demand of the country with specific focus on the interest of the peasantry.
- ✘ The peasants must be heard at national and global trade policy forums.
- ✘ The human crisis comprising of food insecurity, cultural and environmental crisis in relation to trade in agriculture should be on the top in terms of importance.
- ✘ Agriculture as an agenda of human rights must be addressed beyond the WTO framework with UN as the forum of multilateralism.
- ✘ The rules of AoA boxes must be treated null in relation to provision and promotion of subsidies for the small farmers of LDCs aimed at protecting and promoting rights to food and livelihood.
- ✘ There is a need of having clear legal regime on GMO and biofuel with the aim of protecting health, biodiversity, land used for cultivation of food and livelihoods of the farmers engaged in food production.
- ✘ No trade treaty, agreement or negotiation process on trade and development (including those of WTO, FTAs, WB/IMF) should violate the right to food as proclaimed in the national constitutions of the country and in the ratified international declarations, conventions, covenants and other instruments of human rights.

The experience of the world peasantry just as that of Bangladesh clearly reflects that global unity of small farmers is essential not merely for securing their own livelihoods but also for ensuring food for all. This struggle is against the TNCs and global trade regime that deny the rights of global population to food. The states and legal regimes that work to safeguard the interests of global capital along with the IFIs and other embodiments of neoliberal ideologies and interests will certainly not seat back and relax if people of the world attempt to establish their rights on food, if they attempt to reclaim seeds and agriculture from the corporate cage.

Certainly there will be confrontations. And its nothing new - as we speak the fight continues. Let us not doubt for a moment that we will not be spared from the wrath of the market forces.

Let us also be confident that ***WE WILL BE VICTORIOUS!***