

# THE CONCEPT OF NEO-AGRO COLONIALISM AND ABUSE OF INDIGENOUS PEOPLE'S RIGHTS

—*Rajneesh Kumar Patel\** & *Karishma Kabadwal\*\**

*Abstract*—Food is the basic source of life, without which life will not be able to persist or at-least may not be considered as dignified life. As the right to food is not just a basic human right, it may also be considered as essential human needs. However, the right related to the accessibility and availability of food has been acutely challenged by a serious food crisis against the entire universe. The world produces enough food to feed everyone yet there are millions of people who go hungry. Again, feeding a growing population in this era of climate change is a serious challenge. It has been predicted that by the year of 2050, the population of this world will reach on 9.8 billion and then definitely the available food resources will be under greater pressure. Enchasing this problem, the transnational capitalist corporations establishing their agri-business in low-income countries exploit not only the natural but human resources too and this leads to leasing hectares of land to the transnational corporation to gain prosperity by evicting the mass indigenous population from their homelands. This land is an essential attribute in the lives of peasants and indigenous peoples for their livelihood, but now it's become a vital asset in the global economy as well. This has emerged as a new model of capital formation, resulting in a new form of colonialism known as neo-agro-colonialism. In which the economic, political, and even cultural pressures affect the order of things in another state. This land grabbing result not only impacts the economic aspect of indigenous people's life but

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\* PhD & Professor (Law), Faculty of Law, Banaras Hindu University, Varanasi. <rajneeshpatel2010@gmail.com>.

\*\* Research Scholar (Law), Faculty of Law, Banaras Hindu University, Varanasi. <kashukabadwal97@gmail.com>.

*also socio-cultural life. They are either forced to work as contract labour on their own land or displaced from the place in which they depend economically and share an ancestral tie. The survival of the displaced people is due to the new policy of globalization and privatization which create hegemony and the life of the country's population at stake. This development does not contribute to the individual development aspect which ensures ones total realization of his or her being as a human.*

**Keywords:** Right to Food, Land Grabbing, Neo-Agro-Colonialism, Biopolitics, Indigenous Peoples Rights.

## I. INTRODUCTION

As per the statistical data publishes by Food and Agriculture Organization of United Nation, about 1 in 3 people in the world amounts to 2.37 billion population did not have their access to plenty food in the year of 2020. Interestingly this data source an increase of about 320 million populations only during one year.<sup>1</sup> Likewise, about 90 million hectares of arable land which is about the total surface area of Venezuela have been purchased or at-least leased by foreign investors since the year of 2000 or before.<sup>2</sup> It is to be noted that in spite of regular increase in global food production over the past two decades, it has been appears that about 690 million populations which are total 9% of the population of this globe remain undernourished. It is also to be noted that about 250 million people which consist 36% of the total population they live in Africa.<sup>3</sup>

Food is the basic source of life, without which life will not be able to persist or at-least may not be considered as dignified life. As the right to food is not just a basic human right, it may also be considered as essential human needs. However, the right related to the accessibility and availability of food has been acutely challenged by a serious food crisis against the entire universe. The world produces enough food to feed everyone yet there are millions of

<sup>1</sup> FAO, The state of food security and nutrition in the world 2021, Food and Agriculture Organization of UN, 2021, <<https://www.fao.org/state-of-food-security-nutrition/en>>. (Accessed on 5 January 2021).

<sup>2</sup> Marc F. Müller, et al., Impact of Transnational Land Acquisitions on Local Food Security and Dietary Diversity, PNAS, January 18, 2021, <<https://doi.org/10.1073/pnas.2020535118>> (accessed on 5 January 2022).

<sup>3</sup> Altaaf Mechiche-Alami, et al., Agricultural Land Acquisitions Unlikely to Address the Food Security Needs of African Countries, 141 World Development 1, 1-2 (2021).

people who go hungry. Again, feeding a growing population in this era of climate change is a serious challenge. It has been predicted that by the year of 2050, the population of this world will reach on 9.8 billion and then definitely the available food resources will be under greater pressure. Consequently, the demand for food will increase 60% from its root but due to climate change, urbanization, and the soil degradation the availability of arable land will definitely decrease.<sup>4</sup> Still one of the severe crises we face in this century itself is a food crisis that affects all the sections of the society from all across the world. The repercussions of the global food crisis have been felt ever since the crisis that hit in the year 2007-2008. The cause of the food crisis is growing demand for food which has had a consequential rise in food prices. The factors that contribute to the food crisis are many such as the rise in the cost of food production, climatic changes, increase cost of oil and transportation, population growth, and an increase in the consumption of meat and dairy. Enchasing this problem, the transnational capitalist corporations establishing their agri-business in low-income countries exploit not only the natural but human resources too and this leads to leasing hectares of land to the transnational corporation to gain prosperity by evicting the mass indigenous population from their homelands. It is to be noted that the lack of ability to meet the rise in demand for food in the countries, which are known as under-developed countries like African countries, the vast percentage of the land has been grabbed by the foreign investors for their agri cultural purposes to combat the food crisis. It is interesting to note that this problem is not only faced by the under-developed countries but almost all the countries in this world. However, the African countries do not have the means to do so. In the last decade, there has been a battle for control over land and seed for which Africa has been in the lime-light. Therefore, under the guise of improving food security and agriculture in Africa, there has been an entry of public-private partnerships.<sup>5</sup> These institutions who contended that their focus was the welfare and uplifting agriculture system has in-fact, become means for facilitating corporate expansion in the agricultural sector of African countries. These corporations use the natural as well as human resources from these countries to their benefit.

## II. LAND AND LAND GRABBING

The land is an essential attribute in the lives of peasants and indigenous peoples for their livelihood, but now it's become a vital asset in the global economy as well. This has emerged as a new model of capital formation, resulting in a new form of colonialism known as neo-agro-colonialism. In which the economic, political, and even cultural pressures affect the order of things in another state. The indigenous people who hold land habitat are losing

<sup>4</sup> Joseph Hinks, The World is Headed for a Food Security Crisis. Here's How We can Avert it, *Time* (March 28, 2018, 2:47 a.m.), <<https://time.com/5216532/global-food-security-richard-deverell/>>. (accessed on 15 January 2022).

<sup>5</sup> Alliance for the Green Revolution and New Vision for Agriculture and grow Africa.

their rights. All of this is happening as a result of the government attracting investment and relaxing social policies, humanitarian rights, and environmental clearance, resulting in a race to the bottom. The majority of large-scale land acquisition not only fails to respect the human rights of the people but it also fails to uphold the key principle of free, prior and informed consent in the dealing with land contractors.<sup>6</sup>

It will not be out of mark to note here that, the United Nations had initially recognized the rush to buy farmland as ‘neo-colonial’ however the United Nation has changed its earlier view by calling it “direct foreign investment”. This Land grabbing or overseas farming has become a legitimate practice for investors to encashing from the food crisis. These investors are the ones who gain the most and the price for which has to be paid by the natives and the environment. Therefore, it is nothing but opportunism that materializes exploitation, colonialism has disappeared but the power relations that exist at present have revived colonialism in the modern world, i.e., what was slave labour has transitioned to the salaried employee of the rural people? These corporations are carrying on agro-business in the land of these rural people and employing them in these fields as cheap labour.

However, in the quest to address the growing food crisis, there has been an emergence of agro-colonialism through capitalist agriculture and the international market. The corporations are now turning heads toward agro-business and encashing in the global food crisis. Agriculture has now been assimilated into a new form of colonialism. The reason for calling agro-business a new form of colonialism as it exerts certain “economic, political and even cultural pressure and influences the order of things in another state.”<sup>7</sup> Thus, the history stands as testimony to the colonial regime’s control over bodies and life which is now being reflected in the modern-day agro-colonialism that has become inevitable in modern-day agriculture. The outcome of this land grabbing not only impacts the economic aspect of indigenous peoples but also socio-cultural life. They are either forced to work as contract labour on their land or displaced from the place to which they depend as livelihood and share an ancestral tie.

### III. PROBLEMS OF NEO-AG-COLONIALISM

Capitalist agriculture has re-designed agriculture with the use of modern technology for better yield. Presently the population of entire world is very much fortunate that technology has reaches in every walk of life where the field and agriculture is also not an exception. However, it is true that the field

<sup>6</sup> Large-scale Land Acquisition in Africa: Impacts Conflicts and Human Rights Violations, The Case of Addax Bio-energy in Sierra Leone, African Europe Faith and Justice Network (2021).

<sup>7</sup> Matheus Hoffmann Pfrimer and Ricardas César Barbosa Júnior, “Neo-Agro-Colonialism, Control Over Life, and Imposed Spatio-Temporalities”, 39 *Contexto Internacional* 9, 11( 2017).

of agriculture has been widely re-structured by the use of technology, mostly by the capitalist. Due to the extensive use of technology in agro-business, agriculture has transitioned, from the production of food to the means to commodities or goods to be traded, which has resulted in nefarious social as well as environmental degradation.

Due to the domestic agricultural constraints and vulnerability of unpredicted prices in the global market, the wealthy nations target the low-income countries outsourcing their agricultural requirements through the common practice of land grabs. This leaves the native more vulnerable and disadvantageous position. Therefore, the government should resort to such measures that ensure the security of the most vulnerable populations as this Structural Violence is inflicted upon the people. Land grab is only viewed from an economic perspective, for the “host country it is regarded as foreign investment and for the investors, it is unexploited capital.”<sup>8</sup>

Through globalization, the developed nations are encashing food crisis. The practice adopted by them is suggestive of neo-liberal, Capitalistic and neo-agro-colonization practices. Such practices have been given impetus to foreign land investment to the advantage of the foreign investors which is evident in under-developed countries like Kenya, Madagascar and Indonesia. Such practices have completely ignored the importance of societal justice, rural growth, poverty mitigation and food security.<sup>9</sup> Therefore, proper approach would be to pursue food security by taking a poor centric approach. The transnational capitalists have been encashing upon this global problem by making the situation in their favor.

Foreign investment in rural lands of the host nations i.e. the developing nations is done under the guise of welfare and improvement in the agricultural sector. However, instead of minimizing the problem of food crisis, it has led to the emergence of new problems that are listed as Commodification of food resources, massive rural eviction, Human Rights violation, hazard to traditional agricultural methods, monopolization of food resources, contamination of food resources, lack of food autonomy, hegemony and Environmental degradation.

#### **IV. INDIGINEOUS COMMUNITIES AND HUMAN RIGHTS ABUSE**

As indicated in above in this chapter that impact of large scale land acquisitions on the interest of communities whose land is acquired by the transnational investor in the name of food security without free and prior informed

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<sup>8</sup> Ben Shepherd, *Redefining Food Security in the Face Of Foreign Land Investors: The Philippine Case*, NTS-Asia Research Paper Nos. 6, 8 (2011).

<sup>9</sup> *Id.* at 13.

consent, has definitely violates uncountable range of their civil, political, economic, social, and cultural rights.<sup>10</sup> In this regard even the Inter-American Court of Human Rights also said that, ‘close ties of indigenous people with their lands should be and must be legally recognized and understood as the fundamental basis of their cultural life, spiritual life, integrity and economic survival. Similarly it should be noted that their relations to the land are not merely a matter of possession and production, but a material and spiritual element, which they must fully enjoy even to preserve their culture legacy and transmit it to future generations.’<sup>11</sup>

Coming to the key issue of this paper, there are many episode reported across the world in regard to land grabbing, for example the Chinese investors are compelling the farmers in southwest Madagascar to sell their land for a mere 7 ariary which is less than United State 0.01 dollars for per square meter.<sup>12</sup> On the other hand it was also reported that in the year of 2008 in Kenya where the price of land was 0.05 dollar of United State per square meter for a total of 40,000 hectares i.e., less than the cost of a loaf of white bread is 1,481.85 Ariary.<sup>13</sup>

Coming to the interesting case of Feronia Incorporation properly which is commonly known as Palm-oil case and their de facto acquisition of the plantation et Huileries du Congo land concession. It was acquired without prior, free and informed consent of nearby communities. This incidence should be understood in the light colonization and land acquisition, which has given rise to today’s large-scale and acquisition.<sup>14</sup>

In the above case, the said company occupies land from the farmers and fails to provide appropriate wages and basic services, leaving them with no choice but to work in the company’s plantation under extremely poor condition hence the company violated their basic rights that is fundamental to the livelihood of local people.<sup>15</sup>

Coming to the another incident in the year of 2020, when the entire world was in under the pandemic attack at the same time a conflict arises across the Indonesia that was related with land grabbing where, Indigenous and

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<sup>10</sup> “Large-scale Land Acquisition in Africa: Impacts Conflicts and Human Rights Violations, The Case of Feronia in DRC”, African Europe Faith and Justice Network (2021).

<sup>11</sup> Indigenous Peoples and the United Nations Human Rights System at 6, UNHR, Fact Sheet No. 9/Rev.2 (2013).

<sup>12</sup> Karolle Rabarison, Farmers in Madagascar say Chinese Investors Forced them to Sell their Land”, *Business Standard* (June 6, 2017 9:18 a.m.), <[https://www.business-standard.com/article/international/farmers-in-madagascar-say-chinese-investors-forced-them-to-sell-their-land-117060600170\\_1.html](https://www.business-standard.com/article/international/farmers-in-madagascar-say-chinese-investors-forced-them-to-sell-their-land-117060600170_1.html)>. (accessed on 25 January 2022).

<sup>13</sup> *Ibid.*

<sup>14</sup> *Supra* note 7 at 6.

<sup>15</sup> <<https://www.wrm.org.uy/bulletin-articles/feronia-in-the-democratic-republic-of-the-congo-harassment-violence-and-oppression>> (accessed on 22 April 2022).

rural communities tried to hold off pulpwood, palm oil and logging companies ramping up their expansion.<sup>16</sup> Regarding the above incident, the Agrarian Renewal Consortium has recorded total 241 land conflicts which involve 359 villages and spanning a combined area of 624,272 hectares.<sup>17</sup>

Likewise Ghana is another example where, there is much evidence of foreign land grabbing. This incident suggest that over 1.5 million hectares of land have been acquired across different region in Ghana for a period of 25 to 50 years by about 20 foreign companies from various countries such as Holland, Germany, and Italy etc.<sup>18</sup>

It is interesting to note that the countries which comes under the parameter of the low-income countries to attract foreign investors for agribusiness their government has adopted coercive measures on the rural power to grant land to those investors under the promise of betterment and security to local peoples. Foucault has rightly placed food provisioning mainly food scarcity at the focal point of bio power. We must therefore be able to see through the lens of the bio politics of food provisioning how the new food systems are trying to radicalize the agrarian structure to benefit the commercial interests rather than human security. These investors are the ones who gain the most and the price for which has to be paid by the natives and the environment. Therefore, it is nothing but opportunism that materializes exploitation. As stated earlier, colonialism has disappeared but the power relations that exist at present have revived colonialism in the modern world. What was slave labour has transitioned to the salaried employee of the rural people? These corporations are carrying on agro-business in the land of these rural people and employing them in these fields as cheap labour.

Hence the result of this land grabbing not only impacts the economic aspect of indigenous peoples but also socio-cultural life. They are either forced to work as contract labour on their own land or displaced from the place in which they depend economically and share an ancestral tie. A case study conducted in Ghana which was related with investments of a bio fuel plantation, indicates that the overall income from agricultural activities has been decreases. However, the studies show that during the period people increased their cash incomes through off-farm jobs as labourers on the plantation.<sup>19</sup>

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<sup>16</sup> Hans Nicholas Jong, *Hungry' palm oil, pulpwood firms behind Indonesia land-grab spike: Report*, Mongabay (February 15, 2021), <<https://news.mongabay.com/2021/02/palm-oil-pulpwood-firms-behind-indonesia-land-grab-agrarian-conflict-spike-report/>>. (accessed on 5 January 2022).

<sup>17</sup> *Ibid.*

<sup>18</sup> Ransford Gyampo and Franklin Obeng-Odoom, Land Grabbing, Land Rights and the Role of the Courts, 37 *Geography Research Forum* 127, 132 (2019).

<sup>19</sup> Bin Yang and Jun He, Global Land Grabbing: A Critical Review of Case Studies across the World, 10 *Land* 1, 9 (2021).

While 70 to 90 percentages of the vulnerable groups which are women experienced a decline in their income, due to the plots they used to collect timber are already absorbed under Large Scale Land Acquisitions. A study regarding status of Women indicate that they lost their customary rights on land which is resulted in more problematic situation due to that they are becoming more vulnerable. Regarding this conclusion Julia and White reported that they have lost both the land tenure rights and the sources of income due to the large-scale palm oil plantation in West Kalimantan, Indonesia.<sup>20</sup> Similarly the result of this displacement deprives peoples of many things that are fundamental to their lives, including homes, familiar environment, the community network, the standard of living and a sense of belongingness. The whole world which leads to an ideology of development, profit-oriented and market-friendly approach, with a desire to increase the national economy has not only caused damage to the environment and worse the condition of the indigenous population but also denies them the rights to livelihood and land, culture, community bond, common property resources, employment and participation. The survival of the displaced people is due to the new policy of globalization and privatization which create hegemony and the life of the country's population at stake. This development does not contribute to the individual development aspect which ensures one fully realizes his or her being as a human right.

It depicts from the above discussion that local communities, who are affected by the act of land grabbing policy, have their right to discourse and participation in the policy-making. However it is also true that whenever affected people do attempted to challenge the science and economics of a project, they always face the negative response of their alternative analyses as illegitimate by government specialist. Therefore, de-legitimizing this type of local knowledge resulted into monopolization of knowledge, production by the state, which based on the state's science and the state economics.<sup>21</sup> For a policy to be effective and for the benefit of all must ensure that the local community and state have a proper dialogue and its negative impact be minimized by attaining the state of equilibrium. However, it is also true that the, government initiating such policies where individual's rights are largely ignored and they don't have a right to say no if any such policies affecting their lives, which is unfortunate situation regarding their human right. All this is happening because development is viewed merely in terms of growth of national income instead of the larger sense of the creation of the conditions contributing to the full realization of the individual in every aspect of his/her being, it is a goal which should be pursued in all countries.<sup>22</sup>

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<sup>20</sup> *Id.* at 12.

<sup>21</sup> Scott W.D. Pearse-Smith, "The Return of Large Dams to the Development Agenda: A Post-Development Critique", 11Consilience: the Journal of Sustainable Development 123, 128 (2014).

<sup>22</sup> Kwasi Wiredu, Human Solidarity: A Philosophical Exposition, United Nations Educational, Scientific and Cultural Organization, SS-78/CONF.630/4.



## V. RIGHTS OF INDIGENOUS PEOPLE UNDER INTERNATIONAL CONVENTIONS

Moving towards the various attempts on the international level it will be relevant to note here that various convention relating to right of indigenous peoples. under Article 11 of the International Covenant on Economic, Social and Cultural Rights obligate the states to protect, respect and fulfill the right to adequate food in their own jurisdiction.<sup>23</sup> Likewise, under article 8 of the United Nation Declaration on the Rights of Indigenous Peoples also mandates that, states should provide mechanisms for preventing any action, which could potentially, dispossess indigenous people of their lands.<sup>24</sup>

Further, article 10 states that indigenous people are guaranteed for not forcibly removed without their prior and informed consent, and if they consent then, only after having an agreement regarding just and fair compensation.<sup>25</sup>

Regarding the above issue article 32 formalizes the idea of free, prior and informed consent, stating explicitly that “states shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”<sup>26</sup>

Further, the right to self-determination gives protection to indigenous people against other for interfering in their right to govern-them. This involves that people have a right to decide for their welfare or community at large which includes they can practice their culture, having free choice, can participate in the negotiation, and determine their economic, social, cultural and political development. It is outlined under the United Nation Declaration on the Rights of Indigenous Peoples and under both the international covenants on civil, political and economic, social and cultural rights. The affected peoples lived their life with food autonomy, liberty in movement, practicing rituals-traditions, communication with social-kin bond and protecting their environment.

## VI. CONCLUDING OBSERVATIONS

The above study reveals that, by the process of neo-agro-colonialism, the indigenous, tribal, and agricultural communities are already bearing the pain of this mal-development model in heinous ways as they are not only losing their land and livelihood, but they are also at risking their survival.<sup>27</sup> As

<sup>23</sup> International Covenant on Economic, Social and Cultural Rights, Art. 11.

<sup>24</sup> United Nation Declaration on the Rights of Indigenous Peoples, Art. 8.

<sup>25</sup> *Id.*, Art. 10.

<sup>26</sup> *Supra* note 21, Art. 32.

<sup>27</sup> Vandana Shiva, et al., *The Great Indian Land Grab* 189 (2011).

discussed earlier investment itself is not wrong, it can be used in ways to ensure food security after healthy scrutinized. Therefore, Global investment is not wrong as long as it is in consonance with economic constitutionalism. Globalization should not have the tendency to marginalize economic constitutionalism. Economic actors should be kept in check and should not override the political actors. The social security of the citizens should be given the utmost priority while considering and foreign investments in the host countries and a shift should be made to the moral economy. Since the world has now become a global village, international organizations should keep a check on these transnational corporations and the rights of the rural peoples, similarly in the name of food security, the transnational capitalists grab hectares of land which is home to millions should also be stop. In fact it is unfortunate that neither state nor the human rights commission bothers about their right to land and this all is accepted for the greater good, for preventing food crisis but in reality, it creates monopolization of resource and hegemony and thus results in a vicious cycle which makes Indigenous people more vulnerable.

This all is done in the name of development that revolves around the notion of “inclusive growth” which has mostly to do with increasing GDP, while no concern for the qualitative improvement of the human being. So the question remained unanswered that what is development, actually and for whom? Who decides what the “national interest” is? And how this fits into a democratic society?

It is submitted that in order to protect of the rights of Indigenous people, the judiciary should come forward and has to realize its power and act as a protector so the justice will come out. As this attitude were taken in the case of West Papuan Indigenous Rights vs. Palm Oil Company Land Grab by Jayapura Administrative Court in West Papua Province, which ruled in favor of a district head who had revoked permits allowing more than a dozen palm oil companies to operate in Indigenous forest areas and turn them into plantations<sup>28</sup> and therefore protected the rights of Indigenous people by restoring their lands.

In the last but not the least the problem of land grabbing is most serious evil of the society which is directly affecting the human rights of the people. It also connected with basic human needs of the indigenous peoples who are most vulnerable group of the society. Undoubtedly there are numbers of international documents for the protection of rights but to implement those conventions there is lack of particular and effective legislation in different jurisdictions. So that this should be taken care of and it is the judiciary only who can play its active role by determining the cost-benefit ratio of this policy of agro-neo-colonialism.

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<sup>28</sup> <<https://www.aljazeera.com/economy/2021/12/7/indonesian-court-delivers-victory-for-indigenous-rights-in-papua>> (accessed on 25 April 2022).