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Realities and threats



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Introduction

Agrofuels and the Right to Food in Latin America was first published in May 2008 as a joint effort between the Transnational Institute, FIAN Brazil, the Brazilian Action for Nutrition and Human Rights (ABRANDH), FIAN Ecuador, the Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo, the Paraguayan Servicio Jurídico Integral para el Desarrollo Agrario (SEIJA) and FIAN International. It aims to provide information about the impacts, risks and violations of the right to food and other human rights related to agrofuel expansion in Latin America. The case of Latin America clearly demonstrates that the challenges, questions and problems posed by agrofuels at the regional level are closely linked to prevalent policies and development models.

The report is divided into six chapters. The first two chapters are more conceptual. Chapter one provides a review of the reasons given for the promotion of agrofuels as a solution to the global energy crisis and the protagonists who advocate this, while chapter two explains how to assess the impacts of the agrofuel boom on the human right to food and refers to the particular obligations of states (especially the fulfilment of the CESCR) regarding the realisation of the right to adequate food in the context of agrofuel promotion. The remaining four chapters contain country studies of four Latin American countries (Brazil, Paraguay, Colombia and Ecuador), which trace the processes of monoculture expansion for agrofuels in these countries and demonstrate the resulting problems and violations regarding the human right to food. What follows here is a summary of the main findings of these country studies, as well as a translation of chapter 2 of the original report (on the right to food) and its main conclusions.

Brazil

The country report for Brazil illustrates the significance of agrofuels for the country¹ and refers to various factors (territory, economic and political context, technology etc.) that have led to the rapid expansion of monocultures, especially soy and sugar cane, during the last few years. In this context, it pays special attention to the public policies of the Brazilian Government that have facilitated the promotion of agrofuel production and reveals that the private sector is the main catalyst. The expansion of agrofuels in Brazil is part of the prevalent economic monocropping production model, which is highly dependent on market forces and is based on the further concentration of land. As a result, land prices for the cultivation of crops have increased, e.g. by 244 per cent in Presidente Prudente (São Paulo) between the beginning of 2002 and August 2004. This process has contributed to the further concentration of land into the

¹ Brazil is the world's second largest producer of ethanol after the United States. Biodiesel production is also increasing rapidly and comprises around 10 per cent of total global production.

hands of national or international capital, while, on the other hand, it has minimised the significance of the agrarian reform programme and led to violence in rural areas and to land evictions. Between 1985 and 1996, 5.3 million people were displaced from their land. During the last decade many middle or small-sized rural properties died out and thus the basis guaranteeing the human right to food for many people was eliminated. Additionally, increasing food prices due to the growing rivalry for land and other production resources have made the realisation of the human right to food, especially for poor and vulnerable people, more and more difficult.

The case of Brazil also highlights the degrading working conditions for sugar cane cutters. Their salaries are extremely low, while their working days are very long and exhausting due to the climate conditions (very sunny and hot). Sometimes workers are obliged to buy food on the plantations where they are working, which means higher prices than the normal market prices. Women are often discriminated against and earn even less than men. The report exemplifies the labour situation of sugar cane cutters in São Paulo, the centre of the ethanol production in the country, and reveals the human rights violations that have occurred. It is important to note that the agribusiness in Brazil in general, despite the degrading labour conditions, has never generated many employment opportunities. On agro-industrial sugar cane plantations, there are only 10 employees per 100 hectares of land, while family agriculture creates 35 jobs per 100 hectares.

Paraguay

As the economic model of Paraguay is highly dependent on the production and exportation of livestock farming and agriculture, the Paraguayan case demonstrates how the accelerated expansion of agricultural crops for fuel production (mainly sugar cane and soy beans) has worsened land concentration and fostered agribusiness in the last few years. These processes have had major consequences for the rural population² and put the realisation of the human right to adequate food of small peasant farmers in danger. This is because their livelihoods mainly depend on family agriculture and access to land.

Since 1999, the Paraguayan government has actively fostered the promotion of agrofuels in the country due to the development of adequate laws, decrees and tax reductions; e.g. the mixture of ethanol and fuel has been authorized and regulated. In January 2008, the Paraguayan government decreed that the mixture of biodiesel for vehicular use was obligatory, although the production of biodiesel has stagnated lately. The promotion of agrofuels in Paraguay has been externally welcomed as well. It is formally supported by Mercosur³ and the Brazilian government.

² Paraguay ranks among the Latin American countries with the highest percentage of rural population. The rural population in Paraguay makes up 43 per cent of the total population.

³ The *Consejo Agropecuario del Sur* (CAS), which is composed of the ministers of agriculture of Argentina, Brazil, Paraguay, Uruguay, Chile and Bolivia, supported the promotion of agrofuels in these

Up until now, the Paraguayan State has failed to support small agricultural producers who are the most affected by the expansion of agribusiness. Fixed prices for sugar cane without special protection for small-scale agriculture and to the benefit of the producing industries or powerful families and increasing pressure on land and food production are all factors that harm peasant farmers and indigenous people. In Paraguay, 20,000 peasant farmer families with a land size between one and ten hectares are completely dependent (regarding food, housing, health, clothes etc.) on the production of sugar cane and the majority have given up the additional production of food products for personal consumption. As the price for the production and transport of agrofuel crops is higher than the sale price, the earnings of small farmers are below the statutory minimum wage guaranteed by the Paraguayan state. But even the statutory minimum wage is not enough to buy the items listed in the basic food basket.

Many small-scale farmers are faced with hunger and poverty because they have concentrated on the unprofitable production of agrofuel crops and given up subsistence farming. Therefore, the realisation of the human right to food of small-scale farmers, but also for the whole population, is seriously endangered by the recent concentration on the production of crops for agrofuels. For the Paraguayan state, the loss of food production implies the loss of food sovereignty and therefore of national sovereignty. Furthermore, the expansion of the agricultural sector has damaged huge parts of the small native forests and led to the desertification of fertile land, which could seriously endanger the maintenance of the Paraguayan ecosystems.

Colombia

The Colombian case highlights the complexity of the development of adequate policies that foster the promotion of agrofuels. In Colombia, these policies are mainly in line with the interests of the national elite, the different agro-industrial sectors and even organised crime. The case of Bajo Atrato, in the pacific region of Colombia, shows how the cultivation of oil palms for the production of biodiesel has damaged the environment, violated the human right to life (due to forced evictions, disappearances, massacres, selected murders of communitarian leaders) and the human right to food of indigenous people and of persons of African ancestry.

These violent actions and expropriations are motivated by a desire to establish an economic model that favours the interests of affluent players or even organised crime. Part of the strategy to achieve this aim was the imposition of the accelerated cultivation of oil palms which, together with sugar cane, are the main feedstock for agrofuel production in Colombia. To this end, paramilitary forces have committed homicides and even massacres, violently evicted communities from their land or imposed food embargoes. The situation in Bajo Atrato has become so serious that the Inter-American Court of Human Rights has intervened. Up to now, the Colombian

countries during a meeting in Asunción in December 2008.

government has not improved this situation nor revoked the expropriation of land and resources, nor undertaken any action to stop the violations of the human right to food of the communities living in this region.

Ecuador

The report on Ecuador traces the development of the legal framework to foster the production of agrofuels and refers to current and future challenges and problems in this sector. The agrofuel boom in Ecuador began in 2004 with the passing of decree 2332, which declared the production of agrofuels of national interest for the first time and created a Consultative Council for Agrofuels (Consejo Consultivo de Biocombustibles). In 2007, President Rafael Correa reformed this decree and created a National Council for Agrofuels (Consejo Nacional de Biocombustibles), which became responsible for the definition of all policies, programmes and plans related to agrofuels.

Also in 2007, the National Congress of Ecuador passed a law which gave incentives to agricultural producers to cultivate agrofuels. This law also states that environmental studies are carried out before implementing projects related to agrofuels. However, the establishment of criteria to define the sustainability of projects in the agrofuel sector has still not happened, and the monitoring of the environmental impacts of agrofuel production still does not exist. The legal framework to foster the production of agrofuels has already been translated into several governmental plans and actions. As in many other countries, the expansion of agrofuels in Ecuador is considered to be an instrument to guarantee the energy sovereignty of the country. According to data sheets and prognoses, the production of biodiesel and ethanol, and therefore especially the cultivation of the African palm and sugar cane, will expand rapidly in the years to come.

The National Agricultural Plan (Plan Nacional Agropecuario) stipulates that 44 per cent of the total investment goes to the cultivation of agrofuel products, while the investment in food products averages at 23 per cent. As the cultivation of agrofuel crops additionally requires land, water and energy, the country is currently searching for solutions to overcome possible shortages. One famous project being planned is the construction of a dam in the region of Los Ríos (the so-called Baba project), which is in one of the most fertile parts of the country. Neglecting the rights of the people and communities living in this region, the main promoters of the project, the Government of Ecuador and the transnational corporation Odebrecht, aim to consolidate the expansion of agrofuels and gain further control over water in this region. Carrying out this project with the purpose of expanding the production of agrofuels will certainly come at the expense of food production, lead to a further concentration of land and water and to violations of the human right to food of the people living in this region. Affected people will probably have to leave their land and search for new sources of income in the urban agglomerations.

The Geopolitics of Agrofuels

The chapter on the geopolitics of agrofuels starts from the premise that all productive activity takes place within a geopolitical scenario marked by very specific power relations.

In this scenario, governments in the global South play a fundamental role in adapting their state apparatuses, opening regulatory, juridical, fiscal and repressive spaces that make agrofuel activity 'viable' within these countries. This dynamic unfolds with a high cost for human rights, in particular those related to food, resources and the ecosystems of the local population.

Those who promote agrofuels have an imperative to achieve territorial control. This is not just limited to the domain of minimum material infrastructure, such as roads, agro-refineries, highways and ports. It also extends to the control of broad swathes of crop land and the exclusive and near absolute use of the territories themselves, including both labour and natural resources, of which water is of vital importance for the sector.

Another geopolitical aspect that must be considered when outlining reasons behind the worldwide promotion of agrofuels is related to energy consumption patterns in the developed world, the lifestyle and the highly energy consumption of its productive model.

In order to respond to these geopolitical needs the promoters of agrofuels rely on arguments such as environmental protection and the reversal of the climate change. The rich, industrialised Northern nations have touted this as a planetary responsibility, when in reality the blame for ecological disaster is concentrated in a few hands. However, it is the resources of southern nations that are the object of expropriation. Their people are the ones who suffer serious human rights violations and are exposed to hunger.

For all of these reasons, the various rural and urban communities in Latin America agree that the agrofuels dynamic represents a serious threat to their lives and livelihoods.

The impact of agrofuels on human rights and the right to adequate food

Sofia Monsalve, Jonas Vanreusel and Roman Herre

An increasingly greater proportion of so-called bio-energy is produced from agricultural crops traditionally used as food and animal feed. The production of non-food crops for energy production also requires land and water. This creates direct competition for resources needed to feed the world population, of which around 854 million people suffer hunger and malnutrition, the majority in rural areas. The possible impact of agrofuels on the human right to adequate food for the most oppressed and marginalised social groups must be considered prior to applying policies and programmes that encourage the production, investment and trade of agrofuels.¹

The member states of the International Economic, Social and Cultural Rights Pact and the international community have legally binding obligations related to the human right to adequate food. States must guarantee poor rural communities access and control to land and other natural resources for food production. States must also implement policies that promote the adequate and sufficient supply of food at a local and national level and must guarantee that it is economically accessible for the entire population. States must regulate the economy and markets according to these obligations and must not create incentives that put at risk the human rights to adequate food or any other human right. The effective fulfilment of the right to adequate food in the face of the interests of powerful economic agents (agro-business, oil multinationals and automobile companies) that invest in the production of agrofuels is an enormous challenge that must be confronted. If it is not appropriately addressed, existing problems related to the increasing concentration of agro-food systems around the world could be further exacerbated by the increase of agrofuels.

Agrofuels: an emerging giant?

Bio-energy is renewable energy produced from biomass such as lumber, organic residue, energy crops, or agricultural residue. 11 per cent of total world energy consumption is derived from renewable biomass.² The main source is wood, used for cooking and heating. In recent decades, modern bio-energy technologies have been developed and

¹ In this work we have opted to use the term “agrofuels” rather than bio-fuels as the first stipulates the agricultural origin of this fuel without suggesting, as in the second case, that they are produced using agro-ecological methods. In general the production of mono-crops for energy use follow agro-industrial patterns that depend heavily on the use of pesticides and chemical fertilizers.

² Global Bioenergy Partnership (2007) Bioenergy: facts and figures, <www.globalbioenergy.org>

their use has been broadened into the transport sector, in the production of electricity or the supply of decentralised heating.

However, the recent increase in energy crops is primarily due to the growing popularity of liquid agrofuels for the transport sector, such as agro-ethanol (based on sugar and starches) and agro-diesel (vegetable oils). Today two per cent of the world's fuel consumption is covered by agrofuels. This percentage is growing fast as many governments have set ambitious objectives to reduce their fossil fuel dependency and seek environmental benefits through the reduction of gas emissions. These objectives have been accompanied by generous subsidies, totalling \$15 billion, for farmers willing to plant these crops and for the industry in member countries of the Organisation for Economic Cooperation and Development (OECD).³ It is estimated that if agrofuels continue to solely depend on traditional crops, the farming surface area dedicated to growing biomass for agrofuels will increase by 280 per cent by 2030.⁴

As the internal production of agrofuels and the agricultural surface area (at least in Europe) is insufficient to meet the objectives set by the European Union and the United States, it is obvious that an important part must be imported. Given the better climate conditions and the cheaper resources and labour, the production of agrofuels will have an increasingly greater impact in rural areas in the Global South. Currently many Latin American countries are swiftly increasing the surface area they have dedicated to energy crops (mainly sugar cane, soy and palm oil) while Malaysia and India top the list of export nations through their enormous expansion in palm oil plantations.

Some African countries like Nigeria, Uganda, Cameroon and Ghana are increasing their production of palm oil while countries in southern and eastern Africa are looking to jatropa, a non-edible plant rich in oil that is less of a threat to food crops as it can grow in arid conditions in poor soil. Those in favour argue that the so-called “second generation bio-fuels” that are currently being developed, based on wood cellulose and fibrous materials can reduce competition with food production. However, nothing guarantees that second-generation bio-fuels, principally based on genetically modified material, are really going to do what they promise. Moreover, there is still competition for land and water to grow them. Recent experiences with the expansion of mono-pine and eucalyptus crops (for the cellulose industry and the development of genetically modified trees) demonstrates that lumber production systems on an industrial scale can have considerable negative impact on the social and environmental front.

³ Quirke, D.; Steenblik, R. y Warner, B. (2008) Biofuels — At What Cost? Government support for ethanol and biodiesel in selected OECD countries, Global Subsidies Initiative, April, <www.global-subsidies.org>

⁴ World Business Council for Sustainable Development (2007) “Biofuels, issue brief”, <www.wbcsd.org>

What social group do people, whose right to food is under threat, belong to?

Increasing the use of renewable biomass, in particular for the production and use of locally controlled energy can have positive effects in rural development and the battle against global warming. However, the government and the private sector are blindly betting on the promotion of agrofuels as a substitute for fossil fuels without taking into account that agrofuels are the most inefficient use of biomass from an environmental and social perspective.

While energy crops can benefit social sectors that are able to take advantage of this boom, they also raise enormous threats to the right to adequate food for the most marginalised social groups. According to the UN Working Group on Hunger, more than 75 per cent of the world's poorest population live in rural areas and depend entirely or in part on agriculture and natural resources for their survival. Half of the world's hungry population is made up of small farmers who live on poor quality land without adequate access to resources necessary for production. 22 per cent of the hungry lack land and survive with precarious salaries in the agricultural sector. Around eight per cent are communities of fishermen, shepherds, hunters and gatherers. For all of these groups, guaranteeing safe access and control over productive resources such as land and water, and farming supplies, such as seeds and animals, is key to improving the situation for these communities. The remaining 25 per cent is made up of the urban poor who depend on food purchases. For this reason, any increase in the price of food puts further strain on their already precarious food situation.

According to the Voluntary Guidelines for the Implementation of the Right to Food, adopted by 191 states within the UN Food and Agriculture Organisation (FAO) in 2004, states are committed to dedicating additional and specific efforts to ensure the right to adequate food for these groups. In any case, it is clearly imperative to prevent public policies from having a negative impact on the right of these groups to adequate food.

The right to adequate food: a conceptual framework

According to the General Observation Number 12 of the UN Committee on Economic, Social and Cultural Rights (CESCR), the Human Right to Adequate Food is exercised when “any man, woman or child,” whether alone or in community has at all times physical and economic access to adequate nutrition or the means to obtain it. The CESCR has identified the basic elements that make up the Human Right to Adequate Food:

1. Availability of food: from directly exploiting productive land or other natural resources.

2. Availability of food: through distribution systems, processing and marketing systems that transfer foods from the production site to where they are needed, according to demand.

3. Economic accessibility to food, which implies that financial costs associated with the purchase of food must be at a determined level so that other basic needs can be satisfied and not threatened. Economic accessibility is applied to any pattern of food purchases.

4. Physical access to food: implies that food should be accessible for everyone, including people who are physically vulnerable, who cannot supply themselves, the victims of natural disasters and other groups that depend on their link to a specific territory for their sustenance (indigenous peoples, shepherds, others).

5. Sustainability of the availability and access to food: long term food security

- Sustainable use of the necessary natural resources for the production of food.
- Economic sustainability: income and food price.

6. Adequate: not only refers to the amount but also the quality that should conform to the human physiological needs in the different phases of the life cycle. Moreover, the food should be culturally adequate and accepted.

7. Principles of human rights: universality, indivisibility, inter-dependence, equality and non-discrimination, priority attention to vulnerable groups, participation and inclusion, transparency, rendering of accounts.

The right to adequate nutrition, similar to any other human right imposes three types or levels of obligation on the member states at a national level: the obligation to respect, protect and implement. The obligation to respect existing access to adequate food means that member states cannot take any measures that create obstacles or destroy this access. The obligation to protect requires measures on the part of the state to ensure that companies or individuals do not deprive people of their access to adequate food. The obligation to implement means that the state must actively strengthen the

population's access to resources and the means needed to get food. At the same time, member states have extra-territorial obligations according to which they must adopt measures to respect and protect the enjoyment of the right to food in other countries as well as to facilitate access to food and provide assistance when necessary.

Due to the growing influence of transnational firms and other commercial companies in the majority of countries' economies and in international economic relations, the UN human rights protection system has begun to discuss these responsibilities regarding human rights. The norms about the responsibilities of multinational companies and other commercial firms in the human rights sphere adopted by the UN sub-commission for the promotion and protection of human rights establish that states have primordial responsibility to guarantee human rights consecrated in international and national legislation and must guarantee that multinational and other commercial firms respect human rights. However, multinationals and other commercial companies, within their respective spheres of activity and influence also have the obligation to promote and protect human rights consecrated in international law and in national legislation, including the rights and interests of indigenous people and other vulnerable groups.

Explicitly, the norms stipulate that transnational firms and other commercial companies respect the economic, social and cultural rights as well as civil and political rights and contribute actively to ensure that they are exercised, in particular the right to food, health, adequate housing among others, and that they abstain from any act that impedes the exercise of those rights.

The impact of agrofuels on the right to food for marginal groups

The impact of agrofuels on the right to adequate food must be evaluated, taking into account the previously presented conceptual framework. Below we address the principal impacts that can be confirmed in several countries.

Loss of nutritional autonomy

An initial aspect that must be evaluated is people's ability to feed themselves, through safe access and control over land, water and other resources for food production (direct availability of food through farming activity, hunting, fishing or gathering). Prior to the increase of agrofuels, forced evictions and the lack of access to land and productive resources constituted one of the main reasons for the violation of the right to food on a global scale.⁵ An increasing demand for land and water due to the expansion of

⁵ FIAN/La Vía Campesina (2004, 2005, 2006). Annual report on the violation of peasant farmer rights.

mono-energy crops will likely lead to an increase of conflicts for these common goods and a greater destruction of natural resources used by marginalised rural groups such as peasant farmers, indigenous people, afro-descendants and small-scale fishermen. Palm oil plantations in countries like Indonesia, for example, encourage deforestation and water contamination in regions where the diet of indigenous people depends on the jungles and territories.⁶

Forced evictions and the violent extraction of natural resources has meant that countries like Colombia already have around 3 million internal displaced. The massive and forced exodus of rural populations to live in cities in precarious and even sub-human conditions is a crude reality in many countries. While growing industrial mono-crops for export is not the only factor that explains this dynamic, it is an important cause that is being aggravated by the rise in agrofuels.

Another way control over land has been lost has been as a result of contract-based agriculture for the production of agrofuels such as, for example, the 30-year contracts that are being promoted in southern Africa in order to grow jatropha trees.⁷ Under these contracts, farmers receive a loan to buy seeds and chemical products and then pay quotas as well as administration fees, management costs, license costs and services to the contracting firm. Farmers are obliged to pay all of these expenses as well as the replacement of trees that die. The company determines both the price of the seeds and the services as well as the price for buying the products. Farmers are not allowed to sell to other companies. While the farmers are formally the owners of the land, they lose control for 30 years and the trees essentially belong to the company.

At the same time, renewed interest in land on the part of powerful economic actors will make it difficult to implement the necessary agrarian reform policies which would help fulfil the obligation of the state to ensure the adequate right to food. This is the case, for example, for social groups who, without land, do not have access to a means of livelihood. The notable slowdown in the agrarian reform program in Brazil in 2007 speaks for itself. Extremely unequal land distribution patterns are an unresolved problem in Latin America, South Africa and southeast Asia. The increase of agrofuels will further complicate this situation. Prices for land are already increasing. Moreover agrarian reform policies based on legal norms that only allow the expropriation of non-productive land for redistribution are becoming less and less effective as arid lands disappear swiftly as a result of investors in the agro-industrial sector buying them up.

⁶ Friends of the Earth (2008) *Losing Ground: The human rights impact of oil palm plantation expansion in Indonesia*, febrero, <www.foe.co.uk/resource/reports/losingground.pdf>

⁷ Africa Biodiversity Network (2007) *Agrofuels in Africa*, <www.gaiafoundation.org/documents/ABN%20Agrofuels%20Africa.pdf>

In summary, it is highly probable that agrofuels is furthering the high concentration of food systems around the world. As a result they are increasing corporate control of the food chain and natural resources, seriously threatening the existence of small food producers, peasant family farming and traditional indigenous and peasant farmer knowledge and food systems. The schemes to promote agrofuels are designed to favour the major companies that already control a significant part of world food production, with enormous single crop plantations, large-scale economies, agro-industrial production models that plunder natural resources and create few jobs, and an export orientation to supply the world market. It is not a coincidence that multinationals like Cargill, ADM, Bunge and others are heavily investing in the agro-fuel sector.⁸

Reduction of the availability of food in local, national and international markets

States are required to take legislative measures and implement policies and programmes that promote – and do not put in danger – food security at a local, national and international level. A non-regulated expansion of mono-crops for the production of agrofuels could have a considerable impact on food supply at these three levels and could lead to a violation of the human right to adequate food of the affected population.

The local food supply could be seriously affected by the increase of agrofuels to the extent that food crops are displaced by energy crops, which will increase the dependency of the local population on the income from these products and on food distribution systems controlled by distant factors. As small scale sugar cane producers have reported in Brazil, the food insecurity of small scale farmers that cultivate mono-energy crops is not unusual: all of their labor capacity is absorbed by the arduous commercial crop, which renders them completely dependent on the income they receive from these products in order to feed themselves for the entire year.

On the national front, many countries have already lost their food sovereignty through structural adjustment and free trade agreements in recent decades. In several regions of the world the national food supply now depends on imports. To bet on agrofuels in this context is to continue a policy of abandoning national food production and deepening a strategy of food security based on world trade, with all the resulting problems. Kenya plans to increase its production of agrofuels, yet at the same time will have to import more food as its national production is not sufficient. Even in Brazil, a country with enormous agricultural land reserves, sugar cane, which already covers six million hectares, equivalent to nine per cent of the total farming area, has begun

⁸ Grain (2007) “El poder corporativo: los agrocombustibles y la expansión de las agroindustrias”, *Revista Biodiversidad, Sustento y Culturas* 54, October.

to displace areas for ranching and corn and wheat fields. The growing vulnerability of countries that depend on increasingly expensive food imports was made evident with the announcement from the FAO that world grain reserves are at a historic low and are expected to fall another 10 per cent in a year.⁹ In a situation of scarcity, markets become highly vulnerable to speculation and the limited availability of food is taken by those who have the power to purchase it.

The increase of agro-ethanol in the United States could also have a major impact on the supply of food in international markets. Next year, the tons of corn used to produce ethanol are expected to exceed those intended for export by 30 million. Industrial use will increase to 84 million tons, a figure similar to the world corn trade. By 2016, ethanol production is expected to double.¹⁰ The United States exports more than two thirds of the international grains trade and its influence on prices and the availability of food on a world scale is enormous.

Further deterioration in economic access to food

States are required to ensure that their entire population has economic access to food, through different strategies and measures that can range from promoting dignified working conditions to adequate remuneration for workers, food subsidies, price controls, social security schemes and others.

The increase of agrofuels in recent years, together with other factors such as drought in producer countries, low reserves, changes in consumption patterns and financial speculation that bets on rising agricultural prices, among other factors, have had a significant impact on the increase in price of farming products such as corn, wheat, dairy products, meat and vegetable oils. Poor sectors spend between 50 per cent and 70 per cent of their income on food. The recent sudden increases in food prices and their consequences have caused social uprisings in several countries. In Mexico, more than half the diet of the poorest consumers in urban area is based on tortillas. Due to the scarce corn imports from the United States and speculation, prices increased by 400 per cent. In Brazil, the expansion of sugar cane in grazing lands led to a 50 per cent increase in the price of milk. In Indonesia, the government is not capable of countering the scarcity and increase of cooking oil prices in the domestic market due to the increase in the price of palm oil for agrofuels in the world economy. Yucca, a powerful supply of starch for the agrofuels industry, is also a staple food in many poor tropical countries where its price is expected to increase 33 per cent by 2010 and 135 per cent by 2020.

⁹ FAO (2006) Food Outlook N° 2. Global Market Analysis.

¹⁰ FAO/OECD (2007) Agricultural Outlook 2007-2016.

According to estimates from the International Food Policy Research Institute – IFPRI - , the increase in the price of basic grains as a result of the expansion of the production of agrofuels will be accompanied by difficulties in the availability and access to food in all regions of the world. Sub-Saharan Africa will be particularly affected, where the availability of calories will fall more than 8 per cent. ¹¹

The increase in food prices does not have the same impact in all countries or in all social sectors. Some farmers hope to benefit from the high price of agricultural products and in this way revitalise rural areas. Particularly in recent decades, small producers have demanded better prices for their agricultural products that will allow them to have dignified living conditions. The FAO estimates that the reduction in agricultural exports from Northern countries to countries in the South will also imply a reduction in dumping. However, in the current highly concentrated food and agricultural systems, controlled by corporate interests, there is nothing that ensures that small producers will benefit from these price increases as the benefit from high prices could be hoarded by those who control the commercialisation of their products.

Some people also argue that agrofuels will create sources of rural work that will lead to better income and living conditions for the impoverished rural population. However, reports from Brazil show that the mechanisation of industrial mono-crops is high and therefore very few jobs are created. In the sugar cane sector, the labour that is employed has declined. Those who are employed have temporary contracts and are badly paid. ¹² Civil society organisations have denounced the conditions of over-exploitation and the slave-like conditions suffered by many people employed in the sugar cane sector and which led to the death of 17 workers between 2005 and 2006. ¹³

On the international front, the increase of world prices in 2006 has led to cutbacks in wheat imports in some importer nations like Nigeria. According to the FAO, total food imports from the 82 poorest countries, that depend on these imports, increased by 35 per cent and 14 per cent in the two years prior to the 2008 crop. Other African countries have experienced up to a doubling of costs in the last five years.

These negative effects demonstrate the great vulnerability emerging from food security strategies based on food imports and food aid. Countries that have concentrated on

¹¹ IFPRI (2007) *The World Food Situation. New Driving Forces and Required Actions*, Washington.

¹² CEPAL (2007) “Biocombustibles y su impacto potencial en la estructura agraria, precios y empleo en América Latina”, *CEPAL Review*, June.

¹³ Pastoral Land Commission – Justice and Human Rights Social Network (2007) *Agroenergía. Mitos e Impactos en América Latina*, September

export production are more likely to suffer from the enormous price fluctuations caused by the increase in agrofuels.

Food aid in danger

When an individual or group is incapable, for reasons outside their control, of enjoying the right to adequate food through their own means, states have the obligation to ensure this right directly. This obligation also applies to people who are the victims of natural disasters or disasters of another kind.

Recently, members of the World Food Program (WFP) of the United Nations declared that agrofuels are one of the principal causes behind the growing difficulty to obtain food aid, either bought in local markets or from the surplus of food from exporter nations. Both possibilities are becoming increasingly difficult. Moreover, they announced that the increase in food prices seriously reduces their capacity. The WFP estimates that due to the rising prices, there is a need to add an additional \$500 million to the \$2.9 billion budget to finance the necessary projects in 2008 without including possible emergencies. Zimbabwe, Eritrea, Haiti, Djibouti, Gambia, Tajikistan, Togo, Chad, Benin, Myanmar, Cameroon, Niger, Senegal, Yemen and Cuba are among the countries that could be most affected by the price rises.

Increase in the plundering of natural resources

As stipulated in the Voluntary Guidelines to Implement the Right to Food, states must adopt policies, legal instruments and concrete mechanisms of national support to protect ecological sustainability and the capacity of ecosystems. This is required in order to ensure sustainable production of food for present and future generations, to impede water contamination, to protect soil fertility and promote the sustainable management of fish and forests.

The change in the use of land, in particular in forests and jungles, to mono-crops has major implications in terms of climate change and the sustainable use of natural resources. Deforestation caused by mono-crops such as palm oil and soy in countries with tropical jungles like Indonesia, Malaysia, Colombia and Brazil has been extremely harmful in climatic terms. Moreover, mono-crops frequently produce soil, river, and underground water contamination through the intense use of fertilizers and chemical pesticides. Mono-crops require a great deal of water. For example, one litre of sugar cane ethanol requires at least 12 litres of water. This leads to a concentration in water access for irrigation in the hands of the most powerful.

In some cases, energy crops can even increase greenhouse gas emissions. This is most

evident when forested areas are burned or drained to extend plantations. But it also occurs in the production cycle, as emissions are produced as a result of the use of gasoline in heavy machinery and chemical fertilizers or farming practices (burning sugar cane in the field produces some 4.5 tones of carbon dioxide per hectare).¹⁴

Another serious problem in the sustainability of agrofuels relates to the use of genetically modified organisms in traditional crops such as corn but also for second generation agro-crops. In particular, genetically modified trees, whose pollen can travel for kilometres, represent a serious risk of uncontrolled contamination of native species with all the incalculable risks this implies.

Impact of agrofuels on the enjoyment of other human rights

Given the principle of the universality, indivisibility and inter-dependence of human rights, it is important to note that the impact of agrofuels is not restricted to the human right to adequate food. Agrofuels also affects the enjoyment of other rights such as the right to adequate housing, the right to water, the right to health, indigenous rights and labour rights. Serious violations to labour rights in sugar cane plantations and palm oil such as labour exploitation, restrictions on forming unions and forced work has been reported in diverse countries.

According to the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), Indonesian workers on palm plantations have suffered threats, harassment and criminalisation for trying to organise to ensure their labour rights are upheld¹⁵.

In Brazil, slave labour is the hidden side of the rapidly advancing farming and ranching frontier and is present in major agricultural export companies (soya, sugar cane, cotton) and in modern haciendas which raise cattle for export as well. The majority of slave workers are migrant workers, men, illiterate, without any professional qualifications, without any land or with little land but without any resources to work it. They primarily come from the poorest states in Brazil (Maranhão, Piauí, Tocantins) and pressured by lack of employment and land, are subject to conditions of over-exploitation or slavery.¹⁶

¹⁴ Regarding the environmental impact agro fuels see German Advisory Council on the Environment, SRU (2007) Climate Change Mitigation by Biomass. Special Report, julio.

¹⁵ Véase IUF (2006) "From ILO Seminar to Prison! Criminalizing the Fight for Decent Work in Indonesian Palm Oil", 12 de enero, <www.iuf.org/cgi-bin/dbman/db.cgi?db=default&ww=1&uid=default&ID=3003&view_records=1&en=1>

¹⁶ Para más detalles sobre las características del trabajador esclavo, véase Sydow, E. "O Perfil do Trabalhador Escravo no Brasil", en Rede Social (2003) *Direitos Humanos no Brasil 2003*. Relatório da Rede Social de Justiça e Direitos Humanos em colaboração com Global Exchange, São Paulo, pp.

According to calculations from the National Plan for the Eradication of Slave Labour from the Presidency of the Republic, there are some 25,000 people in Brazil forced into slave labour. Land owners and business groups are the main culprits in crimes of slave labour.

According to a study by the International Labour Organization (ILO), forced labour imposed by private agents for economic exploitation has resurged in the farming sector and constitutes one of the main types of forced labour around the world.¹⁷

The impact of agro fuels on other rights has been less documented and studied. In a similar fashion, we still lack studies with a gender perspective about the impact of agrofuels in the enjoyment of human rights.

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¹⁷ ILO (2005) A Global Alliance Against Forced Labour. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005. Report of the Director-General to the International Labour Conference, 93rd Session.

Conclusion

Agrofuels are not going to resolve the problem of hunger in the world. On the contrary, they threaten to worsen an already critical situation.

States and the international community as a whole have a priority commitment to achieving the Millennium Development Goals, of which the leading objective is to reduce by half the number of people who suffer hunger in the world. Therefore, before embarking on a policy to promote agrofuels, states and the international community should instead dedicate all available resources to policies and programmes to combat hunger, as is stipulated in the International Covenant on Economic, Social and Cultural Rights (ICESC), adopted by the UN General Assembly in 1966.

Within these policies, the proposals for food sovereignty stand out, under which governments and state must prioritise: increased food production by farmers and producers for local and national consumption; agrarian reform policies that guarantee that marginalised rural groups have access and control over land and other productive resources; and agro-ecology production policies that ensure the sustainable use of natural resources for food production as well as revaluing traditional and indigenous knowledge on food production and culture.

Policies and programmes that encourage the use of biomass in a decentralised manner and for the local production of energy could be compatible with human rights and a vision of food sovereignty.

Energy-related problems in our society can not be resolved without total adherence to people's human rights. If we take into account the obligations imposed on states and the international community by the Human Right to Adequate Food and other human Rights, it is clear that states that seek to promote agro-energy policies must implement the principle of precaution by first examining the impact of these policies on the local, national and international front.

The organisations that have participated in putting together this publication consider that special attention should be placed on the following aspects, both at a national and international level:

On an international level:

- The international community should continue to create spaces for dialogue and look to implement mechanisms to control climate change, which include promoting changes in the energy consumption patterns of the world, encouraging energy savings and efficiency.
- States, in particular those that belong to the Organisation for Cooperation and Economic Development, should work to ensure that their policies to promote the

use of agro-energy do not contribute to violating human rights in other countries. In particular they should make every effort to guarantee that their policies to subsidise and encourage agro-energy do not contribute to forced evictions and increased conflicts for land and water in other countries.

- States should monitor the action of transnational companies and other companies by imposing regulatory and monitoring mechanisms in order to effectively protect the population in other countries and must impede and sanction any relationship between these companies and local criminal sectors that promote agrofuels as an economic strategy and/or to appropriate territory and resources.
- The international community must take the necessary measures to avoid international speculation in food prices, for example by increasing food reserves and exploring the creation of mechanisms it considers necessary for this purpose.
- The international community and international institutions must ensure that expansion by companies of agrofuel production in border zones does not violate the sovereignty and territorial integrity of other countries.
- The international community and in particular the UN should institute a regional mechanism in Latin America that will follow-up work on the dynamics of agrofuels and their impact on the human rights of individuals and communities on the continent.
- The UN, in particular the Food and Agriculture Organisation (FAO), should have a more active role in the promotion and defence of the peasant farmer economy related to food production.

At a national level:

- Governments that aim to develop or are developing the agro-energy sector should not under any circumstances destroy access to food or the necessary resources for its production by rural communities. States must regulate and efficiently monitor the private sector as well as protect citizens in rural areas from forced work, displacements, disappearances, selective assassinations of rural or union leaders, massacres, torture and other destructive actions by third parties (such as national or foreign firms or international institutions) or by the State.
- States must regulate the possible speculative pressures that the promotion of agro-energy can unleash, guaranteeing there won't be a re-concentration in land ownership and that agrarian reform processes, which are necessary, won't be affected by these policies.
- States must protect rural communities so that national and regional policies favourable to agrofuels do not violate the right to communities to remain in their territories and enjoy, according to their customs and wishes, the resources found within those territories.

- States must abstain from developing regulatory changes that while favouring the dynamic of agrofuels violate or contravene constitutional mandates and international agreements that protect the rights of individuals and communities.
- States must stop using disincentives for the internal production of food and the peasant family economy as a mechanism to pressure rural populations to becoming involved in the agrofuels production industry.
- States must fulfil their obligation to hold broad-based consultations, providing truthful and timely information, with communities when they promote agro-energy projects at a regional level.
- States must guarantee the effective participation of rural groups and their organisations and movements in decision making about policies to promote agro-energy, as well as in the implementation and processes to monitor them.
- States must ensure that agro-energy does not threaten the availability of food at every level.
- States must control the impact of agro-energy policies on food prices and must guarantee that the entire population has economic access to food via different strategies and measures, in particular through the following: promotion of dignified working conditions and adequate remuneration for their workers, broadening of food subsidies, encouraging price control, improvement of social security schemes and creation of basic income policies and others, according to the context.
- States must guarantee full respect for workers' labour rights in the agro-energy sector, as well as other rights that are constantly violated in countries when agrofuels are promoted: the right to health, education, development, land, territory, to organise etc.
- States must strengthen the work of internal control bodies (for example attorney generals, comptrollers, Ombudsman, civil society rapporteurs) so they can monitor the development of activities related to agrofuels as well as companies that promote them, and thereby fulfil their roles as guarantors of the human rights of workers and rural communities.

