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NATIONAL AND INTERNATIONAL LEGAL ISSUES AROUND AGROECOLOGY AND SUSTAINABLE FOOD SYSTEMS

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ABSTRACT

Agroecology and sustainable food systems are gaining prominence in India and globally due to their potential to address challenges related to food security, climate change, and sustainable development. However, the implementation of agroecology and sustainable food systems requires overcoming various legal and policy challenges. This research article aims to explore Indian and international legal issues related to agroecology and sustainable food systems.

The article analyzes the Indian legal framework on agriculture, food safety, and environmental protection and evaluates its adequacy in promoting agroecology and sustainable food systems. The article also examines international legal instruments related to agroecology and sustainable food systems and their relevance to India. The research finds that the Indian legal framework on agriculture and food safety primarily focuses on promoting conventional agriculture and food production, which can be detrimental to the environment and public health. The article argues that India needs to reform its legal framework to encourage agroecology and sustainable food systems. The research highlights the importance of international legal instruments, such as the International Treaty on Plant Genetic Resources for Food and Agriculture and the Paris Agreement on Climate Change, in promoting agroecology and sustainable food systems. The article concludes with recommendations for India to

enhance its legal framework for promoting agroecology and sustainable food systems.

KEYWORDS: Agroecology, Sustainable food systems, India, Legal framework, national legal issues, international legal issues, intellectual property, food safety, traditional knowledge, La Via Campesina, Cuba, Food Safety, Environmental protection, International legal instruments, and Climate change.

INTRODUCTION

Agriculture is one of the largest contributors to greenhouse gas emissions and a significant driver of deforestation, soil degradation, and water depletion. At the same time, it is the source of livelihood for millions of farmers and critical for food security. The concept of agroecology offers an alternative approach to conventional agriculture by integrating ecological principles and social justice into farming practices. Agroecology promotes sustainable and resilient food systems, which can help mitigate climate change and address food insecurity. However, the implementation of agroecology requires overcoming various legal and policy challenges.

India is the world's second-largest agricultural producer and home to over 130 million small and marginal farmers. The country faces challenges related to climate change, food security, and environmental degradation. The Indian government has recognized the importance of sustainable agriculture and agroecology and launched various initiatives to promote these practices. However, the legal

framework on agriculture, food safety, and environmental protection needs to be reformed to support the transition to agroecology and sustainable food systems.

This research article aims to explore Indian and international legal issues related to agroecology and sustainable food systems. The article analyzes the Indian legal framework on agriculture, food safety, and environmental protection, and evaluates its adequacy in promoting agroecology and sustainable food systems. The article also examines international legal instruments related to agroecology and sustainable food systems and their relevance to India.

INDIAN LEGAL FRAMEWORK ON AGRICULTURE AND FOOD SAFETY:

India's legal framework on agriculture and food safety is primarily governed by the Constitution of India, the Agriculture Produce Market Committee (APMC) Act, of 2003, and the Food Safety and Standards Act, of 2006. The Constitution of India recognizes agriculture as a state subject, and the central government has limited powers to legislate on agriculture. The APMC Act regulates the marketing of agricultural produce and aims to protect farmers from exploitation by intermediaries. The Food Safety and Standards Act aims to regulate the manufacture, storage, distribution, sale, and import of food items to ensure food safety.

The Indian legal framework on agriculture and food safety primarily promotes conventional agriculture and food production. The APMC Act incentivizes farmers to sell their produce to intermediaries in the market yards, which often results in low prices for farmers and high profits for intermediaries. This system discourages farmers from adopting sustainable agriculture practices, such as agroecology, and undermines local food systems. The Food Safety and Standards Act focuses on food safety and does not adequately consider the environmental impact of food production. The legal framework does not provide adequate

incentives or support for agroecology and sustainable food systems, which are critical for addressing environmental and social challenges related to agriculture.

INTERNATIONAL LEGAL INSTRUMENTS ON AGROECOLOGY AND SUSTAINABLE FOOD SYSTEMS:

Several international legal instruments promote agroecology and sustainable food systems, which can guide India in reforming its legal framework. The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) is a legally binding international agreement that aims to conserve and sustainably use plant genetic resources for food and agriculture. The treaty recognizes the importance of traditional knowledge and supports farmers' rights to save, use, exchange, and sell farm-saved seeds. The ITPGRFA can promote agroecology by providing access to diverse plant genetic resources, which are critical for developing resilient and sustainable farming systems.

The Paris Agreement on Climate Change is another important international legal instrument that can promote agroecology and sustainable food systems. The agreement aims to limit global temperature rise to below 2°C above pre-industrial levels and pursue efforts to limit it to 1.5°C. Agriculture is a significant contributor to greenhouse gas emissions and a vulnerable sector to climate change impacts. The Paris Agreement recognizes the importance of sustainable agriculture and calls for the development and implementation of sustainable agriculture practices, including agroecology. The agreement can provide a framework for India to integrate sustainable agriculture practices into its climate change mitigation and adaptation strategies.

REFORMING INDIA'S LEGAL FRAMEWORK FOR AGROECOLOGY AND SUSTAINABLE FOOD SYSTEMS:

India needs to reform its legal framework to support agroecology and sustainable food

systems. The legal framework should provide incentives and support for farmers to adopt agroecology practices, including conservation agriculture, agroforestry, and crop diversification. The APMC Act should be reformed to promote direct marketing and farmer-producer organizations, which can strengthen local food systems and provide better prices for farmers. The Food Safety and Standards Act should be amended to consider the environmental impact of food production and promote sustainable food systems.

The Indian government should also ratify and implement international legal instruments, such as the ITPGRFA and the Paris Agreement, to promote agroecology and sustainable food systems. India can also collaborate with international organizations, such as the Food and Agriculture Organization of the United Nations, to develop and implement policies and programs to support agroecology and sustainable food systems.

NATIONAL LEGAL ISSUES

At the national level, agroecology faces a range of legal challenges related to land use, intellectual property, and food safety. For example, the traditional knowledge of indigenous communities is often essential to the development and application of agroecological practices, but their rights to land and resources are often not recognized by national laws. The legal framework for intellectual property can also hinder the sharing of knowledge and innovations necessary for agroecology, particularly when it comes to patents on seeds and other genetic resources. Finally, food safety regulations are often designed with the industrial food system in mind and may not adequately address the diverse and decentralized nature of agroecological food production.

One example of national legal issues around agroecology can be seen in Brazil, where a series of laws and regulations have been developed to promote agroecological

practices and address the environmental and social impacts of industrial agriculture. However, the implementation of these laws has been uneven and often undermined by powerful agribusiness interests. For example, the Brazilian Forest Code requires landowners to maintain a certain percentage of forest cover on their properties, but enforcement has been weak, leading to deforestation and soil erosion. Similarly, the Brazilian government has established a national program to support agroecological production, but funding has been insufficient to meet the needs of small-scale farmers and indigenous communities.

INTERNATIONAL LEGAL ISSUES

Agroecology also faces significant legal challenges at the international level, particularly in the context of trade and intellectual property. International agreements such as the World Trade Organization (WTO) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) can limit the ability of countries to promote agroecological practices and protect the rights of small-scale farmers. For example, the WTO's rules on subsidies may restrict the ability of governments to support agroecological production, while TRIPS can limit the sharing of traditional knowledge and innovations.

However, there are also international legal instruments that promote the transition to more sustainable food systems. The United Nations (UN) has developed several frameworks that recognize the importance of agroecology and sustainable food systems, including the Sustainable Development Goals (SDGs) and the Convention on Biological Diversity (CBD).

The SDGs provide a framework for addressing global challenges such as poverty, hunger, and climate change, while the CBD recognizes the importance of biodiversity and traditional knowledge in promoting sustainable agriculture. The International Treaty on Plant Genetic Resources for Food and Agriculture also provides a legal framework for the sharing of

genetic resources and the protection of farmers' rights.

INDIAN LAWS DEALING ABOVE ISSUE:

In India, several laws and policies deal with agroecology and sustainable food systems. The following are some of the key laws and policies related to this issue:

NATIONAL POLICY FOR FARMERS: The National Policy for Farmers is a comprehensive policy that aims to address the challenges faced by farmers in India. The policy recognizes the importance of sustainable agriculture practices and local food systems in promoting the well-being of farmers and the environment.

NATIONAL MISSION FOR SUSTAINABLE AGRICULTURE (NMSA): NMSA is a central government scheme that promotes sustainable agriculture practices such as crop diversification, organic farming, and integrated pest management. The scheme also provides financial assistance to farmers who adopt these practices. **Biological Diversity Act, 2002:** The Biological Diversity Act aims to conserve India's biological diversity and promote sustainable use of biological resources. The Act provides for the protection of traditional knowledge related to biological resources and the fair and equitable sharing of benefits arising from the use of such knowledge.

PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHTS ACT, 2001: The Act provides for the protection of plant varieties and recognizes the contributions of farmers in the development and conservation of plant genetic resources. The Act also provides for the recognition and protection of traditional knowledge related to plant varieties.

NATIONAL ORGANIC FARMING POLICY, 2015: The National Organic Farming Policy aims to promote organic farming practices in India. The policy recognizes the importance of organic farming in enhancing soil health, conserving water resources, and reducing the use of chemical inputs.

MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT (MGNREGA):

MGNREGA provides a legal guarantee of 100 days of wage employment per year to rural households in India. The Act also promotes sustainable land use practices and the development of natural resource management.

FOOD SAFETY AND STANDARDS ACT, 2006: The Food Safety and Standards Act aims to ensure food safety and regulate the production, distribution, and sale of food products in India. The Act also provides for the labeling of organic food products.

These laws and policies provide a framework for promoting agroecology and sustainable food systems in India. However, there is a need for effective implementation and enforcement of these laws and policies to ensure their success. In addition to the above-mentioned laws and policies, several state-level laws and programs in India also promote agroecology and sustainable food systems. For example, the state of Sikkim has achieved 100% organic farming through its state policy on organic farming. The state of Andhra Pradesh has also launched a program called 'Zero Budget Natural Farming' that promotes sustainable agriculture practices. Despite these initiatives, there are challenges in promoting agroecology and sustainable food systems in India. The lack of access to credit, markets, and infrastructure, as well as the dominance of chemical-intensive farming practices, pose significant challenges for small-scale farmers who practice sustainable agriculture. There is also a need for greater investment in research and development of sustainable agriculture practices and local food systems.

Moreover, several legal and policy gaps need to be addressed to support agroecology and sustainable food systems. For example, there is a need to reform intellectual property rights laws to ensure the protection of traditional knowledge related to seeds and agriculture. There is also a need to reform agricultural subsidy policies to promote

sustainable agriculture practices and support small-scale farmers. In conclusion, while there are several laws and policies in India that promote agroecology and sustainable food systems, there is a need for greater investment and policy reforms to ensure their success. The effective implementation and enforcement of these laws and policies are crucial in promoting sustainable agriculture practices and local food systems in India.

INTERNATIONAL LAWS DEALING WITH ISSUES

In addition to national laws and policies, several international laws and policies also deal with agroecology and sustainable food systems. The following are some of the key international laws and policies related to this issue:

UNITED NATIONS DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS:

The Declaration recognizes the contributions of small-scale farmers to food security and the environment. The Declaration also recognizes the right to food, the right to seeds, and the right to participate in decision-making related to agriculture.

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE:

The Treaty aims to ensure the conservation and sustainable use of plant genetic resources for food and agriculture. The Treaty also recognizes the contributions of small-scale farmers in the development and conservation of plant genetic resources.

CONVENTION ON BIOLOGICAL DIVERSITY:

The Convention aims to conserve biological diversity and promote sustainable use of biological resources. The Convention also recognizes the importance of traditional knowledge related to biological resources and the need for the fair and equitable sharing of benefits arising from the use of such knowledge.

PARIS AGREEMENT UNDER THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE:

The Paris Agreement aims to address climate change by reducing greenhouse gas

emissions and promoting sustainable development. Agriculture is recognized as an important sector for achieving the goals of the Paris Agreement.

SUSTAINABLE DEVELOPMENT GOALS (SDGs): The SDGs aim to achieve sustainable development by addressing social, economic, and environmental challenges. Goal 2 of the SDGs aims to end hunger, achieve food security, and promote sustainable agriculture.

These international laws and policies provide a framework for promoting agroecology and sustainable food systems at the global level. However, there is a need for greater cooperation and coordination among countries to ensure their effective implementation.

Moreover, there are also challenges in promoting agroecology and sustainable food systems at the international level. For example, there is a need to reform trade policies that promote the export of cheap food products from developed countries, which can undermine local food systems in developing countries. There is also a need to address the unequal distribution of resources and power in the global food system, which can limit the ability of small-scale farmers to practice sustainable agriculture.

In conclusion, while several international laws and policies promote agroecology and sustainable food systems, there is a need for greater cooperation and policy reforms to ensure their success. The effective implementation of these laws and policies at the global level can promote a more equitable, resilient, and sustainable food system for all.

CASE STUDIES: INDIAN AND INTERNATIONAL

CASE STUDY 1: AMUL DAIRY COOPERATIVE IN INDIA

Amul Dairy Cooperative is an Indian cooperative society based in Anand, Gujarat. The cooperative was founded in 1946 and has since become a leading milk producer in India. The cooperative's success is attributed to its

agroecology and sustainable food systems practices.

The cooperative promotes sustainable agriculture practices among its members, including crop diversification and integrated pest management. The cooperative also encourages the use of organic fertilizers and biopesticides, which reduce the use of chemical fertilizers and pesticides. Amul Dairy Cooperative has also implemented a decentralized milk collection system, which reduces transportation costs and promotes local food systems. The cooperative has established milk collection centers in villages, which allows farmers to sell their milk directly to the cooperative. The cooperative also provides technical assistance to farmers to improve milk quality and productivity.

The success of Amul Dairy Cooperative demonstrates that agroecology and sustainable food systems can provide economic, social, and environmental benefits. The cooperative's decentralized milk collection system strengthens local food systems and provides better prices for farmers. The cooperative's sustainable agriculture practices reduce input costs and promote ecological resilience.

CASE STUDY 2: LA VIA CAMPESINA INTERNATIONAL

La Via Campesina is an international movement that promotes agroecology and sustainable food systems. The movement represents more than 200 million farmers, peasants, indigenous people, and agricultural workers from around the world. La Via Campesina promotes sustainable agriculture practices, including crop diversification, agroforestry, and soil conservation. The movement also promotes local food systems and opposes the industrialization of agriculture. La Via Campesina advocates for policies that support agroecology and sustainable food systems, including land reform, farmer-led research, and the recognition of traditional knowledge. The

movement also opposes free trade agreements that harm small-scale farmers and promote corporate control over agriculture.

The success of La Via Campesina demonstrates the importance of international solidarity in promoting agroecology and sustainable food systems. The movement provides a platform for farmers and agricultural workers from around the world to share their experiences and struggles. The movement's advocacy efforts have led to policy changes that support agroecology and sustainable food systems in several countries.

CASE STUDY ANALYSIS:

The case studies of Amul Dairy Cooperative in India and La Via Campesina International demonstrate that agroecology and sustainable food systems can provide economic, social, and environmental benefits. These case studies also show that promoting agroecology and sustainable food systems requires systemic changes in agriculture and food systems policies and practices.

The Indian government can learn from the success of Amul Dairy Cooperative and promote decentralized food systems and sustainable agriculture practices among farmers. India can also collaborate with international movements, such as La Via Campesina, to advocate for policies that support agroecology and sustainable food systems at the national and international levels. The case studies of Amul Dairy Cooperative in India and La Via Campesina International provide examples of successful models that promote agroecology and sustainable food systems. These models demonstrate that it is possible to achieve economic, social, and environmental benefits through sustainable agriculture practices and local food systems. Countries can learn from these models and implement similar practices to promote sustainable food systems and support small-scale farmers.

RECOMMENDATIONS BASED ON INDIAN AND INTERNATIONAL LAWS AND CASE STUDIES

Based on Indian and international laws and case studies, the following recommendations can be made to promote agroecology and sustainable food systems: increase investment in research and development of sustainable agriculture practices and local food systems. This can help to improve the productivity and resilience of small-scale farmers and promote the adoption of sustainable agriculture practices. Reform agricultural subsidy policies to promote sustainable agriculture practices and support small-scale farmers. This can help to reduce the dominance of chemical-intensive farming practices and promote the adoption of sustainable agriculture practices.

Protect traditional knowledge related to seeds and agriculture through reforms to intellectual property rights laws. This can help ensure that small-scale farmers have access to diverse and locally adapted seeds. Promote the participation of small-scale farmers in decision-making related to agriculture through reforms to national and international policies. This can help to ensure that the voices of small-scale farmers are heard and that their needs and interests are taken into account in policy decisions. Promote the development of local food systems through policies that support small-scale farmers and local food markets. This can help reduce reliance on global food systems and promote food sovereignty.

Encourage the development of agroecological networks and knowledge-sharing platforms to promote the exchange of information and best practices related to sustainable agriculture and food systems. By implementing these recommendations, governments, civil society organizations, and other stakeholders can work together to promote agroecology and sustainable food systems at the local, national, and international levels. This can help to build more resilient and equitable food systems that support the well-being of people and the planet.

CONCLUSION:

Agroecology and sustainable food systems are critical for addressing challenges related to food security, climate change, and sustainable development. The legal framework on agriculture, food safety, and environmental protection in India needs to be reformed to support the transition to agroecology and sustainable food systems.

Agroecology and sustainable food systems have become increasingly important in the context of the current global food system challenges. The challenges of climate change, soil degradation, and loss of biodiversity have prompted the need for a more sustainable food production system that balances social, economic, and environmental aspects. India and other countries face significant legal challenges in promoting agroecology and sustainable food systems. One major challenge is the existing legal framework, which may not adequately support sustainable agricultural practices and local food systems. For example, intellectual property rights laws may restrict the use of traditional knowledge and seeds, which are important in sustainable agriculture.

There is a need for legal reforms and policy changes to support agroecology and sustainable food systems. Such reforms should promote the use of sustainable agriculture practices, support local food systems, and protect traditional knowledge and seeds. International cooperation and solidarity, as demonstrated by La Via Campesina, can also play a crucial role in promoting agroecology and sustainable food systems.

In conclusion, agroecology and sustainable food systems are essential in addressing the challenges faced by the current global food system. The adoption of sustainable agricultural practices and local food systems can lead to economic, social, and environmental benefits. However, to achieve this, legal reforms and policy changes are necessary to support sustainable agriculture

practices and local food systems. India and other countries can learn from successful models such as Amul Dairy Cooperative and La Via Campesina and implement similar practices to promote sustainable food systems and support small-scale farmers. Furthermore, there is a need for international cooperation and solidarity in promoting agroecology and sustainable food systems. This can be achieved through the exchange of knowledge, best practices, and the development of common policy frameworks. The international community can also advocate for policy changes that support sustainable agriculture practices and local food systems.

Overall, promoting agroecology and sustainable food systems requires a concerted effort from all stakeholders, including governments, farmers, civil society organizations, and international organizations. With the right policies and practices in place, sustainable agriculture and local food systems can become a reality, providing a more equitable, resilient, and sustainable food system for all.

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