1.1 Introduction

Globalization as a phenomenon is pervading every country today and making its presence felt. It is raising crucial questions about the radical changes that are taking place in the socio-economic relations & institutions in the 21st century and is occupying an important position in the intellectual & political debate today.

Today globalization is marked by expansion of the market – opening national borders to trade, capital, information etc. and one finds that new norms, standards, policies and institutions have come up for these open global markets than for people and their rights. Competitive markets may bring efficiency but not necessarily equity. Also when the market goes too far in controlling our political and social lives and their outcomes, then the opportunities of globalization spread unequally among people, nations and corporations, marginalizing others. The main challenge would then be to find rules and institutions for stronger governance – local, regional, national, global to insure that globalization not only works to protect and preserve the competitive environment and global markets but also that it works for people – not just for profits.

Thus as the Human Development Report, 1999 says 'Globalization with:

Ethics – less violation of Human Rights, not more.
Equity – less disparity within and between nations, not more.
Inclusion – less marginalization of people and countries, not more.
Human Security – less instability of societies and less vulnerability of people, not more.
Sustainability – less environmental destruction, not more
Development – less poverty and deprivation, not more' ¹.

Social policies to promote people’s welfare and strong national governance – thus are even more relevant today to make globalization work for human

development. It is said that as globalization intensifies it generates pressures 'towards a re-territorialisation of socio economic activity in the form of subnational, regional and supranational economic zones, mechanisms of governance and cultural complexes and it may also reinforce the 'localisation' and 'nationalisation' of societies. Thus globalization involves a complex deterriorisation and reterritorialisation of political and economic power' 2. Power is an important attribute of globalization and often increasing interconnectedness can be a cause of intense and severe conflict. This conflict can also be the result of deeply held fears amongst nation states. It may be associated with what Schattschneider referred to as the "mobilization of bias" in so far as the agenda & choices which governments, households & corporations confront are set by global conditions 3.

Deepak Nayyar comments that 'the politics of hegemony or dominance is conducive to the economics of globalization'. 4 Globalization has occurred today inspite of governments not desiring it and sometimes taking action against it. Manu Shroff comments that 'market forces and technological change have been far more important in the process of globalization than conscious decisions of governments.' 5 It is becoming clear to everybody that the distinction / divide between local and global is narrowing down and production and consumption patterns are no longer firmly based in the local. The local itself is a combination of regional, national and global forces and no local is untouched by the global. Friedman argues that 'localization strategies are themselves 'inherently global". 6 Alfred C. Jr. Aman also says that 'just as the bright lines between local and global have faded, distinctions such as public & private or state & federal no longer carry the same analytical power." 7

There is a contradiction that always occurs between integration with the global community by adopting global rules and norms and the existence of regional and

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3 Ibid., p.18.
cultural values. Hansel moreover comments that 'Globalization may be linked to the skin of an orange that outwardly integrates. Within lie the internal contents, the individual segments and hard seeds, on the surface globalization unites obscuring the separation within. As long as the outersurface unifies, the distinctions within can co-exist harmoniously'. Vandana Shiva comments that globalization is generating social, economic and ecological insecurity on a global scale and it has undermined the conditions of self-rule, self-governance and self-organization especially in the countries of the IIIrd world and for the poorest and the smallest producers.

The autonomy and sovereignty of the nation state often comes under severe pressure under global processes and the process of globalization has triggered off forces of change which Yogendra Singh says 'have set people rethinking about political institutions such as state, the democracy and civil society'. In a world of Globalization and liberalization the object of any strategy of development should be to create space for itself (political and economic) in which it can pursue its political interests and national developmental objectives. Here the role of the state is essential. Prabhat Patnaik points out that the scope for state intervention has been greatly reduced but it has not disappeared altogether. In context such as ours if the nation is to remain united then the resuscitation of an agenda of development that entails conscious intervention by the nation – state in the interests of the people, as opposed to leaving economic development to be determined as a mere fall out of the caprices of international speculators is absolutely essential. Globalization will succeed only if it is fair, just and brings equality for majority of the population. The role of grassroot organization becomes very important for building the awareness and consciousness and helping in increasing our capabilities for facing a threat from globalization. Eric Gonsalves says 'the conjugation of grass root democracy and economic and social empowerment at the lowest level is essential for this endeavour.'

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The aspect of globalization becomes important specially in the context of Food Security as Indian agricultural policies (which are crucial for Food Security) are affected by global rules and norms which are set in the field of agriculture at the WTO. Not only globalization and the overall thrust towards economic liberalization in India, but also the institution of federalism needs to be examined in the study of Food Security as it is an important institution mediating between WTO and the domestic politics.

Federalism can affect a country’s engagement with global processes as much as global institutions and commitments can influence the shape of federal institutions or central – provincial relations. Rob Jenkins argues that there are three ways in which federalism shapes the political reception of the WTO in India. The first is the extent to which WTO agreements negotiated and agreed to by the Central government in 1994 are seen to constrain the rights of state governments to make policy in areas of competence assigned to them under India’s constitution. Eg. In the sphere of agricultural policy some state governments have taken the government of India to court demanding a reinstatement of the constitutionally mandated division of powers between the Central and the state governments in which agriculture is a state subject. Even when the center is responsible for a policy change, it is often the state governments that feel the political backlash for the policy’s results and this is partly because for many interest groups, the state government is the only remotely accessible actor.\(^{13}\)

Many states have felt that government of India’s agreement to WTO has led to adverse impact on them in terms of political burden that they have to shoulder and this reaction from states has led in turn to increasing levels of confrontation between Centre and states, thus affecting federal relations. The second way in which India’s federal institutional structure influences the politics of its WTO engagements concerns outcomes rather than process. The economic impact of a given WTO rule/rules vary from state to state & the way and the extent to which a state is affected by a WTO agreement will depend chiefly on the state’s regional economic profile. The third way concerns the approach taken by state governments to other aspects of

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economic liberalization beyond trade – in particular foreign direct investment. The desire of the state government to cater to foreign investors not only moderates the policy decisions of state governments on issues (like taxation, information provision, labour policy) which are of direct relevance to investors – but also the willingness of the state governments to stake out extreme positions, on policy questions that are beyond their administrative competence like international trade. Jenkins points out that India’s federal system also influences the government of India's negotiating strategies including its objectives, its means for achieving them and the public rationale by which they are justified. It was the pressure from the regional parties that was instrumental in convincing the Central government to conduct a series of federally organized consultations on the WTO’s Agreement on Agriculture.14

Globalization’s impact on federalism on the other hand is exerted through numerous channels including impact of globalization (WTO disciplines) on the constitutional division of power between Centre and state, pressure on federal relations on account of politicization of WTO policy disputes and creation of Centre – state consultative forums. Jenkins points out that these quasi formal consultative forums (that recognize federal division of powers) serve to thicken the federal system in ways that affect future rounds of Centre – state interaction and thus the nature of federalism itself. They also provide a platform for states to give voice to certain region specific interest and indirectly to influence India’s multilateral negotiating strategy.15 However Rahul Mukherjee points out that the federal market economy, which has been produced due to the growing importance of private investment, has generated growth with inequality.16

Bhattacharya points out that the 'economic reforms are drawing a new dividing line in the society between small groups of beneficiaries and vast sections of causalities'.17 The divide created by economic reforms and by the WTO policies between the rich and the poor, between regions can be tackled by good governance. Niraja Jayal argues that 'good governance and democracy depends crucially on the

14 Ibid., pp.610-615.
15 Ibid., p.620.
character and capacity of a state which alone can institute & insist on it\textsuperscript{18}. For promoting good governance - government, private sector, NGOs, PRIs, and Cooperatives should all harmoniously share the responsibility by protecting the interest of the people. Mohit Bhattacharya comments that 'governance is a continuum & not necessarily unidirectional: it does not automatically improve over time. It is a plant that needs constant tending.'\textsuperscript{19}

However nowadays in the context of liberalization new definition of governance is emerging. Good governance is being defined by the aid givers according to their perception as conditionality for providing aid rather than being chalked out keeping local conditions and requirements in mind. Dolly Arora comments that 'the very fact of governance agenda being handed down to states as a part of conditionality set by aid-agencies implies denial of a democratic choice for the former.'\textsuperscript{20} Governance is all about creating new rules and institutions and changing old ones in order to make sure that there is equal participation by people in decision making and implementation, democratic accountability, decentralization of political and economic power right down to the grass roots, a vigilant civil society, free press and access to information, rule of law, efficient delivery system etc. D. Bandyopadhyay comments that 'unless we reorient our economic & social policies on the basis of the principles enshrined in the constitution we may not have the substances of good governance.'\textsuperscript{21}

Good governance is specially needed in today’s context when our domestic politics is affected by the forces of globalization through WTO related policies. These policies can adversely affect our important sectors and also the states in an uneven and inequitable manner. Thus the need for good governance. It is against this backdrop of globalization, federalism and governance that we look at the issue of food security.

1.2 Food Security –

- Theoretical & Conceptual Issues

Food insecurity remains an important policy challenge across South Asia. Increase in food production has not resulted in greater food security at the individual and household level for significant sections of the population. Across the region there is evidence of inadequate nutrition and food insecurity which is reflected in declining per capita calorie consumption even amongst the poorest quartile of the population. According to Jayati Ghosh two policy related forces have played substantial indirect roles in declining food security: the agrarian crisis and inadequate employment generation, both of which have meant that patterns of changes in purchasing power have not encouraged better food security. There are also direct effects of misguided policies which have directly damaged food security (as in the case of India). Ensuring food security ought to be an issue of great importance for a country like India where more than one-fourth of the population is estimated to be absolutely poor and one half of all children, malnourished in one way or another. It is by now well-known that the question of food security has a number of dimensions that go beyond the production, availability and demand for food. Mahendra Dev, K.P.Kannan and Nira Ramachandran comment that 'there has been a paradigmatic shift in the concept of food security from food availability and stability to household food insecurity, and from the assessment of input measures like energy intake to output indicators such as anthropometrical measures and clinical signs of malnutrition.' As per FAO in 2000-2002 the proportion of undernourished in total population in developing countries was 17% as compared to 21% in India. There are over 190 million children under the age of 5 who are not receiving the required amount of nutrition to develop mentally and physically as indicated by low weight for age – 40% of pre school age children in the developing world. Of the roughly 1.3 billion people in South Asia, 500 million live on less than US$ 1 per day, 400 million are illiterate adults, 264 million lack access to health services, 230 million to safe drinking-water.

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and 80 million children under 4 are malnourished. At the World Food Summit which was held in 1996 a pledge was taken by the heads of state to achieve the objective of reducing the number of hungry by half by 2015. Even this has not been achieved, the FAO regrettably observed in the World Food Summit held in 2002. The Regional Distribution of population undernourished (percentage to total) in 1998-2000 is given below in Pie Chart No.1.1

**Pie Chart No 1.1**

**Regional Distribution of World population undernourished, 1998-2000 ( % to Total )**

<table>
<thead>
<tr>
<th>Region</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latin American and Caribbean</td>
<td>6.4</td>
</tr>
<tr>
<td>South Asia</td>
<td>22.2</td>
</tr>
<tr>
<td>Europe &amp; CIS</td>
<td>25.6</td>
</tr>
<tr>
<td>Sub Saharan Africa</td>
<td>37.6</td>
</tr>
<tr>
<td>Arab States</td>
<td>4.1</td>
</tr>
<tr>
<td>East Asia &amp; the Pacific</td>
<td></td>
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</tbody>
</table>


At the World Food Summit held in 1996, 186 countries including India signed a declaration making a commitment to ensure food security for all. Food security was defined as 'physical and economic access, at all times, to sufficient safe and nutritious food (for people) to meet their dietary needs and food preferences for an active and healthy life.' Basis the definition, V.K.Mehta points out that the elements of food security are –

(1) Availability of Food – to meet demands of the growing world population and changing dietary habits

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(2) Accessibility to Food - physical and economic access, the latter is especially serious in developing countries

(3) Stability of food supply- at reasonable prices, given the price in elasticity of supply and demand for major agricultural commodities

(4) Food Safety/Quality and Preference- assurance that food is safe and in good quality to satisfy the dietary needs and preferences of consumers. The Rome Declaration on World Food Security had the important commitments as given in Annexure No.1

The FAO Committee on World Food Security Council and Conference, 1983 lays stress on three basic aims of food security, at the global level that could easily translate to the objectives to be set at the national level. 'These include

- ensuring production of adequate food supply,
- maximizing stability in the follow of supplies and
- securing access to available supplies on the part of those who need them

or in other words, production, stability and access.'

Development planning through food security approach can be more effective in two ways. Instead of the traditional standard per capita income estimates, a food security indicator (Amount consumed/Nutritional status) gives a better idea of the geographical intra-household and inter-temporal changes in prices and accessibility of food since poor people tend to spend a high percentage of their income on food. Using this food security indicator would reduce the risk of overlooking the poor.

Second, focus on food security would directly lead towards the crucial economic and political factors and processes that affect the poor people. Moreover efforts should be taken to assist them since the traditional approach tends to overlook

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the indirect impact that macro-level economic policies (in the nature of exchange rate devaluation or trade liberalization) have on food production and consumption.²⁸

It is now widely recognized that lack of purchasing power is responsible for the growing problem of hunger and malnutrition. It is important to recognize the fact that agricultural growth and rural development are crucial for food security and both of them are greatly influenced by policies and outcomes in the rest of the economy. According to Yoginder K. Alagh ‘only widespread agricultural growth can trigger broad based rural growth and this is the only guarantee of reducing hunger.’²⁹ He further says that for Food security important question will be the medium term economic price incentive, access to improved and cheaper inputs, and credit policies such that the economic environment may encourage expansion of agricultural potential or improved use of existing resources for food crops.³⁰ Indian Agricultural Research Institutes have been strongly propagating that widespread agricultural development is possible only if attention is paid to local endowments of land, climate and water and appropriate agro climatic developmental strategies.³¹ As per Human Development Report, 2004, 189 countries adopted the Millennium Declaration at the United Nations Millennium summit in September 2000, committing themselves to do their utmost to achieve key objectives of humanity in the 21st Century, including eradicating poverty, promoting human dignity and achieving peace, democracy and environmental sustainability. Stemming from the Declaration were the Millennium Development Goals – a set of 8 goals, one of them being to eradicate poverty and hunger. The other important goals being to achieve universal primary education, reduce child mortality, ensure environmental sustainability etc.³²

The pace at which chronic hunger was to be reduced by half by 2015 has slowed down considerably. However, more than 30 countries with a total population of over 2.2 billion people have reduced the prevalence of undernourishment by 25%. Many of the countries that have achieved rapid progress in reducing hunger have

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³⁰ Ibid., p.181.
something in common – significantly better than average agricultural growth. Within the group of more than 30 countries that are on track to reach the World Food Summit goal, agricultural GDP increased at an average annual rate of 3.2%, almost one full percentage faster than for the developing countries as a whole. Several of these countries have also led the way in implementing a twin track strategy to attack hunger – strengthening social safety nets on one hand to put food on the tables of those who need it most, while attacking the root causes of hunger with initiatives to stimulate food production, increase employability & reduce poverty on the other.33

Wolfgang Herbinger, comments that food security is not just about growing more food, it is about who can buy that and where the food is available. It is also about who eats what kind of food and when. It also takes into account crucial public health issues (including water supply and sanitation), the status of women and girl’s education and levels of protection against any kind of loss (lives and assets) as a result of major recurring catastrophes.34 B.K. Taimani says that food security envisions not only meeting the K-Calorie energy from cereals but also require inputs from non-cereals, micro-nutrient supplementation, access to safe drinking water, health facilities which can be met either by society or by the individual family.35

It is useful to distinguish between growth mediated food security and support led food security. The former mainly has to deal with economic growth and improving the human capability for meeting the basic needs including food. The latter recognizes the importance of government provisions for public support systems for providing food security. Eg. Food for Work Programmes and nutrition schemes fall in the latter category.36 B.K. Taimani says ‘food security is linked to poverty alleviation/eradication which itself in turn is linked to empowering the poor’ and this he says ‘calls for both short term i.e. support led and long term i.e. growth led approach to food security’.37 Most programmes which aim at improving food security have a short term as well as a long term dimension to it. E.g., ‘food for work’ programmes gives food to the workers in the short run, but also creates assets which

33 The State of Food Insecurity in the World, op.cit., p.A.
36 Dev, Kannan and Ramachandran. op.cit., pp.11-12.
37 Taimani, op.cit.p.150.
help in long-term food security. Policies for sustainable agriculture fall under long-term measures. Food security is nothing but human security in the long run and growth has to be broad based, and widely dispersed and equitable so that everybody can benefit from it in terms of employment which in turn can increase food accessibility and lead to reduction of poverty and hunger.

To achieve long run food security, one has to primarily deal with problem of poverty and take necessary measures to reduce it. Food security does not mean just food availability at the macro level, it also means food accessibility – physical (through PDS) and economic (through employment). According to Utsa Patnaik, there has been a decline in absorption of food grains which is the result of an unprecedented decline in purchasing power in rural areas mainly on account of a number of deflationary policies at the macro economic level along with international price declines for large volumes of export crops produced in India following trade liberalization.\(^{38}\) It has to be recognized that food absorption is an important parameter of food security. It is not just the availability of calories at the household; it should also meet their nutritional requirements. Proper absorption is dependant upon state of health and environmental sanitation and hygiene, safe drinking water, knowledge of nutrition and dietary practices etc.

Food and nutritional security is a responsibility of the government and PRIs and NGOs can chip in with their support and help the government in its efforts. Food security should not be restricted to food security at the national level, it has to go down right into the grassroots to each and every household. India is a poignant example of how food sufficiency at the aggregate or macro level does not translate necessarily or evenly to food security at the family or individual level. According to R. Radhakrishna, in policy design, distinction is made between the hard core of chronically food insecure households and the transitory. Transitory food insecurity is associated with the risks related to either access or availability of food. Policies such as price stabilization, credit, crop insurance and temporary employment creation are utilized for stabilizing the consumption of the vulnerable groups. In contrast the problem of chronic food insecurity is primarily linked with poverty and the strategy to
overcome this includes short term intervention to raise the purchasing power of the poor through the endowments of land and non-land assets and by generating employment opportunities as well as long term growth mediated intervention to improve food availability and raise incomes.  

It has been demonstrated that the incidence of malnutrition is greater than income poverty and elimination of income poverty does not guarantee the elimination of malnutrition. As per United Nation’s World Food Programme, one in every four chronically food insecure persons in the world lives in India. In every five Indians one suffers from overt or covert hunger. Open hunger refers to protein calorie undernutrition and hidden hunger to micronutrient deficiency. V.S. Vyas points out that the concept of food security in its wider connotation comprises of four elements, one of them being protection against malnutrition (the other three being – availability of food, households entitlement to food, stability in the supply of food throughout the year).

In 2001, the M.S. Swaminathan Research Foundation and the UN’s World Food Programme brought out a food insecurity Atlas of Rural India. This important publication reveals that every state in the country has its strengths and weaknesses in relation to the five major dimensions considered in the analyses. These are:-

- Availability of food - which is a function of production.
- Access to food which is related to purchasing power.
- Absorption of food in the body which is determined by the availability of safe drinking water, environmental hygiene, primary health care and primary education.
- Vulnerability to transient hunger which is related to natural and manmade calamites and disasters.

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• Sustainability of production which is influenced by the extent of attention given to the ecological foundations essential for sustained advances in production. The Atlas makes clear that non-food factors like livelihood and income earning opportunities, health-care facilities, education, sanitation and environmental hygiene are as important for food security at the level of every individual.43

The third Atlas - Atlas of the sustainability of Food security in India was released at the National Food Security Summit on February 5, 2004. The Atlas has a ‘sustainable Food Security Compact’ a nine-point action plan for every state and Union Territory. The action points refer to population stabilization, land resources conservation and enhancement, ensuring water security system, conserving and restoring forests with community participation, strengthening biodiversity, managing Common Property Resources, intensifying crop and animal production in a sustainable way and forming a coalition for sustainable food security in every state.44

V.S. Vyas comments that 'Ensuring nutritional security requires that the three institutions - the state, the market and civil society, each recognizes its own role and responsibility in hoarding off hunger and ensuring food security.'45 A model for food procurement and distribution in order to be truly people-centred, decentralized and democratic has to ensure

• Food security at the household level
• Food security at the local level
• Food security at the regional level.
• Food security at the national level.46

The key to food security both at the domestic and the community level is diversity, which is also the basis of sustainable agriculture. People’s rights, their livelihoods, their diverse food cultures and the environment will also be protected by sustainable Agriculture. Democratic control of the food system is the ultimate test of democracy. People’s food security needs the reclaiming of institutions by democratic

forces and this democratic control needs to be built both at the local and national level, and at the production as well as consumption ends of the food–system.\textsuperscript{47} It is important to emphasize on food sovereignty, which includes the true right to food, and to produce food which means that all people have the right to safe, nutritious and culturally appropriate food and to food producing resources and the ability to sustain themselves and their societies. The thinking behind food sovereignty emphasizes on local autonomy, local markets and community actions.\textsuperscript{48}

The role of public action has been emphasized by both Jean Dreze and Amartya Sen. Public action is not just about public delivery and state initiative but people participation in the process of social change. Political activism, journalistic pressures and criticism by an informed public plays a major adversarial function. Both types of public participation – collaborative and adversarial are important for the conquest of endemic deprivation. Along with public action, incentives are equally important and are central to the logic of public action.\textsuperscript{49} A lot of issues have a strong impact on food security and hunger. These range from self-sufficiency in the production of food, capacity of the people to access food, proper distribution of food, access to healthcare, safe drinking water and basic education, strengthening of the PRIs and the local governance. According to Madhura Swaminathan, the creation and continuation of an effective system of food security requires political commitment and public support, government support and support from below.\textsuperscript{50}

As of July 2004, 35 countries faced food crisis and required emergency assistance. The number of food emergencies has been rising over the past two decades from an average of 15 per year during 1980s to more than 30 per year since the turn of the millennium.\textsuperscript{51} The United Nations Millennium Project has established a special ‘Hunger Task Force’ to promote immediate action towards achieving the goal of reducing hunger by half by the year 2015. The task force has concluded that about

\textsuperscript{47} Ibid., p.34.
\textsuperscript{48} "Food Sovereignty: turning the global food system upside down", http://www.grain.org/seedling/?id=329
\textsuperscript{50} Swaminathan, Madhura (2000), Weakening Welfare – The Public Distribution of Food In India. New Delhi, Leftword, p.33.
\textsuperscript{51} The State of Food Insecurity in the World, op.cit., p.16
half of the world’s people are from smallholder farming communities, another 20% are rural landless and about 10% live in communities whose livelihoods depend on herding, fishing, or forest resources. The remaining 20% live in cities.\textsuperscript{52} \(\text{(Refer Pie chart No. 1.2)}\)

\textbf{Pie Chart No 1.2 - Who the Hungry are – Hunger Task Force (FAO)}

\begin{center}
\begin{tabular}{c|c|c}
\hline
Small holder farmers & 50 & \\
Urban poor & 20 & \\
Pastoralists, fishers, forest-dependent & 10 & \\
Rural landless & 20 & \\
\hline
\end{tabular}
\end{center}


After the adoption of the Universal Declaration of Human Rights of the United Nations in 1948 (UDHR) and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (ICESCR) by the United Nation’s general assembly in 1966, the right to food is now formalized as a basic human right in a wide-ranging but interrelated normative system. At the international level, there are two other legal instruments that are relevant to this right. These are the convention on the Rights of the Child and the convention on the Elimination of All Forms of Discrimination against Women. The right to food is a right to policies (or is a right to a right) that enable individuals to produce or acquire minimum food entitlements. From this perspective, it is evolving into an enforceable right.

\section*{Right to Food}

The Right to Food is a very important human right. It is at the heart of FAO’s mandate to ensure a world free from hunger. The fulfillment of this right is essential in the fight against poverty and hunger. Sudipta Bhattacharjee and Hetal Doshi state that ‘the right to food cuts across the entire spectrum of human rights.’\textsuperscript{53} The founders of the United Nations in the wake of the Second World War had identified ‘freedom

\textsuperscript{52} Ibid., p. 25.

from want' as one of the important freedoms and they felt that hungry people could not be free. People had to be properly fed in order to enjoy freedom of civil rights. Margret Vidar says 'hunger is not only painful, it cuts at the very dignity of the human being.' That the right to food is a human right, has been clearly established in international human rights and humanitarian law. (Refer Table No.1.1)

Table No.1.1
Major International Provisions on Right to Food

<table>
<thead>
<tr>
<th>S.No.</th>
<th>International Laws/Covenants/Declarations</th>
</tr>
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<tbody>
<tr>
<td>A</td>
<td>Art 14 of the Law – Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack destroy remove or render useless for that purpose objects indispensable to the survival of the civilian population such as foodstuffs, agricultural areas for the production of foodstuffs, crop lives livestock, drinking water installations and supplies and irrigation works.</td>
</tr>
<tr>
<td>B</td>
<td>Article 25 of UDHR – Everyone has the right to a standard of living adequate for the health and well-being of himself his family including food, clothing, housing, etc. which are essential for all human being to lead a dignified life.</td>
</tr>
<tr>
<td>C</td>
<td>Right To Food Under Article 11 Of ICESCR -- The State Parties To The Present Covenant recognize the right of everyone to an adequate standard of living for himself &amp; his family including food. The state Parties will take appropriate steps to ensure the realization of this right. Article 1 of the ICESCR - Right to people to self-determination &amp; emphasizes 'that in no case may people be deprived of its own means of subsistence.'</td>
</tr>
<tr>
<td>D</td>
<td>It is important for the Right to food given the link with the right to life which is enshrined in Article 6.</td>
</tr>
<tr>
<td>E</td>
<td>Every man, woman and child has the inalienable right to be free from hunger &amp; malnutrition in order to develop fully &amp; maintain their physical &amp; mental faculties. It is the fundamental responsibility of governments to work together for higher food production &amp; a more equitable &amp; efficient distribution of food between countries &amp; within countries. Moreover priority should be given to attacking chronic malnutrition &amp; deficiency diseases among the vulnerable and lower income groups.</td>
</tr>
<tr>
<td>F</td>
<td>Reaffirmed the right to adequate food &amp; fundamental right to be free from hunger.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>World Food Summit 1996 (Plan of Action)</th>
<th>Called for the clarification of the content of the right to food &amp; ways of implementing it.</th>
</tr>
</thead>
<tbody>
<tr>
<td>NGO Forum (World Food Summit)</td>
<td>Called for drafting of a Code of Conduct on the human right to adequate food. 3 NGOs took lead &amp; draft prepared in 1997 &amp; more than 800 NGOs supported it.</td>
</tr>
</tbody>
</table>

**G.** World Food Summit (27th August 2002), Rome
- Called for international alliances to accelerate action to reduce World hunger.
- Also unanimously adopted declaration calling on the international community to fulfill an earlier pledge to cut the number of hungry people to about 400 million by 2015.

**H.** Committee on Economic, Social & Cultural Rights (CESCR)
General comment 12 of the CESCR recommends the adoption of framework legislation on the right to food. In May 1999, CESCR issued General Comment No.12 on the right to adequate food.

**I.** Others
- Convention on the elimination of all Forms of Discrimination against women (1979)
- Convention of the Rights of the Child
- International Criminal Court of 1998
- Commission on Human Rights
Establishes the obligation to ensure adequate nutrition to women during pregnancy and lactation. Also contains provisions of access to resources for rural women.

Obliges states to combat malnutrition & to provide adequate & nutritious foods as well as to provide material support to nutrition programmes.

Specifies that crimes against humanity include deprivation of access to food calculated to bring about the destruction of part of the population.

Appointed a Special Rapporteur on the Right to Food who reports both to the Commission and to the General Assembly.

**Source** – *Social Action* Vol.54.No.3, July-September 2004, pp 320-323
Right to food is closely linked to the concept of food security. It entails an obligation of the state to respect, protect and fulfill the access to adequate food of its entire people at all times. The fundamental aim of the newly appointed United Nations Special Rapporteur on the Right to Food is therefore to broaden the understanding of Right to Food and promote implementation at the national level. Parliaments play a vital role both in the process of accession to the instruments of international law and in the process of Political Rights and the International Covenant on Economic, Social and Cultural Rights. It is important for parliamentarians to know firstly how each of these instruments addresses the right to food and secondly whether their parliamentarians can help by bringing their governments to become party to these international instruments. Once their states are party, then parliamentarians can promote implementation of legislation at the national level to have a real impact on hunger in their own countries. Table No.1.2 gives us the National Provisions

Table No 1.2 - National Provisions on Right To Food

<table>
<thead>
<tr>
<th>A. Fundamental Rights</th>
<th>Guarantee the Right to life &amp; the right to food is at the heart of the right to life</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. DPSP</td>
<td>- Article 47 provides that the state shall regard the raising of the level of nutrition &amp; the standard of living of its people &amp; the improvement of public health as among its primary duties.</td>
</tr>
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<td></td>
<td>- Article 38 - State shall strive to promote the welfare of the people by securing &amp; protecting a social order in which justice, social, economic and political wisdom shall inform the institutions of national life. Clause(2) (inserted in 1978 by 44th Amendment Act) says the state shall in particular strive to minimize the inequalities in income &amp; endeavor to eliminate inequalities in status, facilities &amp; opportunities not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocation.</td>
</tr>
<tr>
<td></td>
<td>- Article 46 - “The State shall promote with special care the education and economic interests of the weaker sections of the people &amp; in particular of the SC &amp; STs to protect them from social injustice and all forms of exploitation.</td>
</tr>
</tbody>
</table>

Table No 1.2 - National Provisions on Right To Food

| A. Concurrent list | The entries 33 & 34 in the Seventh schedule to the Constitution (Concurrent list) give the central government power to control |

1"Right to Food in National and International Legislations and Instruments" (2004), Social Action - vol 54, No 3, July-September. p.319.
trade & commerce in & distribution of food stuff and enforcing price control.

<table>
<thead>
<tr>
<th>D.</th>
<th>Control orders &amp; food laws of Central &amp; state governments.</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>- Orissa state government in 1964 passed the Foodgrains Dealers Licensing Order.</td>
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<tr>
<td></td>
<td>- The Orissa Rice &amp; Paddy Control Order 1965.</td>
</tr>
<tr>
<td></td>
<td>- The Orissa Order 1973.</td>
</tr>
<tr>
<td></td>
<td>- Inter-zonal wheat and wheat products order etc.</td>
</tr>
</tbody>
</table>

Sources – *Constitution of India.*

Just as Rights are correlated with duties, similarly the Right to Food as a claim to a certain minimum amount of food of a certain quality carries with it corresponding duties on the part of the others specially the states. These duties consist of protection against deprivation of the means of subsistence and to provide for subsistence for those who cannot provide for their own. Recognizing these duties will as Raghav Gaiha says

1. Help in channelising food aid more effectively
2. Help the governments by providing a solid foundation to do the things that they should.
3. Sharpen the focus of civil society organisations (CSOs) in their effort to eliminate hunger and malnutrition.56

India at the time of independence charged itself with the job of removing want through the twin strategies of plan development and poverty alleviation. But the fact that acute hunger and malnutrition still exist and starvation death occurs even now is a reflection of the poor performance of its welfare objectives. Niraja Jayal points out that ‘the philosophy of welfare adopted by the Indian state adhered to a needs-based conception of justice in theory, but was in practice based on ideas of charity, benevolence and paternalism. The idea of a right to welfare or justice was clearly precluded, and the problem of hunger has thus rarely been articulated in the vocabulary of rights.’57 The idea of basic needs is the starting point for the need for

state intervention. From the basic needs to the articulation of these needs in the form of rights has to take place. Jayal comments that 'the assertion of a moral right to subsistence in order to secure a statutory right to food implies that the content of basic rights goes beyond the rights to liberty conventionally awarded to individuals by liberal theory to include welfare rights as well. The larger value that these conceptions of needs as well as rights appeal to is, of course, the architectonic value of justice.'

One cannot understand the reasons that make it possible or not possible to acquire enough food without as Amartya Sen says examining the conditions under which the exchanges take place and the forces that govern them. He calls the problem of establishing command over commodities .ie. food the acquirement problem and the neglect of this acquirement problem has far reaching consequences. Sen says that a person has to starve if there is some change either in his endowment (alienation of land or loss of labour power due to ill-health) or in his exchange entitlement mapping (e.g., fall in wages, rise in food prices, loss of employment, drop in the price of the goods he produces and sells) and which makes it no longer possible for him to acquire any commodity bundle with enough food. He further states that a person's ability to command food has two distinct elements namely his pull and the supplier's response. If a person has to starve because of the loss of employment (no means of buying food) then it is a failure on the pull side. On the other hand if there is absence of supply then it is a failure on the 'response' side.

Expanding food output is just one aspect of food security. There is need for promoting long run policies which would help in enhancing food security by guaranteeing entitlements and securing a person's livelihood accessibility. Over the years awareness and consciousness has grown regarding the 'Right to Food'.

58 Ibid., pp.39-40.
60 Ibid., pp.42-43.
- Right to Food Campaign in India

The Right to Food Campaign has grown over the last few years. It all began with a public interest petition being filed in the Supreme Court by the People’s Union for Civil Liberties (PUCL). The petition demanded that the stocks which had been accumulated in the government’s food warehouses should be used to meet the endemic conditions of scarcity and deprivation in the country. In September 2001, the Supreme Court issued notice to the Union government and 16 states, demanding explanations from them as to why they had failed in identifying the ‘below poverty line’ (BPL) families and also later found the rate of progress dissatisfactory. In November 2001 it also asked the Union governments to show how it would attempt to ensure that the welfare and the food security schemes would reach the intended beneficiaries. It also directed every state and union territory to start serving mid-day meals with specified nutritive value for children in government and government aided primary schools for a minimum period of 200 days a year. In March 2002, the court invited the responses of various state governments to the proposal that they introduce an employment guarantee scheme which would in the final instance be an ironclad guarantee of food security. Two months and four hearings later, it spelt out detailed directions on the implementation of various schemes and appointed two former civil servants as ‘commissioners’ who would look into any persisting grievances that were not amenable to established procedures of redress.

Returning to this order after a lapse of some months, the Supreme Court in November 2002, laid out clear procedures of accountability. Every state was required to publicize the details of the court’s order in gram panchayats offices, school buildings and fair price shops within eight weeks. Governments were also obliged to cooperate with any requests for information that the court-appointed commissioners may make on them, with respective Chief Secretaries being directly accountable for any failure to comply. It would be the ‘duty’ of every state and union territory, the court warned to ensure that deaths owing to starvation and malnutrition did not take place. And if the commissioners were to report to the court that deaths owing to
either cause had indeed taken place, then the Chief Secretaries of the states concerned could be called to account.\textsuperscript{61}

Sukumar Muralidharan argues that 'it was a central premise of the People’s Union for Civil Liberties (PUCL) petition that the right to food was derived from the right to life guarantee that Article 21 of the Constitution enshrined.'\textsuperscript{62} There are articles in the constitution that emphasize the role of the state in promoting the level of nutrition. Article 47 says: The state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement, of public health among its primary duties.

The Judicial intervention was accompanied by public pressures too. Muralidharan comments that the tradition of the jan sunwai, which was pioneered by the Mazdoor Kisan Shakti Sangathan (MKSS) of Rajasthan as part of the struggle for the right to information has been a rich source of inspiration.\textsuperscript{63} The Jan sunwais are important instruments as they serve two purposes. They help in increasing the consciousness & awareness of the common people regarding their legal right and secondly it also leads to the state being accountable & responsible for its actions. Public hearings have been held by the Right to Food Campaign in Shankargarh in Uttar Pradesh, Palamau in Jharkhand, Kalahandi in Orissa, Delhi (attended by Amartya Sen & Mahashweta Devi.)

The Right-to-Food campaign gets a fillip with the Common Minimum Programme of the new government incorporating far-arching commitments on food security and the evolving constitutional doctrine that public welfare is a core obligation of the state. The Common Minimum Programme promises that a national cooked nutritious mid-day meal scheme funded mainly by the Central government will be introduced in primary and secondary schools. Also on the agenda is the ‘universalisation’ of ICDS and the provision of ‘a functional anganwadi in every

\textsuperscript{62} \textit{Ibid.}, p.101.
\textsuperscript{63} \textit{Ibid.}
settlement to ensure full coverage for all children. Responsibility for financing the Mid Day Meal Scheme now is equally shared between the Centre and the States. The Supreme Court has now clarified that the funding for construction of kitchen sheds and for conversion of foodgrain into cooked meals should be borne by the centre. The Central government would also have to meet certain strict performance norms in various other of its welfare schemes notably the Sampoorna Grameen Rozgar Yojana (SGRY) and the Antyodaya Anna Yojana (AAY). There has also been in the case of the SGRY, an order requiring the doubling of both foodgrain and cash allocations for the financial year 2004-2005. And in the case of the AAY, the requirement that a poverty certificate (the so-called below poverty line or BPL card) be produced as a qualifying requirement has been deemed unfair.64

Reflecting its awareness about the Right to Food Campaign, the government has assured that public investment would go up in rural infrastructure, investment in agricultural research & extensions, credit would be provided etc. However Amitava Mukherjee comments that ‘there is clearly a gap between what public policy wants to do and policy makers think they can achieve, and reality.’65 This gap leaves people hungry and malnourished, not always necessarily death. Jayati Ghosh comments that the government has been forced to concede the fact that there is a problem. However the recognition of the problem is not sufficient nor adequate. The direction of change is positive but the pace is inadequate.66 Hunger is unacceptable and it has to be overcome if one has to overcome poverty. Utsa Patnaik says that there is just a handful of people carrying out the campaign and in this group also there is confusion regarding the extent of poverty. Moreover the educated elite are ignorant of the extent of the problem.67

67 As per interview with Prof. Utsa Patnaik, Centre for Economic Studies and Planning, JNU, New Delhi, May 2005.
Amitabha Mukherjee comments that a food system should be seen as a chain with supplying inputs at one end of the chain. Farming or producing food by the farmers or the primary food producers, make up the middle. Post-harvest activities lie at the other extreme. Industry now controls both the ends, with the farmers sandwiched between the two. Although farmers feed our teeming millions, they have hardly any say in agricultural policy making in particular and in public policy making generally as they are more in number and generally disorganized. Moreover the secondary food system provides food for direct consumption (increase in food availability) and goods for sale which provide additional purchasing power (increase in the capacity of the people to access food). The importance of this form of food lies in the fact that it provides food during famines, droughts and other calamities which is why it is also called ‘hunger food’. However food availability from the secondary food system is also going down (the constituents of the secondary food system such as forests and commons are being destroyed, the output from these sources are being commercialized and what used to be left aside as food for the poor are being marketed). This has affected the food availability and to that extent the food security of the poor has been jeopardized.

However changes occurring as a result of pressure from the civil society and increasing consciousness can go a long way in bringing about a better future. The recent Right to Information Bill passed by the Lok Sabha and the Rajya Sabha aims to empower every citizen with the right to obtain information from the government thus increasing accountability and transparency of the government’s action. Information also enables people to make enlightened choices. Amulya Gopalakrishnan points out that ‘it has both intrinsic and instrumental value. Its intrinsic value comes from the fact that citizens have a right to know. It is a crucial step towards a deeper, more meaningful democracy. More tangibly, in a country like India it can promote action for development and therefore has considerable instrumental value.’ Since 1996, nine states have implemented laws guaranteeing the Right to Information, albeit with varying degrees of circumscription. In August

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2003 the proposals by National Advisory Council (NAC) for a revised Right to Information Act were submitted. The amendments proposed sought to bring under the act’s purview even intelligence & security agencies, so far insulated from the public’s right to know, especially with regard to complaints of human rights violation or corruption. It proposed the appointment of independent information commissioners to monitor the act & also harsher laws for non-compliant officials-fines & penalties that go up to a five – year imprisonment. In all, the proposals sought to substantially increase citizen empowerment.  

The local RTI acts have been effective in some states like the Rajasthan RTI legislation helped the villages in monitoring development relief programmes and the Mazdoor Kisan Shakti Sangathana (MKSS) being an important group functioning there. In Delhi, in a Parivartan-led campaign, the Act has helped expose corruption in the PDS. Also the National Campaign for Peoples Right to Information (NCPRI) is another important group. However the Bill keeps private enterprise and market out of its purview. This act needs to be made more comprehensible. Amulya Gopalakrishnan states ‘by enacting a comprehensive Right to Information law, the government should seek to throw open it doors and invite people into the process of governance and it should actively intervene to educate people about their right to access information and the scope and method of exercising this right, while simultaneously trying to promote a culture of openness within official structures.’  

Besides restrictions being imposed on information on security, foreign policy, law enforcement being there (which are standard although critics want it to be case specific), the new bill has no penalty clause and thus there is no compelling reason for the official concerned to give answers. As an act, it is still liable to convenient legal and administrative interpretations and to easy amendments by the political executive. Further the deprived masses – the real information stakeholders would be so engrossed in their basic fight for survival that it would be impossible to fathom the

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71 Ibid., p.5549.
73 Ibid.
sea of administrative and legal battles to secure necessary information. Also appointment of information commissioners is vulnerable to political considerations playing a role.

However the new law is a beginning in the right direction. Civil society has to gear up in real earnest to make the act work. The Right to information must be made a fundamental right in the constitution beyond the pale of convenient legal and executive interpretations. It is imperative that an accountability mandate and charter of functions for the information commissioners is chalked out & a transparent method of identification and selection of information commissioners is devised. Moreover frequent audits and vigilance will ensure that the citizen’s right is not lost in the labyrinth of paperwork. 74 Meanwhile the Indian Government decided to strike at the root of RTI Act by barring the disclosure of ‘file noting’. The paper trail vital to establish a chain of transparency and accountability was to be invisible. 75 The UPA government, however, in August 2006 announced that it would defer amending the Right to Information Act.

The Right to Food campaign along with the right to information can go a long way in empowering the common man with regard to his rights and help him in demanding for something which is his due as a basic right of a human being whether it be the Right to Food or the Right to Information ( as a citizen ) from the public authorities.

- Food Policy

Food is a nutritional, economic and political commodity and since it is so essential for human survival, it is also a means of power. Those who have command over food, exercise power and influence political relations. Food is a powerful resource that can be used to influence, manipulate or enforce ones will on others.

Those whose access to food is insufficient and/or insecure are vulnerable and easy objects of control and domination exercised by others who control food. For those less fortunate, food is not a resource in political struggle but an end in itself. Jos Mooij says 'this characterizes the fundamental inequality: the means of some are the ends of others. Food distribution affects the distribution of calories, of economic benefits and of power.'

Accordingly when a government formulates and implements food policies it has or may have an official or hidden agenda in these three areas: to increase consumption and eliminate malnutrition, to affect prices, incomes and the market structure and to support particular categories of people or political projects. Food policy in India is strategically employed by the Central and State governments to support particular political and economic projects. Over the years, the projects have changed but the general point food policy as a tool in politics – has remained valid. Jos Mooij comments that Food policies are shaped in and through political processes. There are many stakeholders who indulge in political activities with the objective of influencing the food policies (on paper) as well as the real practices of food distribution. On the other hand, once food policy exists, it may affect political relations and balances of power. This may be intended (food policies can be used to support particular groups or political projects) but it may also be that shifts in power relations are unintended and perhaps not even wanted by those initiating the policies.

The Indian State is a central agent which formulates and pursues food policies and puts them into practice based on the available resources and the response of those affected. In addition state institutions and regulations provide the political environment in which struggles over food and food policy are contested. Mooij comments that 'the form of the state itself influences political mobilization, political capacities and demands of various sectors in society.' Food distribution policy, one

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77 Ibid., p. 39.
78 Ibid., p. 40.
can say is not only a part of the overall wider developmental plan but it also has its own objectives of improving the food security both at macro and micro levels.

One should have a food policy that is able to increase the food security so that the have-nots are not dependent on the haves. It should provide for an additional food entitlement relation for the underclasses but the strengthening and stabilizing the existing food entitlement is also very necessary (through low prices and price stabilization). Also food policy should have social and political support. It should have a popular appeal and satisfy various social interests. It is therefore important to make a food policy, which is not only increasing food security but also which is socially popular. Thus the real challenge is to make a food policy which is effective and politically viable.79

Over the last five decades, policies and programmes have been created in order to ensure that the food grains are available to all sections of the society particularly the weaker sections. The policies have ranged from trying to promote domestic foodgrain production to procurement and storage, MSP, proper distribution of the foodgrains through the PDS etc. Various central sector and centrally sponsored schemes have been implemented by the Government of India and state – governments for development of agriculture and allied activities. The Department of Agriculture and Cooperation is responsible for the formulation and implementation of national policies and programmes. The various standing committees are functioning – each looking after a particular aspect/issue of agriculture.

The government announces each season MSPs for major agricultural commodities and these are decided according to recommendations of the Commission for Agricultural Costs and Prices. It also provides input subsidies to the farmers for encouraging proper agricultural production. The FCI (Food Corporation of India) procures foodgrains for buffer stock and PDS and it provides price support to producers. The second objective is to distribute the food grains at subsidized prices to

79 Ibid., p. 251.
the poor. The FCI and the state governments run the PDS. FCI procures foodgrain from the farmers for the central pool which is then sold to the state governments. The Central government determines the inter-state allocation of foodgrain, its decision being affected by several factors - the foodgrain production by the states, the demand from the state government, record of past allocation from the PDS and the financial capacity of the state. The Central and the state agricultural department need to work in coordination and they must be integrated and made responsible for the total agricultural development.

Upto mid 1991 national policy was mainly concerned with achieving higher levels of food consumption levels for the poorer segment of the domestic population and exports of agricultural products could only be undertaken only after specific clearances. India was following 'food first' policies. The Indian producers were not making any profits from the upswing in the world commodity prices of the 1970s (food first policies and limited external trade in farm products) but they were not subjected either to the decline in primary product prices which was disastrous or to the international terms of trade which the developing countries with an export orientation had been facing all through 1980s and which continued into the 1990s. Utsa Patnaik comments that in India, the period up to 1991 represented a food first set of policies leading to a rise in per capita food availability for the population and that despite numerous drawbacks, the PDS did provide even if not to an adequate extent, access to basic food for important segments of the population in poverty. This food security has been undermined with the 'exports first' policy regime introduced from mid-1991, which has led to the predictable decline in per capita food production.80

The concept of food security has undergone a change in recent years. Earlier the main emphasis was on self sufficiency but now it has shifted to what Biplab Dasgupta describes as food security by way of trade. However the global trade is not so integrated that one can buy whatever one wants as very few countries have a surplus in food production and this surplus is also not available without political

costs. Over the past 58 years since India became independent, the face of food assistance has changed considerably. National assistance policies in the 1960s tended to focus on agricultural production. Food assistance then was mainly absorbed with food availability. Over the years national food assistance has been driven more by poverty & hunger elimination & currently by the prevention of malnutrition. Stated simply, the assistance strategy overall has moved from ‘Food for the Nation’ to ‘Food for the People’ & most recently to ‘Food Security for the vulnerable’. Food Security as a separate, designated & dedicated sector is non-existent in India. Rather than as a defined explicit policy, food security is pursued under the rubric of agriculture, social welfare, poverty alleviation, employment generation & health & education programmes.

Today the issue facing India is not just of food availability, but of food and nutritional security which can be achieved by giving attention to all the three parameters of food availability, food accessibility and food absorption. Also the sustainability of food security is equally important and it has two components/aspects: present security and future sustainability. The Food Insecurity Atlas of Rural India points out that Food availability, food access & food absorption are not separate phenomenon – they overlap. Food production is linked to livelihood access, food access & food consumption. Livelihood access in turn influences the demand for food & better prices & incentives for production. Better livelihood access also leads to better education, better living standards, better sanitation, better knowledge of nutrition, better absorption & better health. One would agree that growth in agricultural sectors is a backbone to ensuring a stable food secure situation in India. But from the mid 1990s there has been a radical change with the reforms initiated at the international level which has had an impact on the agricultural scenario. The developing countries seem to be losing out to developed countries as most of the reform initiatives happen to be in favour of the latter.

82 Tackling Hunger. op.cit., p.5.
The most important Global institution from the point of view of promoting a liberal trade system has been the General Agreement on Tariffs and Trade (GATT) until 1994 and thereafter the WTO. India became an initial member of the WTO, just as it was an original signatory of the general agreement. The World Trade and Development Report comments that the main purpose and objective of the multilateral trade negotiations is to liberalize trade so that efficiency gains become available to the world economy at large. However it has been recognized that there are unequal players and the developing countries are restricted in their financial and physical capacities to undertake equal commitments.84

1.3 Marrakesh (Agreement on Agriculture -1994) to Hongkong (Ministerial Meeting - 2005)

One of the major agreements that was concluded in the Uruguay Round of negotiations signed in Marrakesh in April 1994 was the Agreement on Agriculture (AOA). The AOA has three basic clauses: market access (tariffication), domestic support & export competition.

**Tarrification or Market Access** – With regard to tariffication the AOA entails conversion of all non-tariff barriers (NTBs) into equivalent tariff barriers which was referred to as tariffication. Consequent to tariffication was envisaged a reduction in the base tariff under a time bound programme – by 24% over 10 years in the case of developing countries & by 36% over six years for developed countries. The least developed countries were exempt from these reductions. In addition to this, there was also a call to maintain current access opportunities & to establish a minimum access tariff quota, where there was no binding of tariffs. The minimum access tariff quota was to be established at reduced tariff rates for those basic products where minimum access was less than 3% of domestic consumption in the base period 1986-88. Minimum access was to be gradually increased to 5% of base period

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consumption. Tariff quotas at reasonable levels were to facilitate access, these tariff quotas would be established on a tariff line by line basis.\textsuperscript{85}

The World Trade and Development Report states that the existence of high average tariffs, tariff peaks & tariff escalation continue to distort world trade in agriculture. The tariff peaks are the duty rates which exceed the limit of 15%. The Uruguay Round of multilateral trade negotiations led to increased tariff dispersion with tariffication of non-tariff barriers on agricultural products. Some agricultural commodities attract extremely high tariff rates especially in QUAD countries eg. It is 340% on butter in Canada, 170% on sugar in Japan. Quantitative studies suggest that a 50% reduction on tariffs in agriculture would increase world welfare by US $ 20 billion. Another recent study by International Food Policy Research Institute (IFPRI) finds developing countries losing about US $ 24 billion annually in income due to agricultural protectionism in developed countries. Apart from this, the tariff structure of developed countries is subject to significant tariff escalation so that market access for processed products remains restricted.

The major areas involved in the negotiations on agriculture market access cover the modalities to be employed for reducing tariffs and other means to improve market access such as exploiting market access opportunities through tariff quota access commitments: rule related issues such as tariff quota administration and special safeguards, non-trade concerns and special and differential treatment related issues.\textsuperscript{86}

G.S Bhalla notes that as far as India is concerned, it does not have any market access commitments in agriculture. On agricultural tariffs, developing countries have the flexibility of indicating maximum ceiling bindings. India has indicated ceiling bindings of 100% on primary products, 150% on processed products and 300% on


\textsuperscript{86} World Trade and Development Report. op.cit., p.56.
edible oils. There are various proposals submitted to the Committee on Agriculture. The idea of special products (SP) which would be eligible for significantly lower reduction rates has also come up for discussion in these deliberations. Under this proposal developing countries can prepare a list of special products (SP), which are meant for ensuring food security, rural development and livelihood concerns. There are certain concessions proposed for the special products:

1. the tariff reduction commitments would be smaller than those of the non-SP products.
2. it may not be required to increase the volume of Tariff Rate Quota for the SP products but similar privilege is not granted for non-SP products.

However, most developing countries find it difficult to use Special Safeguard Measures (SSM) provisions & very few of them actually use these provisions. There is a provision for SSM for the special products of developing countries but such measures can be invoked provided there is normal reduction in these products as stipulated in the text. There have been suggestions to improve Article 5 of the AOA, one of the suggestions is to amalgamate SP & SSM categories of goods so that trade protectionism does not come in the way while protecting interests of developing & least developed countries.

- Domestic Support

The domestic support provided to developed country agriculture provided often creates imbalances in the world trade of agricultural commodities. One of the major emphasis of the AOA is on the reduction of trade distorting domestic support provision. OECD (Organisation for Economic Cooperation and Development) countries paid $360 billion while US alone paid $15 billion worth of emergency farm aid which depressed the global commodity prices. All domestic support measures

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89 Ibid... p.59.
except exempted measures provided in favour of agricultural producers are to be measured as the Total Aggregate Measurement of Support' (Total AMS), based on both product specific and non-product specific support. The maximum limit for the Total-AMS both for product and/or non product specific is fixed at 5% for developed and 10% of value of domestic agricultural output for developing countries. Domestic support exceeding the maximum limit in the base year is to be reduced by 13.3% (20% for developing countries) over the implementation period of 6 years for developed or 10 years for developing countries. India's Total -AMS in the relevant base period of 1986-88 is negative (without taking into account the exemptions available on input subsidies to low income and resource -poor farmers) and there are no reduction commitments.90

There are two main categories of domestic support often provided by developed countries viz. the non-trade distorting subsidies placed under the Green box and those trade distorting subsidies placed under the Amber Box. Certain direct payments under production limiting programmes are classified under the Blue Box.

Green Box-

The Doha Development Agenda (DDA) called for substantial reduction of production and trade distorting domestic support which by definition would exclude several of the green box payments. In the US $ 6 billion were paid to the farmers in 1998 and $ 9 billion were paid in 1999 under the green box. In additional the Agricultural Risk Protection Act, 2000 provided an assistance to US agriculture worth $5.5 billion in 2000 and $1.6 billion in 2001. The emphasis has been on strict discipline in managing the green box- in the deliberations at the committee on Agriculture. In this context, various measures such as the cap on green box payments and even elimination of certain forms of direct payments to producers were discussed.91

90 Bhalla, _art.cit._p.13.
With regard to such support mostly in terms of decoupled and at most minimally trade-distorting payments, the European Union, Japan, Korea, Norway, Switzerland and Mauritius- known as the ‘Friends of Multifunctionality’- and transition economies have called for more flexibility to pursue non-trade issues such as the environment, rural development, food security and animal welfare. A number of developing countries have also asked for more flexibility to address development concerns including food security and rural development. The Cairns group and some others however remain concerned that many of the proposals advocating greater leeway would add new trade-distorting subsidies to the green box. Instead the Cairns group and some developing countries such as India have demanded overall caps on green box spending (e.g. 5% of annual agricultural production), limits on specific types of programmes or removing some income support programmes from the box.

Amber Box-

The Doha mandate envisages a ‘substantial reduction’ in Amber Box support. Following this the European Union proposed to cut the support by 55% with regard to Amber Box, the Harbinson Text proposed reduction of support by 60% (40% for the developing countries) and to cap product specific Amber Box support not exceeding the respective average levels of such support provided during the period 1999-2001. The de-minimis level of 5% for developed countries is proposed to be reduced by 0.5% point annually over a period of 5 years. On the other hand for developing countries the de-minimis level of 10% shall be maintained.

Regarding such trade-distorting domestic support, the Cairns group, the US, China India and some others advocate its eventual elimination for developed countries that exceed their de-minimis levels of support of 5% of agricultural production. Proposals have ranged from elimination of domestic support by developed countries in 3 years (China) to 5 years (Cairns groups and Turkey). The US has advocated a reduction to 5% of production in 5 years plus negotiations on a date for its elimination. The Cairns group (except Canada) has also proposed that developed countries make an initial reduction of their existing domestic support by half.
contrast, advocates of multifunctionality maintain that the Doha mandate is not binding. Thus, there is lack of consensus on the extent of cut in Amber Box support.\(^92\)

**Blue Box**-

According to the Harbinson proposal, Blue box payments shall be capped at the most recent notified level and bound at that level in member's schedules. These payments are proposed to be reduced by 50% spread over a period of 5 years. The developed countries have been trying to adjust their subsidies in these boxes where reduction commitments least affect the sustenance of protectionist agriculture policies. Thus the subsidy at best has been changing colours without contributing much towards the intended gains from agricultural trade liberalization. Since blue and green box subsidies are allowed without restrictions, both the US and European Union have shifted their subsidies from the Amber to the other two boxes.

The US, the Cairns group and other developing countries want to move partly decoupled payments from the Blue Box into the Amber Box, which is subject to reduction commitments. They contend that such measures are still trade-distorting and that the Blue Box exempting them from WTO disciplines has outlived its usefulness. The European Union, Japan and Switzerland see the Blue Box as a staging post in the move away from trade-distorting subsidies and argue that it is necessary to allow reform to take place in their countries. Taking all these into consideration, it is alternatively proposed that in addition to reduction commitments for Amber box, the Green and Blue Box subsidies of developed countries have to be subject to steep reduction commitments aiming at a complete reduction over of period of 5 years.\(^93\)

Multifunctionality implies some degree of domestic support under the Blue and Green boxes with the latter including measures to support multifunctional agriculture. The Multifunctionality approach has been articulated by some developing countries so as to cover their developmental and food security needs. At the time of the launching of the Doha Development Round some of the countries suggested a Development Box (DB) while India and others in their respective submission proposed a Food Security


Box (FSB). The Food Security Box comprises measures for agricultural development, poverty alleviation & support for small farmers in developing countries. The Food Security Box (FSB) also takes into account prevailing malnutrition & concerns about nutritional security.  

India has observed that developing countries should be allowed to maintain tariffs commensurate with their development & trade needs. Food security & livelihood concerns should not be equated with non-trade concerns titled ‘multifunctionality of agriculture’ by developing countries with a view to provide legitimacy to their trade distorting practices. R. Thamarajakshi states that ‘the situation in developing countries with the bulk of the population in agriculture having low incomes requires not a purely market-oriented approach but a market-plus approach to take care of employment generation & food security for the poor. India had in fact called for a ‘Food Security Box’ & a ‘Development Box’ to be placed alongside the Green Box’.  

- Export Subsidies

G.S Bhalla notes that members are committed to reduce their base year (1986-90) export subsidies by 36% (24 % for developing countries) and the volume of exports benefiting from subsidies by 21% (14% for developing countries) over the implementation period of 6 years for developed and 10 years for developing countries. The World Trade and Development Report states that developing countries will have to reduce their subsidies by two thirds of the levels stipulated for developed countries. As in the case of domestic support, least developed countries will not have to undertake any commitment to reduce export subsidies. The measurement of the reductions of the subsidies is to be carried out on a commodity by commodity basis, with each member country notifying to the WTO through the schedules. But there is one important provision that member countries not using any

94 Ibid., pp.63-64.
subsidies in the base period are prohibited from using export subsidies under the new
dispensation.\textsuperscript{97}

The basic thrust of the export subsidies issue under AOA is to remove the
distortions in trade of agricultural products owing to the huge export subsidies given
by countries to their farmers and their exports. The various components of export
subsidy include direct export payments by government to farms, industries or
producers of agricultural products contingent on export performance, sales or gifts of
government stocks at prices lower than the acquisition prices, export payments
financed through government action including payments financed by levies on
producers, subsidies to reduce export marketing costs including handling and export
specific transportation and subsidies on goods incorporated into export products.

There are some 25 WTO members who are committed to reduce their export
subsidies. The EU out of the 25 WTO member countries by far has the highest user of
Export subsidies. They cover products like cheese, milk products bovine meat, olive
oil, poultry and fresh fruits and vegetables.\textsuperscript{98} The agricultural subsidies by OECD
countries have increased from $ 235 billion a year on average during 1986-88 to $ 266 billion during 1997-99 ie. roughly equivalent to 60\% of total world trade in
agriculture and twice the value of agricultural exports from developing countries. In
addition the industrialized countries have increasingly used provisions of anti­
dumping & other restrictive measures to deny the benefits of trade liberalization in
agriculture to their trade partners especially in the developing world.\textsuperscript{99} Thamarajakshi
argues that although the decline in support indicators in 2000 reportedly suggests a
movement towards greater market orientation, the gap between countries with the
highest & lowest level of support is widening. Moreover growth of agricultural
exports from developing Asia in the post Uruguay period ie. 1994-98 declined steeply
to 0.5\% from 8.2\% in 1990-94, at the same time Asia's merchandise import growth in

\textsuperscript{97} World Trade and Development Report, \textit{op.cit.}, p.62.
\textsuperscript{98} Ibid.
\textsuperscript{99} Ibid., pp.55-56.
2000 was the strongest of all the regions (23.55) & exceeded its export growth for the second year in a row in this period.\textsuperscript{100}

Devender Sharma notes that ‘many developing country governments have not yet realized that maintaining the status quo on domestic support through ‘green-box subsidies’ will be catastrophic for millions of farmers, in their own countries.’\textsuperscript{101} The green box covered subsidies are expected to be non trade distorting and they can be publicly funded but most not involve price support. In simple words, it includes direct income support for European and US farmers, which is formally decoupled from production level and prices. Also under ‘Green box’ subsides can be given in the name of environment protection and preservation and for agricultural research and development. In reality these subsidies are termed ‘non-trade distorting’ because of the ability of only the rich countries to provide for such support. Developing countries are left seeking an overall cap on all support programmes, so that industrialised countries do not agree to cut some subsidies and then shift them to the 'green box'.\textsuperscript{102}

Developing countries need to worry about green box subsidies because they actually operate like an ‘income insurance’ scheme for farmers in industrialized countries. These industrialized countries remain protected from the volatility of the global markets whereas developing countries have to face it. The market argument is given only to force the developing countries to open up their markets for the products of the industrialized countries which are heavily subsidised. Sharma argues that ‘domestic support in developed countries is leading to the newly emerging phenomenon of agriculture displacements in developing countries. In the years to come, developing countries will witness an upsurge in the displacement of farming populations from their only economic possession – meagre landholdings.’\textsuperscript{103}

Through the Green Box, the US by 2000 itself was able to double its 1995 level of national government support to agriculture. After signing of AoA, the subsidy

\textsuperscript{100} Thamarajakshi, R., \textit{arr.cit.}, p.24.
\textsuperscript{102} \textit{Ibid.}
level by OECD countries rose from $182 billion in 1995 to $280 billion in 97, $360 billion in 1998 and $ 223 billion in 2000. Besides these boxes, the North Bloc manipulates tariff equivalent at the base period. This is done by setting high tariff equivalent at the base year from which tariff would be reduced. For sensitive products, the tariffs range from 250% to 390%. With European Union setting tariff equivalent at 66% and the US at 75% above actual tariff equivalent for the base period of 1989-93. These kinds of policies and unfair practices are not only regressive but also damage agricultural economies of developing nations.104

G. John comments that ‘India along with other like minded Third World Nations should assert their sovereign right to protect farming and the rural community who depend on agriculture for their very survival.’ 105 There is a need on the part of the government to actively participate in the WTO rounds and chalk out policies to protect its own national interests specially in the aspects of market access, domestic support and export subsidies. S. Kanthimathinathan points out that ‘the new trading system of WTO seems to give unduly greater emphasis to private sector and competition and fails to recognize the strategic role which the state has to play in promoting the right kind of development with emphasis on equity and social infrastructure.’ 106

The severe adverse impact of the developed countries’ policies and measures on the agriculture of the developing countries has been widely studied and recorded. In particular, organizations like FAO, OXFAM, Action Aid, IFPRI (International Food Policy Research Institute) etc have brought out reports giving specific examples of the damage to the developing countries. The Rapporteur of the sub-Commission on the Right to Food of the UN Human Rights Commission has brought out a report in March 2004 which states that the subsidies in the developed countries have displaced

105 Ibid., p. 39.
farming in the developing countries causing a loss to them of about US$24 billion a year in agriculture and agro industrial income.107

Besides the three main discriminatory clauses of the AoA (Market access, export subsidies and Domestic Support), the AOA does not seem to be looking at price support as a desirable economic instrument and looks more favourably at income support. A. Damodaran states that 'the implicit guiding principle of the AOA is that stabilization of income and stabilization of prices are to be delinked & the principle of income diversification be brought to the centre stage.'108 However the farming community needs to be continuously protected from the fall in agri-commodity prices as there is lack of serious options for income diversification and also the infrastructure for it is lacking. In these conditions the AoA discipline on Market Access and Domestic Support can be very disturbing for Indian agriculture. Also the AOA does not specify a definition of the concept of ‘resource-poor’ farmer or the term ‘regionally disadvantaged’. Moreover as Damodaran states the AOA seeks to separate regional assistance programmes from resource poverty eradication & environment improvement programmes. These inadequacies do not in the long run augur well for the agrarian economies of developing countries which are agro-ecosystemic in nature & where the issues of regional backwardness, resource poverty, & environmental deterioration are different and strongly interlinked. The AoA’s view on livestocks also creates a problem as the AoA views livestock as a production asset or a factor of production rather than as a livelihood security item. An agro-ecosystemic perspective of agriculture, particularly as practised in developing countries cannot just conceive of livestock as a factor of production. It has to consider livestock as a 'subsistence asset' as well to be utilised by poorer sections of the farming communities as a livelihood insurance mechanism during droughts & floods.109

The Agreement on Agriculture has been criticized by Vandana Shiva too who says that

109 Ibid., pp.3637-3638.
- Core issues of Agriculture and Food Security at National level have been reduced to non-issues.

- Countries are pursuing different objectives and serving different interests – thus there is a divided agenda. Large exporting countries want Market access for their exports. For the South socio-economic sustainability has higher priority and for Europe environmental sustainability is important.

She further points out that WTO as a system excludes and margins the concerns of developing countries and functions undemocratically.¹¹⁰

This was very much evident in the Cancun ministerial conference held in 2003 (earlier conferences being held in Singapore [1996], Geneva [1998], Seattle [1999] and Doha [2001]). In the Fifth Ministerial meeting of the WTO (held in September 2003 in Cancun) agriculture was the toughest issue dividing the negotiators. America and EU drew up a framework for freeing farm trade. Though it involved some reform, the plan was much less ambitious than Doha had implied. Export subsidies, for example, were not eliminated after all. Angered by this lack of ambition, a new block of developing countries emerged just before the Cancun meeting the G-20. Led by Brazil, China and India this G-20 represented half the world's population and two-thirds of its farmers.¹¹¹

Although it spanned diverse interests, India for instance was terrified of lowering tariffs on farm goods, while Brazil wanted free trade as fast as possible, the G-20 stood together and hammered one message – rich countries should make bigger efforts to cut subsidies and free farm trade. Another alliance of poor countries, most of them from Africa were also worried about agriculture but for different reasons. They feared that freeing farm trade would mean losing their special preference (Europe's former colonies for instance get special access to the EU's markets for their bananas). They were even more worried about cutting tariffs than India fearing that imports would ruin their small farmers. And many, particularly a small group of countries in West Africa worried most of all about cotton (West African Cotton Farmers are being crushed by rich country subsidies particularly the $ 3 billion-plus a

year that America lavishes on its 25,000 cotton farmers). The West African four wanted a speedy end to these subsidies and compensation for the damage that they had caused. The Developing countries were disappointed with the draft text as it did not reflect their position on agriculture and it enjoyed little political support from them. Many would like to think that Cancun marks a historic moment when the developing world led by Brazil, China, India, Malaysia and South-Africa found a voice matching its population at the world trade forum. There were many who supported the formation of the G-20.

Abhijit Sen states that the positive outcome of Cancun was that it led to the formation of the G-20. C.P. Chandrasekhar feels that India should continue to be part of the G-20 although he feels that America would try to create divisiveness amongst the group. If alliances manage to stick together, they could counterbalance the economic and political clout of the US and the EU at the WTO. Kavaljit Singh says that if South-South solidarity remains intact in the coming years, it could not only steer fundamental changes in the global trade rules but also contribute in changing existing unequal power relations in other international economic arenas. It could fundamentally restructure the present day global governance regime where a handful of developed countries dictate the terms of trade, aid and finance regime to serve their narrow economic and geo-political interests. Utsa Patnaik argues that there is a wave of critique of globalization. The world is changing and there is an alternative form of thinking that is emerging. In Europe (France, Germany) the social democrats are part of the growing awareness. The African countries are specifically aware of the problems as for them the process started way back in 1970s. She feels that with the Left political parties the awareness is growing also in India.

However as C. Satyapathy says 'the question whether Cancun was necessary deserves serious attention and consideration in the context of what should be the

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112 Ibid.
113 As per interview with Professor Abhijit Sen, Member, Planning Commission, New Delhi, July 13, 2005.
114 As per interview with Professor C.P. Chandrasekhar, Centre for Economic Studies and Planning, JNU, New Delhi, May 2005.
116 Refer fn no.67.
future format of negotiations for achieving greater trade liberalization and taking the multilateral trading system forward.\textsuperscript{117} According to the World Bank, a successful Doha round could raise global income by more than $500 billion a year by 2015. Over 60\% of that gain would go to poor countries, helping to pull 144 million people out of poverty. From a global economic perspective, a tangle of such deals is far inferior to freer multilateral trade. For the poorest countries in particular, the chances of getting from a bilateral deal with America what they failed to get from the Doha round are nil.\textsuperscript{118} America has signed bilateral deals with Chile and Singapore, has begun bilateral talks with 14 other countries and promises many more. This way lies a fracturing of the global trading system. The humbling of the WTO not only worsen economic prospects for the developing countries (as well as for the rest of the world) but also shifts the balance of global political power from poor to rich – perhaps decisively and who knows for how many years.\textsuperscript{119}

At the conclusion of the fifth Ministerial Meeting held in Geneva an announcement was made on August 1, 2004 about agreement on a framework on trade negotiations on agriculture and other issues. Regarding Blue box subsidies, paragraph 13 of the agreement began with legitimizing the Blue Box subsidies by saying ‘members recognize the role of the blue box in promoting agricultural reforms’. Further any review will be in this light. Paragraphs 15 of the agreement said that “Blue Box support will not exceed 5\% of a member’s average total value of agricultural production during a historical period. The historical period will be established in the negotiations. Moreover the base for capping Blue Box subsidies would be taken as the highest point. For reduction in domestic support, reductions were to be made with a harmonizing effect i.e. ‘members having higher total AMS would make greater reductions’. This provision would easily be circumvented by hiking the Blue Box subsidies and making cuts to the level envisaged from that higher point. But the countries not availing of Blue Box subsidies would have to make reductions from AMS plus deminimis support. On the market access, the framework

\textsuperscript{119} “Cancun’s charming outcome” (2003), The Economist, September 20-26, pp.11-12.
envisaged 'a single approach for developed and developing country members…' It further envisaged 'substantial overall tariff reductions' will be achieved as a final result from negotiations. Each member (other than LDCs i.e. Least Developed Countries) would make a contribution. Much was made of Special and Differential Treatment to developing countries but this entailed only in case of export subsidies and that too for 'longer implementation period'.

Faizel Ismail comments that although the agriculture text was often vague it did provide hope that the Doha promise (fair trade and development in agriculture) could still be fulfilled. Also the developing countries succeeded in ensuring that the principle of proportionality was applied to their commitments, in line with the principle of S&D. Importantly, a number of provisions of the agriculture text went beyond traditional S&D provisions, the market access section for instance agreed to allow developing country members to designate an 'appropriate number' of products as special products, based on the criteria of food security, livelihood security & rural development needs. The role of the private sector and the civil society organizations was to be crucial. They could be instrumental in both developed and developing countries in bringing the voices of those who wanted a more fairer and a more balanced multilateral trading system into the forefront and bringing about a successful outcome of the Doha round.

The Commerce Ministry & the Agriculture Ministry differed on India's negotiations at the 2004 WTO meet. The agreement said the developed countries had agreed to eliminate all forms of export subsidies by an 'end date' which was not defined. The Agriculture Ministry's contention was that in the absence of any 'finality' the developed countries commitments were meaningless. The flexibility given to India to continue with its export subsidies for a longer period was to be of no use because Indian exports & export subsidies are negligible. India agreed to cut its import tariffs. Agriculture's Ministry's worry was that, without spelling out the

120 "Once More Surrender, Once More Betrayal", http://geocities.com/cpimind/2k4sept.htm#a5
‘minimum cuts’, the agreement could be used to make India field more. India thus agreed to open its border for US agricultural products, while the US did not say when its export subsidies will be taken out. India even agreed to US demands to shift some of its trade-distorting subsidies to the Blue Box route. The Blue Box subsidies give US farmers incentives to keep their production within limits. While closing subsidies through one route, the US got approval to continue them through another route. Kamal Nath the Commerce Minister said India was eligible to designate an appropriate no of products as special products based on the country’s food & livelihood security. India could use the concession to put restrictions on the entry of such products.122 Abhijit Sen stated that the draft had no deadlines, no numbers and it would have to be negotiated.123

On the other hand, India at present has just free trade agreements (FTAs) with Sri Lanka & Thailand but is negotiating free trade agreements with Asean, the Latin American trade block and with South Africa and Brazil. In June 2005 Commerce Minister Kamal Nath made a presentation on current status and future roadmap for a host of possible FTAs and RTAs ( Regional Trade agreements) to the Trade & Economic Relations Committee (TERC) headed by the Prime Minister. The presentation said that RTAs & FTAs would increasingly govern world trade in the future, regardless of the progress in the multilateral trade opening up being sought to be achieved under WTO. As much as 60% of world trade could be conducted through RTAs & FTAs, which would be the building blocks. The committee decided to set guidelines for future trade & economic cooperation negotiations.124 The FTA is being argued as an expression of the confidence of the soundness of India’s economy, trade policies & the maturity of its domestic industry. Finally such agreements would also help India to build up a larger coalition of countries to crack the position of developed countries on agricultural issues in the WTO.125 However rising imports under Indo-Sri Lanka Free Trade Agreement has adversely affected farmers in states like Kerela,
especially small growers. India has also agreed to gradually cut tariffs on 94.6% of ASEAN’s exports to India, compared to 69% previously, including four highly sensitive agricultural imports: refined palm oil, crude palm oil, black tea & pepper. India is to eliminate tariffs on 77% of products by 2011 & on 80% by 2015 & sharply cut tariffs for the remaining items between 2018 & 2022.126

The Sixth Ministerial Conference of the WTO, also known as MC6 was held in Hong Kong from December 13-18, 2005. The return of all 148 member states to the discussions was a positive sign and as C.R.L. Narasimhan states ‘all the 148 countries were willing to continue their negotiations despite their differences.127 The meet witnessed protests, demonstrations and marches by anti-globalisation activists on one hand and bonding of 110 developing nations on the other hand. Kamal Nath said that the ‘bonding within the new alliance was driven by the desire, not to perpetuate inequities in world trade’.128 After six days of intense deliberations, the second revised ministerial draft was accepted. Among other things, it decided on 2013 as the deadline for the elimination of all forms of export subsidies and ‘disciplines on all export measures with equivalent effect. This will be achieved in a progressive and parallel manner, to be specified in the modalities, so that a substantial part is realized by the end of the first half of the implementation period.’129 However, it stopped short of defining what substantial meant. It did however make it explicit that the cuts must come not only in direct subsidies to farm exports of the kind the European Union provides but also in other indirect subsidies to agricultural exports like export credit, state trading enterprises and food aid. The draft ministerial text also commits the developed world to making effective cuts in trade-distorting domestic support to agriculture and specifies three bands for cuts with the member with the highest level of such support - the European Union in the top band, the next two US and Japan to the second and the rest to the third bands. The higher bands will also have to cut their

126 'ASEAN agrees to resume free trade talks with India' (2006), The Hindu, Delhi, August 25.
129 Kumar, N Ravi (2005), “WTO meet finalises draft”. The Hindu, Delhi, December 19.
domestic subsidies by more, though exactly how much over what period has been left undefined.\textsuperscript{130}

The deal on agriculture allows developing countries to designate specific agricultural items as special products based on considerations of food security, livelihood security and rural development. They will be able to ensure that these products are not covered by the ceilings on tariff rates applicable to other farm imports. It also allows them a special safeguard mechanism, under which they can take measures to keep out imports of farm produce either because the quantity of such imports is too high or because they are priced too low.\textsuperscript{131} N. Ravi Kumar comments that the developing countries would be able to raise their import duties on agricultural products in the event of a surge in their imports or a fall in their prices.\textsuperscript{132} The Ministerial declaration also calls for a balance between the level of cuts in tariffs on farm output and industrial goods.\textsuperscript{133} In agriculture, Mr. Kamal Nath said not only had the deal ensured that there was no restraint on the government’s ability to provide domestic support for farmers, it also meant it could protect farmers from unfair competition from imports. Also the provision on special products and SSM would allow us, he said, to protect the Indian farmer against unfair competition and in the longer run, the elimination of subsidies to farm produce from the developed world would end the artificialities of world prices.\textsuperscript{134} The declaration envisages that the developed countries will eliminate their export subsidies by 2013 while reducing them substantially by 2010.\textsuperscript{135} The draft provided some relief to developing countries as it has prevented developed countries from shifting subsidies from one box to another. It also suggested eliminating cotton subsidies next year - a key demand of poor West African countries.\textsuperscript{136} The Declaration also includes the principle of ‘less

\begin{footnotesize}
\begin{enumerate}
\item\textsuperscript{130} Raghuraman, Shankar (2005), “Hard bargaining next year”, The Times of India, New Delhi, December 19.
\item\textsuperscript{131} Ibid.
\item\textsuperscript{132} Kumar, (December 19, 2005), art. cit.
\item\textsuperscript{133} Raghuraman, (December 19, 2005), art. cit.
\item\textsuperscript{134} Raghuraman, Shankar (2005), “Declaration reverses inequalities in global trade”, The Times of India, New Delhi, December 19.
\item\textsuperscript{135} Bhardwaj, P.K (2005), “India’s concerns fully addressed, says Kamal Nath”, The Hindu, Delhi, December 20.
\item\textsuperscript{136} “Some progress at WTO talks” (2005), The Hindu, Delhi, December 18.
\end{enumerate}
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than full reciprocity” as a provision, which will govern all market access commitments.\textsuperscript{137}

For the developing countries, the conference was a big shot in the arm as they were able to team up with the G-90, the G-33, the least developed countries (LDC), the ACP (Africa, Caribbean and the Pacific) and small economies to form a grand alliance that brought pressure on the developed nations.\textsuperscript{138} The G-20 group of developing countries, of which India is a key member described the draft as a ‘micro-step’ forward. The EU however said the draft declaration ‘lacked balance’ and was not up to its expectations.\textsuperscript{139} The conference also saw the least developed countries (LDCs) as the key element in the negotiating strategy of both the developed and developing countries at the WTO including with India, Kamal Nath adding that India was in favour of duty-free quota free access to developed markets for least developed countries (LDC) and that developing nations including India too were ready to play their part.\textsuperscript{140} However back home in India, the BJP and left parties got united to criticize the commerce minister’s contention that the Hong Kong declaration had addressed India’s concerns. Arun Jaitley commented that agreeing to the worst possible date for elimination of export subsidies i.e. 2013 can hardly be an achievement as life of Doha round is expected to last till about 2013 and that meant that the developed countries had already committed that the export subsidies would be phased out latest by around 2013. He further criticized the government for not securing anything on the front of huge domestic support provided by the developed countries to the farmers.\textsuperscript{141} The Communist Party of India (Marxist) also commented that the declaration reinforced unequal trade regime and more trade-distorting tactics were likely. Also the party felt that the special products and special safeguard mechanism would not help India as it had already agreed to further cuts in agriculture tariff.\textsuperscript{142} Shiromani Akali Dal Prakash Singh Badal further said that India should

\textsuperscript{137} Bhardwaj, (December 20, 2005), art.cit.
\textsuperscript{139} The Hindu, (December 18, 2005) art.cit.
\textsuperscript{140} Raghuraman, Shankar (2005), “Everybody says I love you to LDCs”, The Times of India, New Delhi, December 15.
\textsuperscript{141} “WTO deal addresses our concerns” (2005), The Times of India, New Delhi, December 22.
\textsuperscript{142} “No protection for our farmers. says CPI(M)” (2005), The Hindu, Delhi, December 20.
have pressed for an enhanced subsidy regime for the developing countries while advocating a cut for the developed nations to account for the vast disparities in ground realities. He also said that reciprocal guarantees from rich nations were absent.\footnote{143 “Explain WTO pact to farmers, Badal tells PM” (2005), \textit{The Hindu}, Delhi, December 23.} The Swadeshi Jagran Manch also strongly criticized Kamal Nath for breaking ranks with Ministers from the G-20 countries to abruptly accept a proposal allowing developed countries to end their export subsidies by 2013 instead of 2010 as demanded by the group of developing countries.\footnote{144 “Kamal Nath betrayed G-20 alliance: SJM” (2005), \textit{The Hindu}, Delhi, December 20.} Meanwhile debates within the country have been going on regarding the need to discuss the issues regarding WTO in Parliament with the main argument being that international agreements signed by the government should be ratified by Parliament. Also the government has been criticized for agreeing to WTO clauses without even discussing the implications of such international agreements even in agriculture which is a state subject.\footnote{145 “WTO: Left to demand Parliament discussion” (2005), \textit{The Hindu}, Delhi, December 4.}

C.P. Chandrasekhar meanwhile comments that the declaration is still a framework and leaves most of the modalities for determining the extent of trade liberalization by various members in the different areas largely unspecified. Moreover the framework extracts little by way of liberalization from the developed countries in agriculture, while paving the way for substantial liberalization of the markets for manufactures and services in developing countries. He argues that India along with other developing countries has committed to providing greater market access for agricultural commodities, in return for minor concessions from the European Union and the U.S.\footnote{146 Chandrasekhar, C.P (2005), “India at Hong Kong: More give than take”, \textit{The Hindu}, Delhi, December 24.}

On product-specific de-minimis and non-product specific deminimis, there is a zone of engagement for cuts between 50% and 80% for developed countries. As regards developing countries, there are still divergences to be bridged. In addition to the exemption specifically provided for in the Framework, there is a view that, for all developing countries, there should be no cut in deminimis at all. Alternatively at
least for those with no AMS, there should be no cut and, in any case, any cut for those with an AMS should be less than two third of the cut for developed countries.

Blue Box – There is important and significant convergence on moving beyond (i.e. further constraining) Blue Box programme payments envisaged in the July 2004 Framework. However, the technique for achieving this remains to be determined. One proposal is to shrink the current 5% ceiling to 2.5%. Another proposal rejects this in favour of additional criteria disciplining the so called ‘new’ Blue Box only. Others favour a combination of both including additional disciplines on the ‘old’ Blue Box.

Green Box - There is on the one side a firm rejection of anything that is seen as departing from the existing disciplines while there is, on the other, an enduring sense that more could be done to review the Green Box without undermining ongoing reform. Beyond that there is, however, some tangible openness to finding appropriate ways to ensure that the Green Box is more ‘development – friendly’ i.e. better tailored to meet the realities of developing country agriculture but in a way that respects the fundamental requirement of at most minimal trade distortion.\textsuperscript{147}

For sensitive products, there is no disagreement that there should be greater flexibility for developing countries, but the extent of this needs to be further defined. Regarding designation of special products, there has been a clear convergence between those members which consider that, prior to establishment of schedules, a list of non-exhaustive and illustrative criteria - based indicators should be established and those members which are looking for a list which would act as a filter or screen for the selection of such products. Latterly, it has been proposed (but not yet discussed with members as a whole) that a developing country member should have the night to designate at least 20% of its agricultural tariff lines as Special Products and be further entitled to designate an SP where, for that product, an AMS has been notified and exports have taken place. This issue needs to be resolved as part of modalities so that there is assurance of the basis upon which

members may designate special products. Some moves toward convergence on
treatment of Special Products have been made recently. Some members had
considered that special products should be fully exempt from any new market access
commitments whatsoever and have automatic access to the SSM (Special Safeguard
Mechanism). Others had argued there should be some degree of market opening for
these products, albeit reflecting more flexible treatment than for other products. In
the presence of this fundamental divergence, it had clearly been impossible to
undertake any definition of what such flexibility would be. Genuine convergence is
obviously urgently needed.

SSM-Special Safeguard Mechanism –There is agreement that there would be
a Special Safeguard Mechanism and that it should be tailored to the particular
circumstances and needs of developing countries. There is no material disagreement
with the view that it should have a quantity trigger. Nor is there disagreement with
the view that it should at least be capable of addressing effectively what might be
described as ‘import surges’. Divergence remains over whether, or if, so how,
situations that are lesser than ‘surge’ are to be dealt with. There is however
agreement that any remedy should be of a temporary nature. There remains strong
divergence however on whether, or if so, how, a special safeguard should be ‘price-
based’ to deal specifically with price effects.148

The trade negotiators, however, failed again to reach an agreement on the
modalities for cutting agricultural tariffs and domestic farm subsidies and the April
30th 2006 deadline set at the close of the Hong Kong Meet was missed.149 Moreover
the mini Ministerial meeting of the WTO took place from June 29 to July 2, 2006 in
Geneva. The talks collapsed again with the US and European Union facing off against
a united block of developing countries mainly on the issue of agricultural subsidies.150
While reiterating its commitment to the multilateral trading system, India has said it
will focus on bilateral agreements to ensure that its trade was not hit.

149 Narasimhan, C.R.L (2006). “Doha Round : Hopes even after missing a deadline?”. The Hindu,
Delhi, May 8.
150 “WTO talks collapsed” (2006), The Times of India, New Delhi, July 2.
For India and many other developing countries, success in agriculture negotiations in future holds the key to overall success of WTO negotiations, which in turn have major effect on food security and livelihood system of developing countries including that of India.